

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2025

SEPTEMBER 11, 2024.—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. 8512]

The Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 8512) to authorize appropriations for fiscal year 2025 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 2025”.

(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 MATTERS

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation and benefits authorized by law.

Sec. 303. Statute of limitation for espionage offenses.

Sec. 304. Secure communication between Congress and intelligence community.

Sec. 305. Commission to examine the national security and defense risks to the United States posed by anomalous health incidents.

TITLE IV—MATTERS RELATING TO NATIONAL INTELLIGENCE ENTERPRISE

Subtitle A—Miscellaneous Authorities and Limitations

- Sec. 401. Congressional notifications and summaries of misconduct regarding employees within the intelligence community.
- Sec. 402. Improvements to urgent concerns submitted to Inspectors General of the Intelligence Community.
- Sec. 403. Protection for individuals making authorized disclosures to Inspectors General of elements of the intelligence community.
- Sec. 404. Clarification of authority of certain Inspectors General to receive protected disclosures.
- Sec. 405. Codification of the National Intelligence Management Council.
- Sec. 406. Analyses and impact statements regarding proposed investment into the United States.
- Sec. 407. Responsibilities and authorities of the Director of National Intelligence.
- Sec. 408. Enabling intelligence community integration.
- Sec. 409. Protection of intelligence sources and methods.
- Sec. 410. Department of Homeland Security intelligence support for State Governors.
- Sec. 411. Authorization relating to certain intelligence and counterintelligence activities of Coast Guard.
- Sec. 412. Requirements with respect to access of foreign nationals to Department of Energy National Laboratories.
- Sec. 413. Formalized counterintelligence training for Department of Energy personnel.
- Sec. 414. Federal Bureau of Investigation proactive cyber support.
- Sec. 415. Requirements relating to confidential human source program of Federal Bureau of Investigation.
- Sec. 416. Congressional notice of FBI counterintelligence investigations into individuals who hold or are candidates for Federal elected office.
- Sec. 417. Intelligence Community Counterintelligence Office at the Department of Transportation.
- Sec. 418. Ukraine lessons learned Working Group.
- Sec. 419. Modification to waiver for post-service employment restrictions.
- Sec. 420. Prohibition of funds for Intelligence Experts Group.
- Sec. 421. Prohibition on availability of funds for certain activities of the Overt Human Intelligence and Open Source Intelligence Collection Programs of the Office of Intelligence and Analysis of the Department of Homeland Security.
- Sec. 422. Limitation on availability of funds for the Office of the Director of National Intelligence pending submission of information regarding improvements relating to intelligence community staffing, details, and assignments.

Subtitle B—Reports and Other Matters

- Sec. 431. Foreign malign influence interagency guidance.
- Sec. 432. Foreign malign influence standard operating procedures.
- Sec. 433. Intelligence support for certain executive branch departments and agencies.
- Sec. 434. Intelligence community recruitment for certain security-cleared separating Military Members.
- Sec. 435. Strategy to strengthen intelligence community recruitment efforts in the United States territories.
- Sec. 436. Extension of requirement for annual report on strikes undertaken by the United States against terrorist targets outside areas of active hostilities.
- Sec. 437. Advisability and feasibility study on updating intelligence sharing regulations.
- Sec. 438. Budget transparency for open-source intelligence activities.
- Sec. 439. Enhancing public-private sharing on manipulative adversary practices in critical mineral projects.
- Sec. 440. Briefing on policies and procedures for addressing threats from known or suspected terrorists.
- Sec. 441. Assessment on intelligence relationship between Egypt and Israel.
- Sec. 442. Intelligence assessment of economic coercion by the People's Republic of China in the Indo-Pacific region and strategies to enhance the economic resilience of countries in the Indo-Pacific region.
- Sec. 443. Report on the mission effect of civilian harm.
- Sec. 444. Report on the economic outlook of China.
- Sec. 445. Repeal of requirement with respect to assessments regarding the Northern Triangle and Mexico.

TITLE V—MATTERS RELATING TO DEFENSE INTELLIGENCE AND OVERHEAD ARCHITECTURE

- Sec. 501. Sense of Congress on the need for increased effort and resources in the field of geomatics.
- Sec. 502. Department of Defense Senior Intelligence Oversight Official.
- Sec. 503. Extension and modification of Department of Defense intelligence and counterintelligence expense authority.
- Sec. 504. Authority of Army counterintelligence agents.
- Sec. 505. Modifications to notification on the provision of Defense sensitive support.
- Sec. 506. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 507. Promulgating guidance related to certain Department of Defense contracts.
- Sec. 508. Sense of Congress on Space Force acquisition workforce.

TITLE VI—MATTERS RELATING TO CENTRAL INTELLIGENCE AGENCY

- Sec. 601. Requirements for the Special Victim Investigator.
- Sec. 602. Reserve for Contingencies notification requirement.
- Sec. 603. Government Accountability Office study and report on modernization initiative of the Central Intelligence Agency.

TITLE VII—MATTERS RELATING TO TECHNOLOGY AND INNOVATION

- Sec. 701. Sensitive compartmented information facility accreditation.
- Sec. 702. Study of intelligence community research security.
- Sec. 703. Report on biotechnology.
- Sec. 704. Data with respect to timeliness of security clearance determinations.
- Sec. 705. Data with respect to timeliness of polygraph examinations.

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 2025 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 2025 the sum of \$650,000,000.

(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 2025 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 2025.

TITLE III—GENERAL INTELLIGENCE 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. STATUTE OF LIMITATION FOR ESPIONAGE OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“§ 3302. Espionage offenses

“An indictment may be found or an information may be instituted at any time without limitation for—

- “(1) a violation of section 951, or a conspiracy to violate such section;

“(2) a violation of section 794, or a conspiracy to violate such section; or
 “(3) a violation of section 1425, if the offense was committed to facilitate a violation of section 951.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:
 “3302. Espionage offenses.”.

(c) CONFORMING AMENDMENT.—Section 19 of the Internal Security Act of 1950 (18 U.S.C. 792 note) is amended by striking “, 793, or 794” and inserting “or 793”.

SEC. 304. SECURE COMMUNICATION BETWEEN CONGRESS AND INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 3024) is amended by adding at the end the following new subsection:

“(aa) REQUIREMENTS WITH RESPECT TO SECURE COMMUNICATION BETWEEN CONGRESS AND INTELLIGENCE COMMUNITY.—

“(1) IN GENERAL.—The Director of National Intelligence shall, upon the approval of specified congressional leaders—

“(A) 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;

“(B) ensure that such communications enabled under subparagraph (A) facilitate communication at all classification levels;

“(C) ensure that the requirements specified in subparagraph (A) are met in conformity with applicable standards for the protection of national security information; and

“(D) ensure that any security limitations or controls associated with use of capabilities pursuant to subparagraph (A) are consistent with such limitations or controls imposed within the executive branch and do not impede effective and efficient oversight of the intelligence community by Congress.

“(2) GOVERNANCE.—The Director, in coordination with specified congressional leaders, shall establish governance and security policies applicable to the connectivity, equipment, and software provided under this subsection and shall review and update such policies periodically, as appropriate, to address counter-intelligence threats and technological changes.

“(3) TREATMENT AS CONGRESSIONAL RECORDS.—Any data created, stored, or transmitted by the congressional intelligence committees through networks, equipment, or software provided under paragraph (1) 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.

“(4) DOCUMENTATION OF COST.—The Director shall document the funding required to satisfy this subsection within each annual budget submission to Congress, including any anticipated upgrades or recapitalization expenditures over the 5-year period that begins on October 1 of the fiscal year for which year-by-year proposed funding is included.

“(5) SPECIFIED CONGRESSIONAL LEADERS DEFINED.—In this subsection, the term ‘specified congressional leaders’ means—

“(A) the Speaker and the minority leader of the House of Representatives;

“(B) the majority leader and the minority leader of the Senate; and

“(C) the Chair and Ranking Member of the congressional intelligence committees.”.

SEC. 305. COMMISSION TO EXAMINE THE NATIONAL SECURITY AND DEFENSE RISKS TO THE UNITED STATES POSED BY ANOMALOUS HEALTH INCIDENTS.

(a) ESTABLISHMENT.—There is established, not later than 45 days after the date of the enactment of this Act, an independent commission to be known as the National Security Commission on Anomalous Health Incidents (referred to in this section as the “Commission”) to review anomalous health incidents affecting United States Government personnel and their dependents for the purpose of comprehensively addressing the national security and defense risks to the United States posed by anomalous health incidents.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members appointed as follows:

(A) The Director of National Intelligence shall appoint 1 member.

(B) The Chair of the Permanent Select Committee on Intelligence of the House of Representatives shall appoint 1 member.

(C) The Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives shall appoint 1 member.

(D) The Chair of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(E) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(F) The Chair of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(G) The Vice Chair of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(H) The Chair of the Committee on Armed Services of the Senate shall appoint 1 member.

(I) The Ranking Member of the Committee on Armed Services of the Senate shall appoint 1 member.

(2) INITIAL APPOINTMENTS.—Members shall be appointed to the Commission under paragraph (1) not later than 30 days after the establishment of the Commission under subsection (a).

(3) EFFECT OF LACK OF APPOINTMENT BY DEADLINE.—If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

(4) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission appointed under paragraph (1) should—

(A) have significant professional experience in national security, such as a position in—

- (i) the intelligence community;
- (ii) the Department of Defense;
- (iii) the scientific community;
- (iv) a medical institution; or
- (v) an academic or scholarly institution; and

(B) be eligible to receive the appropriate security clearance to effectively evaluate their duties.

(5) PROHIBITIONS.—A member of the Commission appointed under paragraph (1) may not—

(A) be a current member of Congress;

(B) be a former member of Congress who served in Congress after January 1, 2017;

(C) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(D) have previously received medical treatment for symptoms related to a suspected anomalous health incident, or have a dependent who previously received medical treatment for symptoms related to a suspected anomalous health incident; or

(E) have served, with direct involvement, in actions by or sponsored by the executive branch of the United States Government to investigate or respond to reports of anomalous health incidents.

(6) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and a Vice Chair from among the members of the Commission.

(7) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made. The Chair and Vice Chair shall report any vacancy in the Commission to the appropriate congressional committees immediately upon learning that there will be a vacancy in the Commission.

(8) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.

(B) FREQUENCY.—The Commission shall meet at the call of the Chair and Vice Chair.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall carry out the review described in paragraph (2). In carrying out such review, the Commission shall consider both the events known as anomalous health incidents themselves, and the response

to such incidents by the United States Government and other nations' governments for the purpose of comprehensively addressing the national security and defense risks to the United States posed by the causes of, and responses to, anomalous health incidents.

(2) SCOPE OF THE REVIEW.—In conducting the review under paragraph (1), the Commission shall consider the following:

(A) A historical review of the United States Government's response to anomalous health incidents to identify a more effective, standardized model that can be applied to complex challenges to ensure all perspectives are fully and fairly presented to policy makers, mitigate real or perceived undue influence on analytical judgments, and effectively gather and act on intelligence and information to address complex national security challenges.

(B) A historical review of the United States Government's provision of support and medical care to United States personnel and their dependents impacted by anomalous health incidents.

(C) Whether a review of all information on collected reports of anomalous health incidents can inform the development of a categorization mechanism which can inform appropriate steps to be taken following future reports.

(D) Whether available data points to the involvement of an external actor in some or all reported anomalous health incidents.

(E) Whether known or novel mechanisms an adversary might use against United States personnel or their dependents might explain some or all reported anomalous health incidents.

(F) Whether comparable information, data, and reports on other intelligence questions led to similar analytic judgments.

(G) Any other matters the Commission deems relevant to the common defense of the Nation.

(d) REPORTS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Commission shall brief the President, or the President's designee, and the appropriate congressional committees on the progress of the activities of the Commission as of the date of such briefing.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Commission, and annually thereafter, the Commission shall submit to the President and the appropriate congressional committees a report describing the progress of the activities of the Commission as of the date of such report, including any findings, recommendations, or lessons learned endorsed by the Commission.

(B) BRIEFING.—On the date of the submission of each annual report required under this paragraph, the Commission shall brief the President, or the President's designee, and the appropriate congressional committees.

(3) FINAL REPORT.—

(A) SUBMISSION.—Not later than 3 years after the date of the establishment of the Commission under subsection (a), the Commission shall submit to the President and the appropriate congressional committees a final report on the findings of the Commission and such recommendations that the Commission may have for action by Congress and the Federal Government, which shall address the following:

(i) Whether known or novel mechanisms an adversary might use against United States personnel or their dependents might explain some or all reported anomalous health incidents.

(ii) Whether available data points to the involvement of an external actor in some or all reported anomalous health incidents.

(iii) Whether the United States Government's provision of support and medical care is sufficient to appropriately address the impacts of anomalous health incidents on affected personnel.

(iv) Effectively structuring United States Government responses to distinct, complex national security issues such as reports of anomalous health incidents.

(v) Research and development to improve the medical response and potential harm mitigation techniques for anomalous health incidents.

(vi) How analytic integrity and structured analytical techniques impacted the United States Government's response to anomalous health incidents.

(vii) What the anomalous health incidents situation says about the counterintelligence posture of the United States Government.

(viii) Future policy recommendations for anomalous health incidents or other health incidents with a potential counterintelligence nexus.

(B) ADDENDA.—Any member of the Commission may submit an addendum to the report required under subparagraph (A) setting forth the separate views of such member with respect to any matter considered by the Commission.

(C) BRIEFING.—On the date of the submission of the final report required under this paragraph, the Commission shall brief the appropriate congressional committees.

(4) FORM OF REPORTS.—Reports submitted under this subsection shall be made publicly available but may include a classified annex.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for the purpose of carrying out this section—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers necessary to fulfill the Commission's duties; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, cables, memoranda, papers, documents, and any other information as the Commission considers necessary to fulfill the Commission's duties.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the Chair and the Vice Chair; or
(II) by the affirmative vote of a majority of the Commission.

(ii) SIGNATURE.—Subject to clause (i)—

(I) subpoenas issued under this subsection may be issued under the signature of the Chair and Vice Chair of the Commission, or any member designated by a majority of the Commission; and

(II) subpoenas issued under this subsection may be served by any person designated by the Chair and Vice Chair of the Commission, or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(C) PRIVILEGE CLAIMS.—Claims of common-law privileges made by any witness are applicable only at the discretion of the Chair and Vice Chair.

(f) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government such books, records, correspondence, cables, memoranda, papers, documents, and any other information for the purposes of this section.

(2) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of the Commission's duties.

(3) FURNISHING INFORMATION.—Upon receipt of a written request made by the Chair and Vice Chair of the Commission, or by vote of a majority of the Commission, the head of the department, bureau, agency, board, commission, office,

independent establishment, or instrumentality of the Federal Government shall expeditiously furnish such books, records, correspondence, cables, memoranda, papers, documents, and any other information to the Commission. Claims of common-law privileges made by any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government are applicable only at the discretion of the Chair and Vice Chair.

(4) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Such books, records, correspondence, cables, memoranda, papers, documents, and any other information received by the Commission shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(5) PROTECTION OF CLASSIFIED INFORMATION.—A department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government shall respond to requests submitted pursuant to paragraph (2) in a manner consistent with the protection of intelligence sources and methods.

(g) SUPPORT FROM FEDERAL AGENCIES.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the duties of the Commission under this section.

(2) SECRETARY OF DEFENSE.—The Secretary of Defense may provide the Commission, on a nonreimbursable basis, with such administrative services, staff, and other support services as the Commission may request.

(3) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance set forth in paragraphs (1) and (2), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(h) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) IN GENERAL.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this section.

(2) INFORMATION PROVIDED BY CONGRESSIONAL INTELLIGENCE COMMITTEES.—Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committee may not be further provided or released without the approval of the chairman of such committee.

(3) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (m), only the members and designated staff of the appropriate congressional committees, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch of the Federal Government as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(i) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(j) GIFTS.—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff on the Commission.

(k) COMMISSION PERSONNEL MATTER.—

(1) COMPENSATION OF MEMBERS.—

(A) NONGOVERNMENT EMPLOYEES.—Each member of the Commission who is not otherwise employed by the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Commission.

(B) GOVERNMENT EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for em-

ployees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) APPOINTMENT AND COMPENSATION OF STAFF.—The Chair and Vice Chair of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) SECURITY CLEARANCES.—All staff of the Commission and all experts and consultants employed by the Commission shall possess a security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee, with the appropriate security clearance to conduct their duties, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair and Vice Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds to the extent and in such amounts as specifically provided in advance in appropriations acts for the purposes detailed in this section.

(2) AVAILABILITY IN GENERAL.—Subject to paragraph (1), the Director of National Intelligence shall make available to the Commission such amounts as the Commission may require for purposes of the activities of the Commission under this section.

(3) DURATION OF AVAILABILITY.—Amounts made available to the Commission under paragraph (2) shall remain available until expended or upon termination under subsection (m), whichever occurs first.

(m) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits the final report required under subsection (d)(3), but in no event later than three years after the date of establishment in subsection (a).

(n) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives; and

(2) the Select Committee on Intelligence and the Committee on Armed Services of the Senate.

TITLE IV—MATTERS RELATING TO NATIONAL INTELLIGENCE ENTERPRISE

Subtitle A—Miscellaneous Authorities and Limitations

SEC. 401. CONGRESSIONAL NOTIFICATIONS AND SUMMARIES OF MISCONDUCT REGARDING EMPLOYEES WITHIN THE INTELLIGENCE COMMUNITY.

(a) ANNUAL REPORTS FOR CALENDAR YEARS 2024, 2025, AND 2026.—Not later than 60 days after the end of calendar years 2024, 2025, and 2026, the Director of National Intelligence shall submit to the congressional intelligence committees a report on civilian employees in the intelligence community placed on administrative leave pending possible adverse personnel action during that calendar year.

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

(1) The total number of employees who were placed on administrative leave pending possible adverse personnel action, disaggregated by intelligence community element and pay grade.

(2) The number of employees placed on paid administrative leave pending possible adverse personnel action.

(3) The number of employees placed on administrative leave pending possible adverse personnel action whose leave has exceeded 365 days, disaggregated by paid and unpaid status.

(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 an allegation of misconduct against a civilian employee of the intelligence community, the head of the element of the intelligence community that employs the covered employee shall notify the congressional intelligence committees of the referral not later than 10 days after the date on which such referral is made.

SEC. 402. IMPROVEMENTS TO URGENT CONCERNS SUBMITTED TO INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)) is amended—

(1) in subparagraph (A), by inserting “in writing” before “to the Inspector General”;

(2) in subparagraph (B)—

(A) by striking “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” and inserting “(i) The”;

(B) by striking “whether the complaint or information” and inserting “whether a complaint or information under subparagraph (A); and

(C) by adding at the end the following:

“(ii) The Inspector General shall comply with clause (i) with respect to a complaint or information under subparagraph (A) not later than the end of the 14-calendar-day period beginning on the date on which the employee who reported the complaint or information confirms to the Inspector General that the employee reported the complaint or information to the Inspector General with the intent to report to Congress the complaint or information.”; and

(3) by adding at the end the following:

“(J) In this paragraph, the term ‘employee’ includes a former employee, if the complaint or information reported under subparagraph (A) arises from or relates to the period during which the former employee was an employee.”

(b) INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended—

(1) in subparagraph (A), by inserting “in writing” before “to the Inspector General”;

(2) in subparagraph (B)(i)—

(A) by striking “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” and inserting “The”; and

(B) by striking “whether the complaint or information” and inserting “whether a complaint or information under subparagraph (A);

(3) in subparagraph (B)(ii), by striking “paragraph (1)” and inserting “subparagraph (A);

(4) in subparagraph (B)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following:

“(ii) The Inspector General shall comply with clause (i) with respect to a complaint or information under subparagraph (A) not later than the end of the 14-calendar-day period beginning on the date on which the employee who reported the complaint or information confirms to the Inspector General that the employee reported the complaint or information to the Inspector General with the intent to report to Congress the complaint or information.”; and

(5) by adding at the end the following:

“(I) In this paragraph, the term ‘employee’ includes a former employee or former contractor, if the complaint or information reported under subparagraph (A) arises from or relates to the period during which the former employee or former contractor was an employee or contractor, as the case may be.”

(c) INSPECTORS GENERAL OF OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Section 416 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(3) EMPLOYEE.—The term ‘employee’ includes a former employee or former contractor, if the complaint or information reported pursuant to this section arises from or relates to the period during which the former employee or former contractor was an employee or contractor, as the case may be.”;

(2) in subsection (b), by inserting “in writing” after “may report the complaint or information” each place it appears; and

(3) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) in paragraph (1)—

(i) by striking “Not later than the end of the 14-calendar day period beginning on the date of receipt of an employee complaint or information under subsection (b), the” and inserting “The”; and

(ii) by striking “whether the complaint or information” and inserting “whether a complaint or information reported under subsection (b)”, and

(C) by inserting after paragraph (1) the following:

“(2) DEADLINE FOR COMPLIANCE.—The Inspector General shall comply with paragraph (1) with respect to a complaint or information reported under subsection (b) not later than the end of the 14-calendar-day period beginning on the date on which the employee who reported the complaint or information confirms to the Inspector General that the employee reported the complaint or information to the Inspector General with the intent to report to Congress the complaint or information.”.

SEC. 403. PROTECTION FOR INDIVIDUALS MAKING AUTHORIZED DISCLOSURES TO INSPECTORS GENERAL OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 3033(g)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “The Inspector General is authorized” and inserting “(A) The Inspector General is authorized”; and

(3) by adding at the end the following:

“(B)(i) An individual may disclose classified information to the Inspector General in accordance with the applicable security standards and procedures established under section 102A or 803 of this Act, chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.), Executive Order 13526 (50 U.S.C. 3161 note; relating to Classified National Security Information), or any applicable provision of law.

“(ii) A disclosure under clause (i) of classified information by an individual without appropriate clearance or authority to access such classified information at the time of the disclosure shall be treated as an authorized disclosure that does not violate a covered provision if the disclosure—

“(I) does not include the access, handling, retention, or storage of such classified information; and

“(II) is otherwise made in accordance with the applicable security standards and procedures for such classified information.

“(iii) In this subparagraph, the term ‘covered provision’ means—

“(I) any otherwise applicable nondisclosure agreement;

“(II) any otherwise applicable regulation or order issued under the authority of chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) or Executive Order 13526;

“(III) section 798 of title 18, United States Code; or

“(IV) any other provision of law with respect to the unauthorized disclosure of national security information.”.

(b) INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.—Section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “The Inspector General is authorized” and inserting “(A) The Inspector General is authorized”; and

(3) by adding at the end the following:

“(B)(i) An individual may disclose classified information to the Inspector General in accordance with the applicable security standards and procedures established under section 102A or 803 of the National Security Act of 1947 (50 U.S.C. 3024, 3162a), chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.), Executive Order 13526 (50 U.S.C. 3161 note; relating to Classified National Security Information), or any applicable provision of law.

“(ii) A disclosure under clause (i) of classified information by an individual without appropriate clearance or authority to access such classified information at the

time of the disclosure shall be treated as an authorized disclosure that does not violate a covered provision if the disclosure—

“(I) does not include the access, handling, retention, or storage of such classified information; and

“(II) is otherwise made in accordance with the applicable security standards and procedures for such classified information,

“(iii) In this subparagraph, the term ‘covered provision’ means—

“(I) any otherwise applicable nondisclosure agreement;

“(II) any otherwise applicable regulation or order issued under the authority of chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) or Executive Order 13526;

“(III) section 798 of title 18, United States Code; or

“(IV) any other provision of law with respect to the unauthorized disclosure of national security information.”

(c) OTHER INSPECTORS GENERAL OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Section 416 of title 5, United States Code, is amended by adding at the end the following:

“(i) PROTECTION FOR INDIVIDUALS MAKING AUTHORIZED DISCLOSURES.—

“(1) IN GENERAL.—An individual may disclose classified information to an Inspector General of an element of the intelligence community in accordance with the applicable security standards and procedures established under section 102A or 803 of the National Security Act of 1947 (50 U.S.C. 3024, 3162a), chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.), Executive Order 13526 (50 U.S.C. 3161 note; relating to Classified National Security Information), or any applicable provision of law.

“(2) DISCLOSURE WITHOUT CLEARANCE OR AUTHORITY.—A disclosure under paragraph (1) of classified information by an individual without appropriate clearance or authority to access such classified information at the time of the disclosure shall be treated as an authorized disclosure that does not violate a covered provision if the disclosure—

“(A) does not include the access, handling, retention, or storage of such classified information; and

“(B) is otherwise made in accordance with the applicable security standards and procedures for such classified information.

“(3) DEFINITION OF COVERED PROVISION.—In this subsection, the term ‘covered provision’ means—

“(A) any otherwise applicable nondisclosure agreement;

“(B) any otherwise applicable regulation or order issued under the authority of chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) or Executive Order 13526;

“(C) section 798 of title 18; or

“(D) any other provision of law with respect to the unauthorized disclosure of national security information.

“(4) DEFINITION.—In this subsection, 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).”

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed to limit or modify the obligation of an individual to appropriately store, handle, or disseminate classified information in accordance with applicable security guidance and procedures, including with respect to the removal of classified information.

SEC. 404. CLARIFICATION OF AUTHORITY OF CERTAIN INSPECTORS GENERAL TO RECEIVE PROTECTED DISCLOSURES.

Section 1104 of the National Security Act of 1947 (50 U.S. 3234) is amended—

(1) in subsection (b)(1), by inserting “or covered intelligence community element” after “the appropriate inspector general of the employing agency”; and

(2) in subsection (c)(1)(A), by inserting “or covered intelligence community element” after “the appropriate inspector general of the employing or contracting agency”.

SEC. 405. CODIFICATION OF THE NATIONAL INTELLIGENCE MANAGEMENT COUNCIL.

(a) ESTABLISHMENT OF NATIONAL INTELLIGENCE MANAGEMENT COUNCIL.—

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

“SEC. 103M. NATIONAL INTELLIGENCE MANAGEMENT COUNCIL.

“(a) ESTABLISHMENT.—There is within the Office of the Director of National Intelligence a National Intelligence Management Council.

“(b) COMPOSITION.—

“(1) The National Intelligence Management Council shall be composed of senior officials within the intelligence community and substantive experts from the public or private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of National Intelligence.

“(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the National Intelligence Management Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

“(c) DUTIES AND RESPONSIBILITIES.—Members of the National Intelligence Management Council shall work with each other and with other elements of the intelligence community to ensure proper coordination and to minimize duplication of effort, in addition to the following duties and responsibilities:

“(1) Provide integrated mission input to support the processes and activities of the intelligence community, including with respect to intelligence planning, programming, budgeting, and evaluation processes.

“(2) Identify and pursue opportunities to integrate or coordinate collection and counterintelligence efforts.

“(3) In concert with the responsibilities of the National Intelligence Council, ensure the integration and coordination of analytic and collection efforts.

“(4) Develop and coordinate intelligence strategies in support of budget planning and programming activities.

“(5) Advise the Director of National Intelligence on the development of 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).

“(6) In concert with the responsibilities of the National Intelligence Council, support the role of the Director of National Intelligence as principal advisor to the President on intelligence matters.

“(7) Inform the elements of the intelligence community of the activities and decisions related to missions assigned to the National Intelligence Management Council.

“(8) Maintain awareness, across various functions and disciplines, of the mission-related activities and budget planning of the intelligence community.

“(9) Evaluate, with respect to assigned mission objectives, requirements, and unmet requirements, the implementation of the budget of each element of the intelligence community.

“(10) Provide oversight on behalf of, and make recommendations to, the Director of National Intelligence on the extent to which the activities, program recommendations, and budget proposals made by elements of the intelligence community sufficiently address mission objectives, intelligence gaps, and unmet requirements.

“(d) MISSION MANAGEMENT OF MEMBERS.—Members of the National Intelligence Management Council, under the direction of the Director of National Intelligence, shall serve as mission managers to ensure integration among the elements of the intelligence community and across intelligence functions, disciplines, and activities for the purpose of achieving unity of effort and effect, including through the following responsibilities:

“(1) Planning and programming efforts.

“(2) Budget and program execution oversight.

“(3) Engagement with elements of the intelligence community and with policymakers in other agencies.

“(4) Workforce competencies and training activities.

“(5) Development of capability requirements.

“(6) Development of governance fora, policies, and procedures.

“(e) STAFF; AVAILABILITY.—

“(1) STAFF.—The Director of National Intelligence shall make available to the National Intelligence Management Council such staff as may be necessary to assist the National Intelligence Management Council in carrying out the responsibilities described in this section.

“(2) AVAILABILITY.—Under the direction of the Director of National Intelligence, the National Intelligence Management Council shall make reasonable efforts to advise and consult with officers and employees of other departments or agencies, or components thereof, of the United States Government not otherwise associated with the intelligence community.

“(f) SUPPORT FROM ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The heads of the elements of the intelligence community shall provide appropriate support to the

National Intelligence Management Council, including with respect to intelligence activities, as required by the Director of National Intelligence.”.

(2) OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 103(c) of such Act (50 U.S.C. 3025) is amended—

(A) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(B) by inserting after paragraph (4) the following:

“(5) The National Intelligence Management Council.”.

(b) SENSE OF CONGRESS WITH RESPECT TO CHINA MISSION.—It is the sense of Congress that the Director of National Intelligence should create a role in the National Intelligence Management Council for a National Intelligence Manager dedicated to the People’s Republic of China.

(c) REPORT TO CONGRESS ON STRATEGIC COMPETITION.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of elements of the intelligence community determined relevant by the Director, shall submit to the congressional intelligence committees a report on strategic competition.

(2) MATTERS.—The report under subsection (a) shall include the following:

(A) Lessons learned by the intelligence community with respect to strategic competition from the reorganizations implemented consequent to—

(i) the Intelligence Reform and Terrorist Prevention Act;

(ii) the creation of the National Counterterrorism Center; and

(iii) any other reorganization effort within or among elements of the intelligence community.

(B) Examination of the potential effects of a new national intelligence center established to—

(i) integrate all-source intelligence analysis efforts with respect to the activities, plans, and intentions of strategic adversaries;

(ii) synchronize collection efforts among the intelligence community;

(iii) optimize resource investments in the intelligence community in support of strategic competition;

(iv) identify options for the President, other departments and agencies of the United States Government, and allies and foreign partners of the United States to support the standing of the United States with respect to strategic competition; and

(v) integrate other national intelligence centers to deter the efforts of strategic adversaries targeting the United States.

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

(d) SENSE OF CONGRESS WITH RESPECT TO COUNTERNARCOTICS MISSION.—It is the sense of Congress that, consistent with section 7325 of the Intelligence Authorization Act for Fiscal Year 2024 (137 Stat. 1043), the Director of National Intelligence should create a role in the National Intelligence Management Council for a National Intelligence Manager dedicated to the counternarcotics mission of the United States.

SEC. 406. ANALYSES AND IMPACT STATEMENTS REGARDING PROPOSED INVESTMENT INTO THE UNITED STATES.

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

(1) in paragraph (2)(A) by inserting “, including with respect to counterintelligence” before the semicolon; and

(2) by adding at the end the following:

“(3) DEFINITIONS.—In this subsection:

“(A) The term ‘a review or an investigation of any proposed investment into the United States for which the Director has prepared analytic materials’ includes a review, investigation, assessment, or analysis conducted by the Director pursuant to section 7 or 10(g) of Executive Order 13913 (85 Fed. Reg. 19643; relating to Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector), or successor order.

“(B) The term ‘investment’ includes any activity reviewed, investigated, assessed, or analyzed by the Director pursuant to section 7 or 10(g) of Executive Order 13913, or successor order.”.

SEC. 407. RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A(f)(10) of the National Security Act of 1947 (50 U.S.C. 3024(f)(10)) is amended by striking the period and inserting “, and upon receiving any such direction, the Director shall notify the congressional intelligence committees immediately

in writing with a description of such other intelligence-related functions directed by the President.”.

SEC. 408. ENABLING INTELLIGENCE COMMUNITY INTEGRATION.

Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 113B the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 113C. NON-REIMBURSABLE TRANSFER OF GOODS AND SERVICES WITHIN INTELLIGENCE COMMUNITY IN CERTAIN CASES.

“(a) IN GENERAL.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, an element of the intelligence community may, subject to such guidance or regulations as may be developed by the Director of National Intelligence, provide goods or services to another element of the intelligence community without reimbursement or transfer of funds for such goods or services for the purposes of remote work and hoteling initiatives for intelligence community employees and affiliates.

“(2) PRIOR APPROVAL REQUIREMENT.—A transfer of goods or services under paragraph (1) may not occur without the prior approval of the heads of both the providing and receiving elements of the intelligence community.

“(b) HOTELING DEFINED.—In this section, the term ‘hoteling’ means an alternative work arrangement in which employees of one element of the intelligence community are authorized flexible work arrangements to work part of the time at one or more alternative worksite locations, as appropriately authorized.”.

SEC. 409. PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

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

“(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

“(2) by inserting after paragraph (2) the following new paragraph:

“(3)(A) The Director, or the Principal Deputy Director acting on behalf of the Director, shall be responsible for the creation, modification, deconfliction, and oversight of special access programs (referred to as controlled access programs) pertaining to intelligence sources, methods, and intelligence activities (but not including military operational, strategic, and tactical programs).

“(B) In carrying out the responsibility under subparagraph (A), the Director shall—

“(i) ensure controlled access programs of the intelligence community conform with the requirements identified within Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or any successor order;

“(ii) establish controlled access program minimum security requirements and guidance for the implementation of such requirements, to include general procedures, personnel security, physical security, and control marking requirements;

“(iii) ensure access to controlled access programs is based on a documented need-to-know;

“(iv) require controlled access programs to identify and periodically review Critical Program Information and to develop and periodically review a Program Protection Plan for each controlled access program;

“(v) require periodic reviews of and, as appropriate, closure of controlled access programs; and

“(vi) coordinate with other agencies to deconflict special access programs.”.

SEC. 410. DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE SUPPORT FOR STATE GOVERNORS.

(a) IN GENERAL.—Not less frequently than once per year, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Intelligence and Analysis, shall ensure that an officer of the Field Intelligence Directorate of the Office of Intelligence and Analysis of the Department of Homeland Security located in each State shall engage proactively with senior officials for each State, such as the chief executive or Homeland Security Advisor of such State, with respect to matters concerning homeland security or national security, consistent with any guidance provided by the Under Secretary of Homeland Security for Intelligence and Analysis.

(b) REQUIREMENT IN CERTAIN TERRITORIES OF THE UNITED STATES.—In the case of a territory which does not have a permanent Field Intelligence Directorate officer located in such territory, the headquarters element of the Field Intelligence Directorate shall designate a Field Intelligence Directorate officer who is responsible for carrying out the requirement under subsection (a) with respect to such territory.

(c) STATE DEFINED.—For purposes of this section, the term “State” means a State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam,

the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 411. AUTHORIZATION RELATING TO CERTAIN INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES OF COAST GUARD.

The Commandant of the Coast Guard may use up to 1 percent of the amounts made available under 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 fiscal year for the intelligence and counterintelligence activities of the Coast Guard for objects of a confidential, extraordinary, or emergency nature, which may be accounted for solely on the certification of the Commandant and each such certification shall be deemed a sufficient voucher for the amount therein certified.

SEC. 412. REQUIREMENTS WITH RESPECT TO ACCESS OF FOREIGN NATIONALS TO DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) IN GENERAL.—The Secretary of Energy shall designate Senior Executive employees of the United States Government employed by the Department of Energy to have final approval authority with respect to authorizing the access of a foreign national into a National Laboratory in the event that an assessment of the Director of the Office of Intelligence and Counterintelligence of the Department of Energy identifies potential significant risks that are not agreed to by the Director of the relevant National Laboratory.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Intelligence and Counterintelligence of the Department of Energy shall provide to the congressional intelligence committees a briefing with respect to the progress to enhance the United States Government's responsibility for the Department of Energy's approval processes with regard to authorizing the access of foreign nationals into National Laboratories, including with respect to requiring that such decisions are the primary responsibility of United States Government leadership, as opposed to the Directors of the National Laboratories, and a plan for implementation of such enhancement.

(c) NATIONAL LABORATORY DEFINED.—In this section, the term “National Laboratory” has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

SEC. 413. FORMALIZED COUNTERINTELLIGENCE TRAINING FOR DEPARTMENT OF ENERGY PERSONNEL.

(a) TRAINING.—Section 215(d) of the Department of Energy Organization Act (42 U.S.C. 7144b) is amended by adding at the end the following:

“(3) The Director shall develop and implement—

“(A) a delineated and standardized training plan with respect to counterintelligence to train all personnel in the Department; and

“(B) a separate delineated and standardized training plan with respect to counterintelligence to train officers in the Office who have counterintelligence responsibilities.”

(b) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Intelligence and Counterintelligence of the Department of Energy shall provide to the congressional intelligence committees a briefing on the plans developed under section 215(d)(3) of the Department of Energy Organization Act (as amended by subsection (a)), including with respect to—

- (1) the training content;
- (2) periodicity;
- (3) fulfillment rate;
- (4) internal controls; and
- (5) oversight.

SEC. 414. FEDERAL BUREAU OF INVESTIGATION PROACTIVE CYBER SUPPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall develop and make available an unclassified interface for use by owners and operators of United States critical infrastructure to connect with the Federal Bureau of Investigation to request cyber-related support.

(b) AVAILABILITY TO CONGRESSIONAL OFFICES.—The interface described in subsection (a) shall be available to congressional offices for purposes of facilitating connection with the Federal Bureau of Investigation.

(c) INTERFACE REQUIREMENTS.—The interface described in subsection (a) shall include information with respect to the following:

- (1) Best practices for cyber hygiene, specifically geared towards owners and operators of critical infrastructure.
- (2) Tailored information that is relevant based on the threats to specific sectors of critical infrastructure.

(3) Suggestions for actions owners and operators of critical infrastructure are recommended to take in response to a cyber incident.

(4) Information on the best ways to liaise with the Federal Bureau of Investigation for cyber-related issues.

(d) CRITICAL INFRASTRUCTURE DEFINED.—The term “critical infrastructure” has the meaning given that term in the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c).

SEC. 415. REQUIREMENTS RELATING TO CONFIDENTIAL HUMAN SOURCE PROGRAM OF FEDERAL BUREAU OF INVESTIGATION.

(a) OPERATIONAL REQUIREMENTS FOR CONFIDENTIAL HUMAN SOURCE PROGRAM.—

(1) IN GENERAL.—No agent of the Federal Bureau of Investigation may open an individual as a confidential human source before the Special Agent in Charge of the relevant Federal Bureau of Investigation field office has verified the individual's identity.

(2) PROHIBITION WITH RESPECT TO FBI HEADQUARTERS.—No Special Agent of the Federal Bureau of Investigation whose principal place of duty is at the Federal Bureau of Investigation Headquarters may open an individual as a confidential human source.

(3) ADDITIONAL VETTING IN CERTAIN CASES.—With respect to a potential or actual confidential human source who is identified as a potential counterintelligence concern or is the subject of an investigation for any criminal or counterintelligence purposes, a Federal Bureau of Investigation Headquarters agent shall conduct a validation assessment and report for such source in addition to such source validation requirements as are in effect pursuant to policies and procedures governing the confidential human source program of the Federal Bureau of Investigation.

(4) UNAUTHORIZED ILLEGAL ACTIVITY OF CONFIDENTIAL HUMAN SOURCE.—If the handling agent with respect to a confidential human source has reasonable grounds to believe that a confidential human source has engaged in any unauthorized illegal activity, including any misdemeanor or felony criminal activity—

(A) the agent shall promptly notify a confidential human source coordinator or the assigned Federal prosecutor;

(B) a record of such event shall be recorded in the source's case file; and

(C) the confidential human source will be subject to immediate source validation procedures.

(5) PROHIBITION ON COMMITMENTS OF IMMUNITY IN CIVIL PROCEEDINGS.—The Director of the Federal Bureau of Investigation may not intervene in any way to impact the outcome of any proceeding relating to a civil action or administrative hearing to which a confidential human source managed by the Federal Bureau of Investigation is a party.

(6) PROHIBITION WITH RESPECT TO MEMBERS OF CONGRESS.—No agent of the Federal Bureau of Investigation may open an individual as a confidential human source if such individual is a current Member of Congress (including a Delegate or Resident Commissioner to the Congress) or a candidate in an election for Federal office.

(7) EFFECTIVE DATE.—The requirements of this subsection shall take effect not later than 180 days after the date of the enactment of this Act with respect to any confidential human source under the confidential human source program of the Federal Bureau of Investigation.

(b) ANNUAL VALIDATION REVIEW REQUIREMENT WITH RESPECT TO FIELD OFFICES.—

(1) IN GENERAL.—Each Special Agent in Charge of a Federal Bureau of Investigation field office shall conduct an annual review of each confidential human source who is being managed out of such field office.

(2) NOTIFICATION REQUIREMENT.—At the conclusion of each annual review conducted under paragraph (1), the Director of the Federal Bureau of Investigation shall, on an annual basis, submit to the appropriate congressional committees a report with respect to—

(A) the number of active confidential human sources managed by the Federal Bureau of Investigation;

(B) the number of investigations opened as the result of annual reviews of confidential human sources;

(C) the number of confidential human sources whose relationship with the Federal Bureau of Investigation has been terminated in the last year as a result of an investigation opened as a result of an annual review; and

(D) the amount of funds expended on confidential human sources in the last fiscal year, including a delineation of funds expended from both National Intelligence Program and non-National Intelligence Program funds.

(c) OVERSIGHT.—Beginning not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall develop and implement an oversight mechanism within the Bureau for activities with respect to any confidential human source under the confidential human source program of the Federal Bureau of Investigation the management of which is funded through the National Intelligence Program.

(d) DEFINITIONS.—In this section:

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

(A) the congressional intelligence committees; and

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

(2) 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 Chair and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives; and

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

(3) 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. 416. CONGRESSIONAL NOTICE OF FBI COUNTERINTELLIGENCE INVESTIGATIONS INTO INDIVIDUALS WHO HOLD OR ARE CANDIDATES FOR FEDERAL ELECTED OFFICE.

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. 517. NOTIFICATION REQUIREMENT WITH RESPECT TO FEDERAL BUREAU OF INVESTIGATION COUNTERINTELLIGENCE INVESTIGATIONS REGARDING INDIVIDUALS WHO HOLD OR ARE CANDIDATES FOR FEDERAL ELECTED OFFICE.

“(a) IN GENERAL.—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 the Federal Bureau of Investigation shall notify congressional leadership not later than 5 days after the commencement of a counterintelligence investigation into an individual who holds an elected Federal office or an individual who is a candidate in an election for Federal office.

“(b) CONTENTS.—A notification under subsection (a) shall include, to the extent consistent with the need to protect the integrity of ongoing counterintelligence investigations or other exceptionally sensitive national security or law enforcement matters, a summary of the relevant facts associated with the counterintelligence investigation and the identity of the person subject to such investigation.

“(c) CONGRESSIONAL LEADERSHIP DEFINED.—In this section, the term ‘congressional leadership’ means—

“(1) the majority leader of the Senate;

“(2) the minority leader of the Senate;

“(3) the Chair and Vice Chair of the Select Committee on Intelligence of the Senate;

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

“(5) the minority leader of the House of Representatives; and

“(6) the Chair and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.”.

SEC. 417. INTELLIGENCE COMMUNITY COUNTERINTELLIGENCE OFFICE AT THE DEPARTMENT OF TRANSPORTATION.

(a) DEFINITIONS.—In this section:

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

(A) the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) DEPARTMENT.—The term “Department” means the Department of Transportation.

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT OF INTELLIGENCE COMMUNITY COUNTERINTELLIGENCE OFFICE.—

(1) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—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 Secretary under which the Director of National Intelligence and the Secretary shall establish within the Department an office, which shall be known as the “Intelligence Community Counterintelligence Office”, in accordance with this section.

(2) LOCATION.—The Intelligence Community Counterintelligence Office established pursuant to this section shall be physically located within the headquarters of the Department and within reasonable proximity to the offices of the leadership of the Department.

(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 the Intelligence Community Counterintelligence Office.

(c) PERSONNEL.—

(1) DIRECTOR.—

(A) APPOINTMENT.—There shall be at the head of the Intelligence Community Counterintelligence Office a Director 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 Secretary;

(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 the Intelligence Community Counterintelligence Office shall carry out the following responsibilities:

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

(ii) Advising the Secretary 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, are provided to appropriate personnel of the department or agency without delay.

(iv) Ensuring critical intelligence relevant to the Secretary is requested and disseminated in a timely manner.

(v) Establishing, as appropriate, mechanisms for collaboration through which Department 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 with a need-to-know.

(vii) Advising the Secretary on methods to improve the counterintelligence posture of the Department.

(viii) Where appropriate, supporting the Department’s 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.

(2) DEPUTY DIRECTOR.—There shall be within the Intelligence Community Counterintelligence Office a Deputy Director who is appointed by the Secretary, in coordination with the Director of National Intelligence. The Deputy Director shall—

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

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

(C) serve at the pleasure of the Secretary.

(3) OTHER EMPLOYEES.—

(A) JOINT DUTY ASSIGNMENT.—There shall be within the Intelligence Community Counterintelligence Office such other employees as the Director of National Intelligence, in consultation with the Secretary, determines appropriate. Employment at the Intelligence Community Counterintelligence Office is an intelligence community joint duty assignment. A permanent change of station to the 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 shall be responsible for the supervision and management of employees assigned to the Intelligence Community Counterintelligence Office, 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 Intelligence Community Counterintelligence Office 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 the 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 Intelligence Community Counterintelligence Office, except for temporary duty assignment employees.

(E) INCENTIVE PAY.—

(i) IN GENERAL.—An employee who accepts employment at the Intelligence Community Counterintelligence Office during the 120-day period after the date of the establishment of the Intelligence Community Counterintelligence 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 the Intelligence Community Counterintelligence 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 Intelligence Community Counterintelligence Office determines the performance of the employee is exceptional.

(ii) ELIGIBILITY.—An employee is only eligible for an incentive payment under clause (i) 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.

(d) FUNDING.—To the extent and in such amounts as specifically provided in advance in appropriations Acts for the purposes detailed in this subsection, the Director of National Intelligence may expend such sums as are authorized within the National Intelligence Program of the Office of the Director of National Intelligence for—

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

(2) the provision of connectivity to the Intelligence Community Counterintelligence Office to enable briefings, secure audio and video communications, and collaboration between employees of the Department 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 the Intelligence Community Counterintelligence Office;

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

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

(e) DEADLINE FOR ESTABLISHMENT OF THE INTELLIGENCE COMMUNITY COUNTERINTELLIGENCE OFFICE.—

(1) ESTABLISHMENT.—Not later than January 1, 2026, the Director of National Intelligence shall seek to establish, in accordance with this section, the Intelligence Community Counterintelligence Office within the Department.

(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 appropriate congressional committees a report on the plan to establish the Intelligence Commu-

nity Counterintelligence Office required under paragraph (1). Such report shall include the costs and schedule associated with establishing the Intelligence Community Counterintelligence Office.

SEC. 418. UKRAINE LESSONS LEARNED WORKING GROUP.

(a) ESTABLISHMENT.—The Director of National Intelligence and the Secretary of Defense shall jointly establish a working group to identify and share lessons that the United States intelligence community has learned from the Ukraine conflict.

(b) MEMBERSHIP.—The composition of the Working Group may include any officer or employee of a department or agency of the United States Government determined appropriate by the Director of National Intelligence or the Secretary of Defense.

(c) CHAIR.—The Working Group shall be jointly chaired by—

(1) an officer or employee of the Department of Defense chosen by the Secretary of Defense; and

(2) an officer or employee of an element of the intelligence community chosen by the Director of National Intelligence, in consultation with the head of the element concerned.

(d) DUTIES.—The duties of the Working Group shall be the following:

(1) Identify tactical and operational lessons derived from the Ukraine conflict.

(2) Develop a repeatable process for promulgating such lessons to elements of the Department of Defense responsible for the development of joint and service-specific doctrine, acquisitions decisions, and capability development.

(3) Provide recommendations on intelligence collection priorities to support the elements of the Department of Defense identified under paragraph (2).

(e) MEETINGS.—The Working Group shall meet not later than 60 days after the date of the enactment of this Act, and quarterly thereafter.

(f) TERMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Working Group shall terminate on the date that is 2 years after the date of the enactment of this Act.

(2) EXTENSION.—The Director of National Intelligence and the Secretary of Defense may extend the termination date under paragraph (1) to a date not later than 4 years after the date of the enactment of this Act if the Director of National Intelligence and the Secretary of Defense jointly—

(A) determine than an extension is appropriate and agree to such extension; and

(B) submit to the appropriate congressional committees a notification of the extension that includes a description of the justification for the extension.

(g) BRIEFS TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, and every 6 months thereafter, the Working Group shall submit to the appropriate congressional committees a briefing on the activities of the Working Group.

(h) DEFINITIONS.—In this section:

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

(A) the congressional intelligence committees; and

(B) the congressional defense committees.

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(3) WORKING GROUP.—The term “Working Group” means the working group described in subsection (a).

SEC. 419. MODIFICATION TO WAIVER FOR POST-SERVICE EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Section 304(a)(2) of the National Security Act of 1947 (50 U.S.C. 3073a(a)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) AUTHORITY TO GRANT WAIVERS.—The applicable head of an intelligence community element may waive a restriction in paragraph (1) with respect to an employee or former employee who is subject to that restriction only after—

“(i) the employee or former employee submits to the applicable head of the intelligence community element a written application for such waiver in such form and manner as the applicable head of the intelligence community element determines appropriate; and

“(ii) the applicable head of the element of the intelligence community determines that granting such waiver will not harm the national security interests of the United States.”.

(2) in subparagraph (B), by striking “Director” and inserting “applicable head of the intelligence community element”;

(3) in subparagraph (C), by striking “Director” each place it appears and inserting “applicable head of the intelligence community element”; and

(4) by amending subparagraph (E) to read as follows:

“(E) REPORTING TO CONGRESS.—On a quarterly basis, the head of each element of the intelligence community shall submit to the congressional intelligence committees a written notification of each waiver or revocation that shall include the following:

“(i) With respect to a waiver issued to an employee or former employee—

“(I) the covered intelligence position held or formerly held by the employee or former employee; and

“(II) a brief description of the covered post-service employment, including the employer and the recipient of the representation, advice, or services.

“(ii) With respect to a revocation of a waiver issued to an employee or former employee—

“(I) the details of the waiver, including any renewals of such waiver, and the dates of such waiver and renewals; and

“(II) the specific reasons why the applicable head of the intelligence community element determined that such revocation is warranted.”.

(b) WRITTEN ADVISORY OPINIONS WITH RESPECT TO POST-SERVICE EMPLOYMENT RESTRICTIONS.—Section 304(d) of the National Security Act of 1947 (50 U.S.C. 3073a(d)) is amended by adding at the end the following new paragraph:

“(4) WRITTEN ADVISORY OPINIONS.—Upon request from a current employee who occupies a covered intelligence position or a former employee who previously occupied a covered intelligence position, the applicable head of the element of the intelligence community concerned may provide a written advisory opinion to such current or former employee regarding whether a proposed employment, representation, or provision of advice or services constitutes covered post-service employment as defined in subsection (g).”.

(c) COVERED POST-SERVICE EMPLOYMENT.—Section 304(g)(2) of the National Security Act of 1947 (50 U.S.C. 3073a(g)(2)) is amended by striking “relating to national security, intelligence, the military, or internal security to, the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country” and inserting “to the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country if such employment, representation, or provision of advice or services relates to national security, intelligence, the military, or internal security”.

(d) CONFORMING AMENDMENTS.—Section 304(a)(1) of the National Security Act of 1947 (50 U.S.C. 3073a(a)(1)) is amended—

(1) in subparagraph (A), by striking “paragraph (2)(A)(i)” and inserting “paragraph (2)(A)”; and

(2) in subparagraph (B), by striking “paragraph (2)(A)(ii)” and inserting “paragraph (2)(A)”.

SEC. 420. PROHIBITION OF FUNDS FOR INTELLIGENCE EXPERTS GROUP.

None of the funds authorized to be appropriated or otherwise made available by this Act to the Office of Intelligence and Analysis of the Department of Homeland Security may be obligated or expended to support the Intelligence Experts Group of the Department of Homeland Security, or any successor group.

SEC. 421. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES OF THE OVERT HUMAN INTELLIGENCE AND OPEN SOURCE INTELLIGENCE COLLECTION PROGRAMS OF THE OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTIVITY.—The term “covered activity” means—

(A) with respect to the Overt Human Intelligence Collection Program, an interview for intelligence collection purposes with any individual, including a United States person, who has been criminally charged, arraigned, or taken into the custody of a Federal, State, or local law enforcement agency, but whose guilt with respect to such criminal matters has not yet been adjudicated, unless the Office of Intelligence and Analysis has obtained the consent of the interviewee following consultation with counsel;

(B) with respect to either the Overt Human Intelligence Collection Program or the Open Source Intelligence Collection Program, any collection targeting journalists in the performance of their journalistic functions; and

(C) with respect to the Overt Human Intelligence Collection Program, an interview for intelligence collection purposes with a United States person where the Office of Intelligence and Analysis lacks a reasonable belief based on facts and circumstances that the United States person may possess significant foreign intelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(2) 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.

(3) OPEN SOURCE INTELLIGENCE COLLECTION PROGRAM.—The term “Open Source Collection Intelligence Program” means the program established by the Under Secretary of Homeland Security for Intelligence and Analysis for the purpose of collecting intelligence and information for potential production and reporting in the form of Open Source Information Reports as reflected in Policy Instruction 900 of the Office of Intelligence and Analysis, issued on January 13, 2015, or any successor program.

(4) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen;

(B) an alien known by the Office of Intelligence and Analysis to be a permanent resident alien;

(C) an unincorporated association substantially composed of United States citizens or permanent resident aliens; or

(D) a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

(5) UNITED STATES PERSON INFORMATION (USPI).—The term “United States person information”—

(A) means information that is reasonably likely to identify 1 or more specific United States persons; and

(B) may be either a single item of information or information that, when combined with other available information, is reasonably likely to identify one or more specific United States persons.

(b) PROHIBITION ON AVAILABILITY OF FUNDS FOR COVERED ACTIVITIES OF OVERT HUMAN INTELLIGENCE COLLECTION PROGRAM AND OPEN SOURCE INTELLIGENCE COLLECTION PROGRAM.—None of the funds authorized to be appropriated by this Act may be made available to the Office of Intelligence and Analysis of the Department of Homeland Security to conduct a covered activity.

(c) LIMITATION ON PERSONNEL.—None of the funds authorized to be appropriated by this Act may be used by the Office of Intelligence and Analysis of the Department of Homeland Security to increase, above the staffing level in effect on the day before the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024 (division G of Public Law 118–31), the number of personnel assigned to the Open Source Intelligence Division who work exclusively or predominantly on domestic terrorism issues.

(d) RULES OF CONSTRUCTION.—

(1) EFFECT ON OTHER INTELLIGENCE OVERSIGHT.—Nothing in this section shall be construed as limiting or superseding the authority of any official within the Department of Homeland Security to conduct legal, privacy, civil rights, or civil liberties oversight of the intelligence activities of the Office of Intelligence and Analysis.

(2) SHARING AND RECEIVING INTELLIGENCE INFORMATION.—Nothing in this section shall be construed to prohibit, or to limit the authority of, personnel of the Office of Intelligence and Analysis of the Department of Homeland Security from sharing intelligence information with, or receiving information from—

(A) foreign, State, local, Tribal, or territorial governments (or any agency or subdivision thereof);

(B) the private sector; or

(C) other elements of the Federal Government, including the components of the Department of Homeland Security.

SEC. 422. LIMITATION ON AVAILABILITY OF FUNDS FOR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE PENDING SUBMISSION OF INFORMATION REGARDING IMPROVEMENTS RELATING TO INTELLIGENCE COMMUNITY STAFFING, DETAILS, AND ASSIGNMENTS.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2025 for the Office of the Director of National Intelligence, not

more than 95 percent may be obligated or expended until the date on which the Director of National Intelligence submits to the congressional intelligence committees the document required to be established by the Director under section 7307(b) of the Intelligence Authorization Act for Fiscal Year 2024 (50 U.S.C. 3025 note).

Subtitle B—Reports and Other Matters

SEC. 431. FOREIGN MALIGN INFLUENCE INTERAGENCY GUIDANCE.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees the interagency guidance that governs engagement with social media companies for each element of the intelligence community.

SEC. 432. FOREIGN MALIGN INFLUENCE STANDARD OPERATING PROCEDURES.

Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall provide to the congressional intelligence committees the most recently updated standard operating procedures document, without restrictions, that governs the Federal Bureau of Investigation's engagements with social media companies.

SEC. 433. INTELLIGENCE SUPPORT FOR CERTAIN EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

(a) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees a briefing with respect to intelligence support provided to executive branch departments and agencies that are not a part of the intelligence community in accordance with Intelligence Community Directive 404 (relating to Executive Branch Intelligence Customers), or successor directive.

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

(1) A list of United States Government departments and agencies that have a Federal Senior Intelligence Coordinator, an Intelligence Point of Contact, or a Federal Intelligence Coordination Office.

(2) A description of the Office of the Director of National Intelligence's insight into how departments and agencies that have individuals holding a position described in paragraph (1) are selected for such position, and what role the Office of the Director of National Intelligence plays in that process, if any.

(3) An assessment of the successes, shortcomings, effectiveness, utility, and future planning for engaging with executive branch customers pursuant to Intelligence Community Directive 404 or any successor directive.

(c) DEFINITIONS.—In this section, the terms “Federal Senior Intelligence Coordinator”, “Intelligence Point of Contact”, and “Federal Intelligence Coordination Office” have the meaning given such terms in Intelligence Community Directive 404.

SEC. 434. INTELLIGENCE COMMUNITY RECRUITMENT FOR CERTAIN SECURITY-CLEARED SEPARATING MILITARY MEMBERS.

(a) IN GENERAL.—The Intelligence Community Chief Human Capital Officer shall, not later than 90 days after the date of the enactment of this Act, develop a human resources strategy for enhancing the recruitment into the intelligence community of covered military members.

(b) CONTENTS.—The strategy developed under subsection (a) shall address—

(1) a requirement for each intelligence community element to facilitate job applications for qualified covered military members on each element's job application portal, on USA Jobs, or other appropriate hiring platform;

(2) additional authorities or policy waivers required to overcome identified barriers to enhancing the recruitment into the intelligence community of covered military members to include those military members with technical training and experience in lieu of a bachelor's degree; and

(3) in consultation with military services, the development of best practices for matching job applications from among covered military members who have transferable qualifying backgrounds, skills, or expertise to relevant intelligence occupational specialties within the Federal civilian intelligence community workforce, to include coordinating intelligence community recruiting events and hiring blitzes.

(c) BRIEFING AND IMPLEMENTATION PLAN.—Not later than 30 days after the development of the strategy under subsection (a), the Intelligence Community Chief Human Capital Officer shall provide to the congressional intelligence committees a briefing regarding the strategy developed under subsection (a), including a plan for how each element of the intelligence community intends to implement such strategy.

(d) COVERED MILITARY MEMBER DEFINED.—In this section, the term “covered military member” means any servicemember transitioning out of military service who holds a current top-secret security clearance.

SEC. 435. STRATEGY TO STRENGTHEN INTELLIGENCE COMMUNITY RECRUITMENT EFFORTS IN THE UNITED STATES TERRITORIES.

(a) IN GENERAL.—The Director of National Intelligence, acting through the Intelligence Community Chief Human Capital Officer, shall, in coordination with the human capital offices of such elements of the intelligence community as determined appropriate, develop an intelligence community-wide strategy to strengthen efforts to recruit qualified individuals residing in the United States territories.

(b) BRIEFING REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, acting through the Intelligence Community Chief Human Capital Officer, shall provide to the congressional intelligence committees a briefing with respect to the strategy developed under subsection (a), including with respect to a plan for the implementation of such strategy.

(c) UNITED STATES TERRITORIES DEFINED.—In this section, the term “United States territories” means Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

SEC. 436. EXTENSION OF REQUIREMENT FOR ANNUAL REPORT ON STRIKES UNDERTAKEN BY THE UNITED STATES AGAINST TERRORIST TARGETS OUTSIDE AREAS OF ACTIVE HOSTILITIES.

Section 1723(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1811) is amended—

- (1) by striking “May 1 2020” and inserting “December 31, 2024”; and
- (2) by striking “2022” and inserting “December 31, 2027”.

SEC. 437. ADVISABILITY AND FEASIBILITY STUDY ON UPDATING INTELLIGENCE SHARING REGULATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with each head of an element of the intelligence community, shall assess the advisability and feasibility of revising applicable policies and regulations with respect to the sharing of intelligence by an element of the intelligence community with foreign governments to incorporate the principles described under subsection (b).

(b) PRINCIPLES.—The principles to be assessed for advisability and feasibility shall be the following:

(1) The intelligence community may not share actionable intelligence with another country unless the intelligence community receives such credible and reliable written assurances from a representative of the country that the country shall use the intelligence in accordance with applicable international law.

(2) Any policies authorizing the sharing of actionable intelligence shall require special protections to reduce the risk of violations of applicable international law as a consequence of sharing such intelligence.

(3) Any policies authorizing the sharing of actionable intelligence with another country shall require the element of the intelligence community concerned to document the risks and benefits of requiring the country receiving the intelligence to make credible and reliable written assurances that the country, when using the intelligence, will conduct only lethal or capture operations that comply with policy standards of the United States with respect to detainee treatment and direct action counterterrorism operations outside areas of active hostilities.

(4) If the head of an element of the intelligence community receives or conducts an assessment calling into question the credibility or reliability of written assurances provided by another country to comply with applicable international law with respect to the intelligence, the head shall, within 45 days of receiving or conducting the assessment—

(A) inform the Director of National Intelligence and, as appropriate, the Secretary of Defense; and

(B) take appropriate action to assess further and remediate the situation, which may include suspending further sharing of intelligence or receiving further assurances from the country of compliance with applicable international law.

(c) REPORT TO CONGRESS.—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 advisability and feasibility of incorporating the principles described in subsection (b) into regulations on the sharing of intelligence by an element of the intelligence community, including the degree to which the current practices of each element of the intelligence community for the sharing of intelligence are consistent with such principles.

(d) ACTIONABLE INTELLIGENCE DEFINED.—In this section, the term “actionable intelligence” means information sufficiently detailed and timely to permit, assist, or allow an action or operation in the near-term.

SEC. 438. BUDGET TRANSPARENCY FOR OPEN-SOURCE INTELLIGENCE ACTIVITIES.

(a) BUDGET SUMMARIES TO DIRECTOR OF NATIONAL INTELLIGENCE.—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 Director of National Intelligence a complete and comprehensive summary of all budget information with respect to the element’s open-source intelligence activities.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report compiling the information in the summaries submitted to the Director pursuant to subsection (a).

(c) OPEN-SOURCE INTELLIGENCE DEFINED.—In this section, the term “open-source intelligence” means intelligence derived exclusively from publicly or commercially available information that addresses specific intelligence priorities, requirements, or gaps.

SEC. 439. ENHANCING PUBLIC-PRIVATE SHARING ON MANIPULATIVE ADVERSARY PRACTICES IN CRITICAL MINERAL PROJECTS.

(a) STRATEGY REQUIRED.—The Director of National Intelligence shall, in consultation with the heads of such Federal agencies as the Director considers appropriate, not later than 180 days after the date of the enactment of this Act, develop a strategy to improve the sharing between the Federal Government and private entities of information and intelligence to mitigate the threat that foreign adversary illicit activities and tactics pose to United States persons in foreign jurisdictions on projects relating to energy generation and storage, including with respect to critical minerals inputs.

(b) ELEMENTS.—The strategy required by subsection (a) shall cover—

(1) how best to assemble and transmit information to United States persons—

(A) to protect against foreign adversary illicit tactics and activities relating to critical mineral projects abroad, including foreign adversary efforts to undermine such United States projects abroad;

(B) to mitigate the risk that foreign adversary government involvement in the ownership and control of entities engaging in deceptive or illicit activities pose to the interests of the United States; and

(C) to inform on economic espionage and other threats from foreign adversaries to the rights of owners of intellectual property, including owners of patents, trademarks, copyrights, and trade secrets, and other sensitive information, with respect to such property; and

(2) how best to receive information from United States persons on threats to United States interests in the critical mineral space.

(c) IMPLEMENTATION PLAN REQUIRED.—Not later than 30 days after the date on which the Director completes developing the strategy pursuant to subsection (a), the Director shall submit to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), or provide such committees a briefing on, a plan for implementing the strategy, which shall include a description of risks, benefits, opportunities, and drawbacks.

SEC. 440. BRIEFING ON POLICIES AND PROCEDURES FOR ADDRESSING THREATS FROM KNOWN OR SUSPECTED TERRORISTS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, representatives from the Department of Homeland Security, which shall include representatives from Customs and Border Protection, Homeland Security Investigations, and the Office of Intelligence and Analysis, and representatives from the Federal Bureau of Investigation, which shall include representatives from the Threat Screening Center, shall jointly provide a briefing to the appropriate congressional committees with respect to existing policies and procedures for handling encounters with known or suspected terrorists at the borders of the United States.

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

(1) The existing processes for handling encounters with individuals at or between ports of entry, to include the difference in process for individuals encountered at and between ports of entry.

(2) The existing processes for the handling and sharing of potentially derogatory information concerning individuals who are known or suspected terrorists.

(3) The existing processes for managing asylum claims of known or suspected terrorists.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the congressional intelligence committees;
- (2) the Committee on Homeland Security of the House of Representatives; and
- (3) the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 441. ASSESSMENT ON INTELLIGENCE RELATIONSHIP BETWEEN EGYPT AND ISRAEL.

(a) REPORT.—Not later than 90 days after the date the enactment of this Act, the Director of National Intelligence, in coordination with the heads of such elements of the intelligence community as the Director determines appropriate, shall submit to the congressional intelligence committees a report assessing the intelligence relationship between Israel and Egypt that includes an assessment of intelligence failures with respect to either country and with respect to intelligence sharing between the two countries that contributed to the attack on Israel by Hamas on October 7, 2023.

(b) MATTERS.—The report under subsection (a) shall include the following:

- (1) An assessment of the state, strengths, and limitations of any intelligence relationship between Egypt and Israel, especially with respect to Hamas and Gaza.
- (2) The role of the United States, if any, in the relationship and an identification of the areas in which the participation of the United States would most strengthen the relationship and improve cooperation between Egypt and Israel going forward.
- (3) A review of the failures in national and regional intelligence analysis, collection, and sharing that occurred before the attack on Israel by Hamas on October 7, 2023, and any lessons learned for future intelligence activities.

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

SEC. 442. INTELLIGENCE ASSESSMENT OF ECONOMIC COERCION BY THE PEOPLE'S REPUBLIC OF CHINA IN THE INDO-PACIFIC REGION AND STRATEGIES TO ENHANCE THE ECONOMIC RESILIENCE OF COUNTRIES IN THE INDO-PACIFIC REGION.

(a) REPORT.—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 Director of the Central Intelligence Agency and the heads of other elements of the intelligence community determined appropriate by the Assistant Secretary, shall submit to the appropriate congressional committees a report assessing the economic coercion efforts by the People's Republic of China in the Indo-Pacific region and strategies that would enhance the resilience of countries in the Indo-Pacific region to economic coercion by the People's Republic of China.

(b) MATTERS.—The report under subsection (a) shall include the following:

- (1) A description of recent economic coercion efforts by the People's Republic of China against countries in the Indo-Pacific region.
- (2) An analysis of the effectiveness of economic coercion efforts against countries in the Indo-Pacific region by the People's Republic of China in achieving the stated or assumed goals of the People's Republic of China.
- (3) An assessment of measures that would dissuade the People's Republic of China from engaging in acts of economic coercion in the Indo-Pacific region and would encourage actions supporting the economic prosperity and security of the Indo-Pacific region.
- (4) An assessment of measures, including trade diversion or regional trade agreements, that would diminish the sway and influence of the market of the People's Republic of China with respect to countries in the Indo-Pacific region.
- (5) An analysis of measures that would help countries in the Indo-Pacific region to build supply chains independent of the People's Republic of China.

(c) FORM.—The report 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, the Committee on Armed Services, the Committee on Appropriations, 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, the Committee on Armed Services, and the Committee on Appropriations of the Senate.
- (2) INDO-PACIFIC NATIONS.—The term “Indo-Pacific region” includes the following countries:
 - (A) Australia.
 - (B) Bangladesh.

- (C) Brunei.
- (D) Burma (Myanmar).
- (E) Cambodia.
- (F) China.
- (G) Democratic People's Republic of Korea.
- (H) Federated States of Micronesia.
- (I) Fiji.
- (J) French Polynesia.
- (K) India.
- (L) Indonesia.
- (M) Japan.
- (N) Kiribati.
- (O) Laos.
- (P) Malaysia.
- (Q) Maldives.
- (R) Mongolia.
- (S) Nauru.
- (T) Niue.
- (U) Nepal.
- (V) New Zealand.
- (W) Palau.
- (X) Papua New Guinea.
- (Y) Philippines.
- (Z) Republic of Korea.
- (AA) Republic of Marshall Islands.
- (BB) Samoa.
- (CC) Singapore.
- (DD) Solomon Islands.
- (EE) Sri Lanka.
- (FF) Thailand.
- (GG) Timor-Leste.
- (HH) Tonga.
- (II) Tuvalu.
- (JJ) Vanuatu.
- (KK) Vietnam.

SEC. 443. REPORT ON THE MISSION EFFECT OF CIVILIAN HARM.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the National Intelligence Council and in coordination with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the appropriate congressional committees a report examining the extent to which civilian harm that occurs during counterterrorism operations informs analyses of the intelligence community on the mission success of campaigns to degrade, disrupt, or defeat foreign terrorist organizations.

(b) MATTERS.—The report under subsection (a) shall include the following:

- (1) The methodology of the intelligence community for measuring the effect of civilian harm.
- (2) The extent to which analysts of the intelligence community apply such methodology when assessing the degree to which a terrorist group is degraded, disrupted, or defeated.
- (3) A framework to enable analysts to assess, as objectively as possible, the effect that civilian harm has had on the mission of degrading, disrupting, or defeating a terrorist group, or an explanation of why such framework cannot be generated.
- (4) The extent to which dissenting opinions of analysts of the intelligence community are included or highlighted in final written products presented to senior policymakers of the United States.
- (5) Recommendations to improve the quality of future intelligence community analyses by accounting for the effects of civilian harm on efforts to successfully degrade, disrupt, or defeat a foreign terrorist group.

(c) FORM.—

- (1) IN GENERAL.—The report under subsection (a) may be submitted in classified form, but if so submitted, the report shall include an unclassified summary of key findings that is consistent with the protection of intelligence sources and methods.

- (2) ANNEX.—The report under subsection (a) shall include a classified annex that provides an inventory of the following:

(A) Collection gaps and challenges that may affect the analysis of the success or failure of campaigns against terrorist groups.

(B) Actions taken by the Director of National Intelligence to mitigate such gaps and challenges.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional intelligence committees;

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

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

SEC. 444. REPORT ON THE ECONOMIC OUTLOOK OF CHINA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the National Intelligence Council, shall, in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis and the Director of the Central Intelligence Agency, submit to the congressional intelligence committees a report on the economic outlook of the People’s Republic of China, which shall include alternative analyses of the economic projections of the People’s Republic of China.

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

(1) Assessments of the strengths and weaknesses of the economy of the People’s Republic of China, including the potential effects of debt, demographics, and China’s international relationships.

(2) Potential challenges for the People’s Republic of China to sustain economic growth and the potential for global effects as a result.

(3) The implications of the economic future of the People’s Republic of China on the country’s foreign and defense policy.

SEC. 445. REPEAL OF REQUIREMENT WITH RESPECT TO ASSESSMENTS REGARDING THE NORTHERN TRIANGLE AND MEXICO.

Section 5522 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 2152) is repealed.

TITLE V—MATTERS RELATING TO DEFENSE INTELLIGENCE AND OVERHEAD ARCHITECTURE

SEC. 501. SENSE OF CONGRESS ON THE NEED FOR INCREASED EFFORT AND RESOURCES IN THE FIELD OF GEOMATICS.

It is the sense of Congress that—

(1) the intelligence community and the broader United States Government require professionals with advanced training in geomatics and geodesy and that the preservation of these skillsets is crucial to advancing geospatial intelligence tradecraft for the United States for national security and military operations;

(2) the intelligence community should use existing authorities to engage in novel ways with academic and industry partners to ensure the intelligence community’s demand signal for geomatics and geodesy professionals is received by the largest possible number of United States citizens while also seeking to foster a culture of academic excellence and research to propel the field of geomatics forward at the pace of innovation;

(3) by engaging with academic and industry partners the intelligence community can help speed the reversal of the current trend wherein the United States not only produces fewer geomatics scientists and engineers compared to its global competitors and potential adversaries, but such competitors and adversaries also provide them with training and expertise that could be used against the United States;

(4) there is abundant opportunity for the intelligence community to advance its growing need for geomatics and geodesy professionals by partnering with American universities and researchers with proven experience in diverse fields who can lead the way to solving the United States most vexing geomatics challenges; and

(5) the intelligence community must balance the increasing demand for recruiting the best geomatics and geodesy talent while still ensuring a dedicated and patriotic workforce with allegiance to the Constitution and the United States Government.

SEC. 502. DEPARTMENT OF DEFENSE SENIOR INTELLIGENCE OVERSIGHT OFFICIAL.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

“§ 430c. Senior Intelligence Oversight Official

“(a) ESTABLISHMENT.—The Secretary of Defense, or a designee of the Secretary determined by regulations prescribed by the Secretary, shall designate a civilian employee of the Department of Defense in the Senior Executive Service to serve as the Senior Intelligence Oversight Official.

“(b) RESPONSIBILITIES.—The Senior Intelligence Oversight Official shall exercise independent oversight of all intelligence, intelligence-related, and sensitive activities of the Department of Defense, including activities involving—

“(1) tradecraft;

“(2) the operational use of an individual; or

“(3) clandestine operational tactics, techniques, and procedures.

“(c) ACCESS.—The Senior Intelligence Oversight Official shall have—

“(1) complete and unrestricted access to all information concerning any intelligence, intelligence-related, or sensitive activity of the Department of Defense regardless of classification or compartmentalization, including special access programs, from any personnel or organizational entity of the Department of Defense, to the extent necessary to carry out the responsibilities and functions of the Senior Intelligence Oversight Official; and

“(2) direct access to the Secretary of Defense and the Deputy Secretary of Defense, as circumstances require in the determination of the Senior Intelligence Oversight Official.

“(d) REVIEW OF REGULATIONS.—The Secretary of Defense shall review and update Department of Defense Directive 5148.13, and any associated or successor regulation or directive, to conform to this section.”.

(b) CONFORMING AMENDMENT.—The table of contents in chapter 21 of such title is amended by adding at the end of subchapter I the following new item:

“430c. Senior Intelligence Oversight Official.”.

SEC. 503. EXTENSION AND MODIFICATION OF DEPARTMENT OF DEFENSE INTELLIGENCE AND COUNTERINTELLIGENCE EXPENSE AUTHORITY.

Section 1057 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1593) is amended—

(1) in subsection (a), by striking “2025” and inserting “2030”;

(2) in subsection (d), by striking “2025” and inserting “2030”; and

(3) in subsection (e), by striking “\$100,000” and inserting “\$125,000”.

SEC. 504. AUTHORITY OF ARMY COUNTERINTELLIGENCE AGENTS.

(a) IN GENERAL.—Section 7377 of title 10, United States Code, is amended—

(1) in the section heading, by inserting “**and Army Counterintelligence Command**” before the colon; and

(2) by amending subsection (b) to read as follows:

“(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is—

“(1) a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or co-ordinating investigations of criminal activity in programs and operations of the Department of the Army; or

“(2) a special agent of the Army Counterintelligence Command (or a successor to that command) whose duties include conducting, supervising, or coordinating counterintelligence investigations in programs and operations of the Department of the Army.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 747 of such title is amended by striking the item relating to section 7377 and inserting the following new item:

“7377. Civilian special agents of the Criminal Investigation Command and Army Counterintelligence Command: authority to execute warrants and make arrests.”.

SEC. 505. MODIFICATIONS TO NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 1055 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 113 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(C) by inserting after paragraph (2) the following new paragraph:

“(3) ROUTINE DEFENSE SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is routine defense sensitive support, the Secretary shall provide notification under paragraph (1) on a quarterly basis after providing the support.”;

(D) in paragraph (4), as so redesignated—

- (i) in the paragraph heading, by inserting “AND EXTRAORDINARY SECURITY PROTECTIONS” after “SUPPORT”;
- (ii) in the matter preceding subparagraph (A)—
 - (I) by inserting “or requires extraordinary security protections” after “time-sensitive”; and
 - (II) by inserting “shall” after “Secretary”;
- (iii) in subparagraph (A)—
 - (I) by striking “may”;
 - (II) by inserting “or after the activity supported concludes” after “providing the support”; and
 - (III) by striking “; and” and inserting “; or”; and
- (iv) in subparagraph (B)—
 - (I) by striking “shall”; and
 - (II) by striking “notice as soon as practicable after providing such support, but not later than 48 hours after providing the support” and inserting “notification simultaneously with the execution of the supported activity”; and

(E) in paragraph (5), as so redesignated, by striking “paragraphs (1) and (3)” and inserting “paragraphs (1), (3), and (4)”; and

(2) in subsection (c)—

- (A) in the subsection heading, by striking “DEFENSE SENSITIVE SUPPORT DEFINED” and inserting “DEFINITIONS”;
- (B) by striking “, the term ‘defense sensitive support’ means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.” and inserting a colon; and
- (C) by adding at the end the following new paragraphs:

“(1) The term ‘defense sensitive support’ means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

“(2) The term ‘routine defense sensitive support’ has the meaning given such term elsewhere in the Intelligence Authorization Act for Fiscal Year 2025.”.

SEC. 506. REVISION OF SECRETARY OF DEFENSE AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Section 431(a) of title 10, United States Code, is amended by striking “December 31, 2024” and inserting “December 31, 2027”.

(b) INTERAGENCY COORDINATION AND SUPPORT.—Section 431(b)(1) of such title is amended to read as follows:

“(1) be pre-coordinated with the Director of the Central Intelligence Agency using procedures mutually agreed upon by the Secretary of Defense and the Director, and, where appropriate, be supported by the Director; and”.

SEC. 507. PROMULGATING GUIDANCE RELATED TO CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than January 31, 2025, the Secretary of Defense shall issue guidance on the governance and oversight of the contracts of the Department of Defense that support or enable sensitive activities.

SEC. 508. SENSE OF CONGRESS ON SPACE FORCE ACQUISITION WORKFORCE.

It is the sense of Congress that—

(1) the National Reconnaissance Office and the United States Space Force jointly benefit from a robust United States Space Force military and civilian acquisition workforce that includes contracting officers, acquisition program managers, engineers, and program control and finance professionals;

(2) the Permanent Select Committee on Intelligence of the House of Representatives is concerned that the United States Space Force’s uneven emphasis on developing space operators and making fewer acquisition professionals available for assignments at the National Reconnaissance Office can negatively affect the procurement goals of the National Reconnaissance Office, particularly in support of United States Space Force requirements; and

(3) a robust United States Space Force acquisition workforce, that encourages assignment opportunities at the National Reconnaissance Office, both benefits the procurement goals of the National Reconnaissance Office and provides val-

able experience that acquisition professionals can apply to future United States Space Force assignments.

TITLE VI—MATTERS RELATING TO CENTRAL INTELLIGENCE AGENCY

SEC. 601. REQUIREMENTS FOR THE SPECIAL VICTIM INVESTIGATOR.

Section 32(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3533(a)) is amended by adding at the end the following: “No individual appointed as the Special Victim Investigator may, at the time of such appointment, be a current employee of the Central Intelligence Agency.”.

SEC. 602. RESERVE FOR CONTINGENCIES NOTIFICATION REQUIREMENT.

Section 504(a)(2) of the National Security Act of 1947 (50 U.S.C. 3094(a)(2)) is amended by inserting “and, not later than 10 days after the date of the obligation or expenditure of such funds, of the activity requiring such obligation or expenditure” before the semicolon.

SEC. 603. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT ON MODERNIZATION INITIATIVE OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct a study on the impacts of the Central Intelligence Agency’s modernization initiative.

(b) ELEMENTS.—The study required under subsection (a) may include the following:

(1) An assessment of the Agency’s implementation of changes pursuant to the modernization initiative, including organizational changes and changes to Agency activities.

(2) An assessment of how any new administrative requirements made pursuant to the modernization initiative have affected Agency activities.

(3) An evaluation of whether the Agency’s implementation of changes pursuant to the modernization initiative have affected the Agency’s ability to anticipate and respond to emerging issues.

(4) An assessment of the extent to which the Agency’s implementation of changes pursuant to the modernization initiative have—

(A) fostered an organizational climate and structure that allows personnel in analytic and operational fields to take professional risks;

(B) grown the role of analytic personnel and provided opportunities for them to become subject matter experts within the analytical career fields; and

(C) changed the number of personnel from analytical fields represented in managerial and policy positions.

(5) Other matters deemed relevant by the Comptroller General.

(c) BRIEFING; REPORT.—

(1) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall provide to the appropriate congressional committees a briefing on the preliminary findings of the study conducted under subsection (a) at a time that is mutually agreed upon by the appropriate congressional committees and the Comptroller General.

(2) REPORT REQUIREMENT.—

(A) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the results of the study conducted under subsection (a).

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

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Appropriations and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) AGENCY.—The term “Agency” means the Central Intelligence Agency.

TITLE VII—MATTERS RELATING TO TECHNOLOGY AND INNOVATION

SEC. 701. SENSITIVE COMPARTMENTED INFORMATION FACILITY ACCREDITATION.

(a) IN GENERAL.—The Under Secretary of Defense for Intelligence and Security shall, not later than December 31, 2029—

- (1) assign responsibility to the Defense Counterintelligence and Security Agency for the accreditation of sensitive compartmented information facilities for all components of the Department of Defense, including the military departments, except with respect to the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency; and
- (2) ensure that the Defense Counterintelligence and Security Agency has the appropriate staff to successfully carry out such responsibility.

(b) NOTIFICATION WITH RESPECT TO RESOURCE REQUIREMENTS.—The Under Secretary of Defense for Intelligence and Security shall notify the congressional intelligence committees and the congressional defense committees with respect to the resource requirements for the Defense Counterintelligence and Security Agency to carry out the accreditation responsibility under subsection (a).

(c) SUBMISSION OF REPORT TO CONGRESS.—The Under Secretary of Defense for Intelligence and Security shall, in consultation with the Director of the National Security Agency, the Director of the National Reconnaissance Office, and the Director of the National Geospatial-Intelligence Agency, submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report not later than December 31, 2027, on the feasibility of the Defense Counterintelligence and Security Agency assuming accreditation responsibility with respect to sensitive compartmented information facilities for the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency by December 31, 2029.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 702. STUDY OF INTELLIGENCE COMMUNITY RESEARCH SECURITY.

(a) STUDY.—The Director of National Intelligence shall conduct a study on preventing intelligence community research grant funding from improperly benefiting foreign countries of concern.

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

- (1) An evaluation of the intelligence community’s current research security practices, including with respect to the requirements under section 121 of the National Security Act of 1947 (50 U.S.C. 3061).
- (2) An evaluation of the feasibility and effects of prohibiting the award of an intelligence community grant for research to any individual or institution if the head of the relevant element of the intelligence community cannot verify that such grantee does not partner, formally or informally, with individuals from institutions located in any country of concern, or with institutions or entities from or located in any country of concern, subject to a waiver of such prohibition, on a case by case basis, by the head or deputy of the element of the intelligence community.
- (3) Recommendations for the operational implementation of the prohibition described in paragraph (2).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a) and the recommendations required under subsection (b)(3).

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

(d) COUNTRY OF CONCERN DEFINED.—For purposes of this section, the term “country of concern” has the meaning given that term in section 1(m)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(m)(1)).

SEC. 703. REPORT ON BIOTECHNOLOGY.

(a) REPORTING REQUIREMENT.—Not later than June 30, 2025, the head of each covered element of the intelligence community shall submit a separate report to the congressional intelligence committees with respect to biotechnology threats and intelligence activities related to biotechnology threats.

(b) MATTERS INCLUDED.—Each report under subsection (a) shall include, with respect to each covered element of the intelligence community, the following:

(1) A description of any gaps that exist with respect to intelligence activities that impede such element from fully targeting, collecting, and analyzing intelligence related to biotechnology threats.

(2) A description of any existing formal mechanisms by which the intelligence community provides intelligence and support with respect to biotechnology threats to—

- (A) departments and agencies of the Federal Government outside the intelligence community;
- (B) the governments of foreign countries; and
- (C) private industry and academic institutions.

(3) An assessment of any existing mechanisms and manners by which the intelligence community consults with biotechnology experts and other outside experts with related expertise.

(c) COVERED ELEMENTS OF THE INTELLIGENCE COMMUNITY.—For purposes of this section, the covered elements of the intelligence community are as follows:

- (1) The Central Intelligence Agency.
- (2) The Defense Intelligence Agency.
- (3) The Federal Bureau of Investigation.
- (4) The National Security Agency.
- (5) The Office of the Director of National Intelligence.

SEC. 704. DATA WITH RESPECT TO TIMELINESS OF SECURITY CLEARANCE DETERMINATIONS.

Section 7702 of the National Defense Authorization Act for Fiscal Year 2024 (50 U.S.C. 3352h) is amended by adding at the end the following new subsection:

“(d) DATA WITH RESPECT TO TIMELINESS OF SECURITY CLEARANCE DETERMINATIONS.—

“(1) IN GENERAL.—With respect to each report on compliance with timeliness standards for rendering determinations of trust for personnel vetting prepared pursuant to subsection (b), the Director of National Intelligence shall make available to the congressional intelligence committees as soon as practicable the raw data with respect to the timeliness of security clearance determinations used to prepare each such report in machine-readable format for each element of the intelligence community that collects such data.

“(2) FORM AND CLASSIFICATION JUSTIFICATION.—The data provided to the congressional intelligence committees under paragraph (1) shall be submitted in unclassified form to the greatest extent possible and shall contain a justification for the classification of any such data provided, which shall include citations to the applicable classification guide which explain the reason any such data is classified.”.

SEC. 705. DATA WITH RESPECT TO TIMELINESS OF POLYGRAPH EXAMINATIONS.

Section 7702 of the National Defense Authorization Act for Fiscal Year 2024 (50 U.S.C. 3352h), as amended by section 704, is further amended by adding at the end the following new subsection:

“(e) DATA WITH RESPECT TO TIMELINESS OF POLYGRAPH EXAMINATIONS.—

“(1) IN GENERAL.—With respect to each report on compliance with timeliness standards for rendering determinations of trust for personnel vetting prepared pursuant to subsection (b), the Director of National Intelligence shall make available to the congressional intelligence committees as soon as practicable the raw data with respect to the timeliness of polygraph examinations used to prepare each such report in machine-readable format for each element of the intelligence community that collects such data.

“(2) FORM AND CLASSIFICATION JUSTIFICATION.—The data provided to the congressional intelligence committees under paragraph (1) shall be submitted in unclassified form to the greatest extent possible and shall contain a justification for the classification of any such data provided, which shall include citations to the applicable classification guide which explain the reason any such data is classified.”.

PURPOSE

The purpose of H.R. 8512, the Intelligence Authorization Act for Fiscal Year 2025 (the Act), is to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2025.

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. 8512.

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 CONSIDERATION

The Committee marked up H.R. 8512 on June 11, 2024. In open session, Chairman Turner offered an amendment in the nature of a substitute, which the Committee adopted by voice vote.

Mr. Himes then moved, pursuant to House rule XI, clause 2(g)(2)(a) that the meeting be closed because testimony, evidence, or other matters to be discussed would endanger national security. The motion was agreed to by a recorded vote of 20 ayes to 0 noes:

Voting aye: Turner, Wenstrup, Crawford, Stefanik, Kelly, Fitzpatrick, Scott, Hill, Crenshaw, Waltz, Garcia, Perry, Jackson, Himes, Castro, Krishnamoorthi, Plaskett, Gomez, Houlahan, Spanberger.

Voting no: None.

Following closed discussion, the Committee considered one amendment offered by Mr. Castro to the Classified Annex to H.R. 8512. The amendment failed by a recorded vote of 5 ayes to 17 noes:

Voting aye: Himes, Carson, Castro, Krishnamoorthi, Crow.

Voting no: Turner, Wenstrup, Crawford, Stefanik, Kelly, Fitzpatrick, Scott, Hill, Crenshaw, Waltz, Garcia, Perry, Jackson, Plaskett, Gomez, Houlahan, Spanberger.

Finally, the Committee adopted by voice vote the amendment in the nature of a substitute offered by Chairman Turner, and the bill as amended was approved and ordered to be reported to the House by voice vote.

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. 8512 are to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2025. 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. 8512 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 re-authorizes 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 June 14, 2024, 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.

COMMITTEE COMMENTS AND DIRECTION

TIMELY RESPONSES TO QUESTIONS FOR THE RECORD

During or after Committee hearings or briefings with elements of the Intelligence Community, Members may seek clarification, request additional data, expand on topics raised, or ask additional questions that were not covered due to time constraints. These requests from the Committee, whether written or verbal, are referred to as Questions for the Record, and the Committee expects elements in receipt of Questions for the Record to appropriately prioritize timely replies.

Therefore, the Committee directs that when an element is in receipt of Questions for the Record, the reply from the element is expected in a reasonable timeframe and, but for reasonable extenuating circumstances agreed to by the Committee, should not exceed 60 days.

JOINT DUTY ASSIGNMENTS

It has been twenty years since enactment of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458), and it is the sense of the Committee that close review of the integration of civilian and military officers as part of a joint Intelligence Community workforce is warranted.

The Committee is aware that, the Director of National Intelligence has recently conducted a Joint Duty Study. The Committee is also aware that, pursuant to Intelligence Community Directive 660, Intelligence Community civilian personnel may not be promoted to a senior Intelligence Community civilian rank, or equiva-

lent, without having earned joint duty credit, or without having been granted a waiver.

Further, it is the sense of the Committee that the integration of a joint Intelligence Community workforce is appropriately suited for the Office of the Director of National Intelligence (ODNI), and the Director of National Intelligence should prioritize increasing participation in the Intelligence Community Civilian Joint Duty Program from other elements of the Intelligence Community. Accordingly, the workforce of the ODNI should be increasingly comprised of Intelligence Community civilians from the other elements seeking attainment of a mid-grade career promotion or a Senior National Intelligence Service promotion, or equivalent, role. The Intelligence Community should maintain its focus on cultivating a joint workforce, especially for those seeking promotions into leadership. This construct would improve talent retention, offer career enhancing experiences, and foster collaboration across the Intelligence Community.

Therefore, the Committee directs the Director of National Intelligence to provide a briefing to the congressional intelligence committees not later than December 31, 2024, on the Joint Duty Study recommendations presented to the Director and the Director's decision or plans to increase joint duty assignment personnel at the ODNI.

**GAO REPORT ON CUSTOMS AND BORDER PROTECTION ENCOUNTERS AT
U.S. BORDER**

The Committee directs the Comptroller General of the United States to conduct a study not later than December 31, 2024 to examine U.S. Customs and Border Protection (CBP) protocol and operations regarding encounters at the U.S. borders with known or suspected terrorists. This study shall assess the following:

1. What is the number and composition of encounters with individuals who are known or suspected terrorists, or associates and family members of known or suspected terrorists (i.e., watchlist exceptions), at or between U.S. ports of entry over the last two years?
2. What are the policies and procedures for encounters with individuals that are known or suspected terrorists and what are the procedures for watchlist exceptions?
3. To what extent does CBP comply with existing laws, policies, and procedures for encountering individuals with a nexus to terrorism at U.S. borders?
4. With what degree of fidelity are persons encountered at U.S. borders determined to, or not to be, known or suspected terrorists or watchlist exceptions, before being permitted entry into the U.S.?
5. What are the CBP procedures if such an individual is permitted entry to the U.S.?
6. What are the procedures for CBP to transition responsibility for these individuals to the jurisdiction of other U.S. Government agencies, once individuals have been approved for entry into the U.S.?
7. What are the CBP procedures if such an individual is not permitted entry to the U.S.?

8. What are the procedures for CBP to make the determination of what happens to these individuals once they are turned away from entry into the U.S.?

9. To what extent does the Federal Bureau of Investigation (FBI) have awareness of known or suspected terrorists, or watchlist exceptions, who enter the U.S. after being encountered at U.S. borders?

10. To what extent does the FBI conduct surveillance against known or suspected terrorists, or watchlist exceptions, who enter the U.S. after being encountered at U.S. borders?

11. What are the policies and procedures for how CBP communicates to the FBI if known or suspected terrorists, or watchlist exceptions, are encountered at the border and permitted entry into the U.S.?

12. How is information on known or suspected terrorists, or watchlist exceptions, who crossed the U.S. border shared with and/or disseminated to relevant Federal, State, Local, and Tribal partners?

REPORTS ON WATCHLIST ENCOUNTERS AT U.S.-MEXICO AND U.S.-CANADA BORDERS

The Committee directs the Department of Homeland Security's Office of Intelligence and Analysis, in coordination with any other appropriate federal agency or department, to submit to the congressional intelligence committees not later than April 30, 2025 (1) a report that details the total number of watchlist encounters at the United States-Mexico border in calendar year 2024, disaggregated by Watchlisting Category Code, country of origin of the encountered individual, and the purported terrorist affiliation of the encountered individual; and (2) a report that details the total number of watchlist encounters at the United States—Canada border in calendar year 2024, disaggregated by Watchlisting Category Code, country of origin of the encountered individual, and the purported terrorist affiliation of the encountered individual. In addition, to the degree feasible, the reports shall provide a breakdown of the current status of watchlisted foreign nationals who were encountered at the relevant border (e.g., whether they were detained, removed, or released into the United States).

The reports shall present the required information in the format of a chart or other graphic. Each report may be provided in classified form, but shall be accompanied by an unclassified version.

INTELLIGENCE ACTIVITIES ACROSS THE DOMESTIC AND INTERNATIONAL DIVIDE

The Committee recognizes the Director of National Intelligence's creation of a Senior Advisory Group Sub-Panel on Managing Intelligence Issues that Span the Foreign and Domestic Spheres, and endorses ongoing efforts by the Director to examine how the Intelligence Community approaches an increasingly complicated set of national security threats that cross the foreign-domestic divide, to include the mitigation of potential gaps in the ways that elements of the Intelligence Community receive and share foreign intelligence with U.S. federal, state, and local law enforcement.

Therefore, the Committee directs the Director of National Intelligence to provide the congressional intelligence committees with

any report and classified appendix produced by the Senior Advisory Group Sub-Panel on Managing Intelligence Issues that Span the Foreign and Domestic Spheres not later than 30 days after the Sub-Panel provides the report to the Director.

**BRIEFING ON INTELLIGENCE COMMUNITY SUPPORT TO U.S.
GOVERNMENT HOSTAGE RECOVERY EFFORTS**

The Committee directs the Director of National Intelligence, in coordination with other appropriate Intelligence Community elements, to provide a briefing to the congressional intelligence committees not later than December 31, 2024, on the Intelligence Community's support to broader U.S. government efforts to locate, obtain intelligence about, and secure the release of U.S. nationals held hostage around the world.

The briefing shall include the following: details of any Intelligence Community support to U.S. hostage recovery efforts presently and in the past five years; an overview of the resources and surge capacity of the Intelligence Community to support U.S. hostage recovery efforts; the level and nature of support that the Intelligence Community provides to U.S. special operations forces, the Federal Bureau of Investigation-led Hostage Recovery Fusion Cell, and the State Department's Special Presidential Envoy for Hostage Affairs; and any standing requirements the Intelligence Community has to support hostage rescue operations.

ASSESSMENT OF UNDERSEA TELECOMMUNICATIONS CABLE CLUSTERING FOR NATIONAL SECURITY AND COUNTERINTELLIGENCE CONCERNS

The Committee directs the Director of National Intelligence, in consultation with the heads of other federal departments and agencies as the Director deems appropriate, to study and report to the congressional intelligence committees not later than December 31, 2024, about the national security, physical security, and counterintelligence risks posed by the close clustering or collocation of undersea telecommunications cables, particularly in the North Atlantic and North Pacific oceans, that have landing sites on United States territory.

Furthermore, the report should assess whether the potential placement of future undersea telecommunications cables across more isolated spans portions of the Atlantic or Pacific oceans would reduce such national security, physical security, or counterintelligence risks. The report may be submitted in classified form but shall include an unclassified executive summary.

Finally, the Committee directs an appropriately classified, releasable version of the report's findings to, at minimum, be shared with the Assistant Secretary for Communications and Information at the Department of Commerce.

**INTELLIGENCE COMMUNITY SUPPORT TO U.S. GOVERNMENT EFFORTS
TO DETECT AND INTERDICT ILLICIT FIREARMS TRAFFICKING IN THE
CARIBBEAN REGION**

The illicit trafficking of firearms and ammunition into the Caribbean contributes to violence and instability in the region. Firearms used by drug trafficking organizations and local gangs undermine

citizen security and can contribute to out-migration to the United States. U.S. government agencies, in cooperation with Caribbean nations, have increased efforts to detect and interdict illegal firearms trafficked into the Caribbean region.

The Committee supports these efforts and directs the Director of National Intelligence, in consultation with the heads of other Intelligence Community elements as the Director determines appropriate, to provide a briefing or report to the congressional intelligence committees not later than December 31, 2024, on Intelligence Community support to U.S. government efforts to detect and interdict illicit firearms trafficking in the Caribbean region.

REPORT ON IRANIAN MALIGN INFLUENCE EFFORTS IN THE CYBER DOMAIN

The Committee directs the Director of the Central Intelligence Agency, in consultation with the heads of other Intelligence Community elements as the Director determines appropriate, to submit a report to the congressional intelligence committees not later than December 31, 2024, on Iranian malign influence efforts in the cyber domain, including a description of Iran's strategies, operations, funding, and key actors that conduct subversive, undeclared, coercive, or criminal activities online to affect the attitudes, perceptions, or behaviors in the United States, or in nations that are allies or partners with the United States.

ENHANCEMENT OF COUNTERINTELLIGENCE VETTING CAPABILITIES FOR DEPARTMENT OF ENERGY INTELLIGENCE AND COUNTERINTELLIGENCE

The Committee directs the Director of the Department of Energy Office of Intelligence and Counterintelligence (DOE-IN) to provide a briefing to the congressional intelligence committees not later than December 31, 2024 on the DOE-IN's progress toward building a comprehensive counterintelligence strategy, to include enhancements to the counterintelligence capabilities and processes of overseeing and vetting foreign nationals applying for entry into the National Labs, a plan and progress for implementation, proposals for enhanced counterintelligence and internal investigative authorities, requisite counterintelligence training, and potential technological and artificial intelligence vetting solutions, and including internal controls and oversight for each implemented and recommended enhancement. DOE-IN shall also highlight and describe progress towards greater standardization, coordination and communication across counterintelligence assessments of foreign nationals attempting to enter multiple National Labs.

STUDY ON THE DRUG ENFORCEMENT ADMINISTRATION AND THE NATIONAL INTELLIGENCE PROGRAM

Consistent with 50 U.S.C. § 3003(4)(L), the Committee directs the Director of National Intelligence, in consultation with the Counter-narcotics Executive and the Administrator of the Drug Enforcement Administration (DEA), to submit to the congressional intelligence committees, not later than March 1, 2025, a study assessing the feasibility and advisability of including all or some of DEA's entities that conduct intelligence-related activities—such as the Spe-

cial Operations Division and sections of the Intelligence Division other than the Office of National Security Intelligence—in the Intelligence Community, to be funded through the National Intelligence Program.

The study shall discuss the potential benefits, risks, and opportunities associated with any such addition, including the potential benefits of enabling enhanced information sharing between the DEA and the Intelligence Community to facilitate DEA's intelligence-led disruptive activities, and any potential benefits related to the Classified Information Procedures Act.

BRIEFING ON COMPLIANCE WITH INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY STANDARDS

The Committee directs the Assistant Secretary for Intelligence and Research at the Department of State to provide a briefing to the congressional intelligence committees commencing not later than March 31, 2025, with subsequent briefings every six months until March 31, 2026, on the Department of State's compliance with Intelligence Community information technology standards, including but not limited to Intelligence Community Directive 500, Director of National Intelligence, Chief Intelligence Officer, for all information technology systems managed by the Bureau of Intelligence and Research of the Department of State. This briefing shall include:

1. The Bureau's strategy for enforcing compliance with Intelligence Community information technology standards;
2. Future years cost estimates outlining the National Intelligence Program resources required for the Bureau to comply with Intelligence Community information technology standards and requirements; and
3. A cost-sharing plan for the Bureau to share the operation and maintenance of such systems that are operated and maintained by the Bureau on behalf of the Department of State.

COUNTERINTELLIGENCE TRAVEL BRIEFS FOR PERSONNEL TRAVELING OVERSEAS

The Committee directs the Assistant Secretary of Intelligence and Analysis at the Department of the Treasury to submit a report to the congressional intelligence committees not later than December 31, 2024, on the Counterintelligence Office's capacity to provide comprehensive travel briefs for all employees of the Department of the Treasury. The report shall include the following:

1. In 2023, how many employees of the Department of the Treasury traveled abroad in a professional capacity? How was this travel reported?
2. In 2023, how many employees of the Department of the Treasury reported traveling abroad in a personal capacity? How was this travel reported?
3. In 2023, how many travel briefs did the Counterintelligence Office conduct? In 2023, how many travel briefs did the Counterintelligence Office offer? How many of the briefs were pre-travel briefs and how many were post-travel debriefs?
4. How are travel briefs and debriefs conducted? What materials are provided?

5. Provide a breakdown of percentages of travel briefs in 2023 provided in-person, via phone call, email, or through other methods. How does the Counterintelligence Office determine what method of briefing should be used?

INFORMATION SHARING BETWEEN FEDERAL BUREAU OF INVESTIGATION'S NATIONAL COUNTERINTELLIGENCE TASK FORCE AND DEPARTMENT OF EDUCATION ON FOREIGN FUNDING TO INSTITUTIONS OF HIGHER EDUCATION

The Committee directs the Director of the Federal Bureau of Investigation (FBI) and the Secretary of the Department of Education to provide quarterly briefings to the congressional intelligence committees beginning not later than September 30, 2024, and sunsetting on September 30, 2026, regarding the implementation of the information-sharing agreement between the FBI's National Counterintelligence Task Force (NCITF) and the Department of Education involving sources of foreign funding to U.S. institutions of higher education, consistent with Section 117 of the Higher Education Act of 1965 (20 U.S.C. § 1011f).

Such quarterly briefings shall address the effectiveness of the agreement, any encountered obstacles, and any anticipated plans to further identify, increase transparency around, and otherwise combat foreign malign influence efforts conducted through foreign funding to U.S. institutions of higher education.

ACQUISITION SPECIAL UNIT

The Director of National Intelligence shall solicit from all elements of the Intelligence Community whether Intelligence Community procurement and acquisition functions would benefit from the creation of an acquisition cadre to provide a short-term augmentation of the acquisition staff of Intelligence Community agencies seeking to use rapid contracting authorities. Under the proposed construct, the Office of the Director of National Intelligence would assign specialists (virtually or TDY) to supplement Intelligence Community agencies, for specific durations, to support an alternative acquisition pathway procurement, at the request of the agency seeking the procurement.

SECTION-BY-SECTION ANALYSIS

The following is a section-by-section summary of H.R. 8512, the Intelligence Authorization Act for Fiscal Year 2025 (the Act).

TITLE I—INTELLIGENCE ACTIVITIES

Section 101. Authorization of appropriations

Section 101 provides that the Act authorizes appropriations for intelligence and intelligence-related activities of the Intelligence Community for Fiscal Year 2025.

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 2025 are specified in the classified Schedule of Authorizations, which shall be made available to the Committees on Appro-

priations of the Senate and the House of Representatives and to the President.

Section 103. Intelligence Community Management Account

Section 103 authorizes \$650,000,000 for the Intelligence Community Management Account of the Director of National Intelligence for Fiscal Year 2025.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes \$514,000,000 for the Central Intelligence Agency Retirement and Disability Fund for Fiscal Year 2025.

TITLE III—GENERAL INTELLIGENCE 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 which 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. Statute of limitation for espionage offenses

Section 303 modifies the statute of limitations for three crimes commonly charged against state-directed foreign intelligence assets spying on the United States. With this modification, there will be no statute of limitations for acting as an unregistered agent of a foreign government, delivering defense information to a foreign government, or unlawfully procuring citizenship while working at the direction of a foreign government. Because state directed espionage is often discovered long after the applicable statute of limitations has passed, this provision will ensure that state-directed spies can be charged for espionage.

Section 304. Secure communication between Congress and Intelligence Community

Section 304 amends Section 102A of the National Security Act of 1947 (50 U.S.C. § 3024) to require the Director of National Intelligence, upon the approval of specified congressional leaders, 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 communications at all classification levels.

Section 305. Commission to examine the national security and defense risks to the United States posed by anomalous health incidents

Section 305 creates a nine member commission to review anomalous health incidents (AHI) affecting United States government personnel and their dependents for the purpose of comprehensively addressing the national security and defense risks to the United States posed by AHI. The commission shall submit a final report that addresses issues such as: whether known or novel mechanisms an adversary might use against United States personnel or their dependents might explain some or all reported AHI; whether the United States government's provision of support and medical care is sufficient to appropriately address the impacts of AHI on affected personnel; how analytic integrity and structured analytical techniques impacted the United States government's response to AHI; and future policy recommendations for AHI or other health incidents with a potential counterintelligence nexus.

TITLE IV—MATTERS RELATING TO NATIONAL INTELLIGENCE ENTERPRISE

SUBTITLE A—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

Section 401. Congressional notifications and summaries of misconduct regarding employees within the Intelligence Community

Section 401 requires the Director of National Intelligence to submit annual reports to the congressional intelligence committees, covering calendar years 2024, 2025, and 2026, regarding civilian employees in the Intelligence Community who were placed on administrative leave pending possible adverse personnel actions, including information on the number of such employees, their employing Intelligence Community element, their pay grade, the paid or unpaid status of their administrative leave, and instances in which leave exceeded 365 days. This section also requires the Director to notify the congressional intelligence committees within 10 days of an Intelligence Community element making a referral to the Department of Justice regarding an allegation of misconduct against a civilian employee of the Intelligence Community.

Section 402. Improvements to urgent concerns submitted to Inspectors General of the Intelligence Community

Section 402 clarifies that standing to use the “urgent concern” process includes not only individuals currently affiliated with a covered Intelligence Community element but also those who previously were affiliated with a covered Intelligence Community element if their complaint or information pertains to an alleged matter of “urgent concern” that arose during and was related to the time of their affiliation with the covered Intelligence Community element. This section also modifies the urgent concern statutory provisions to require that “urgent concern” submissions be submitted to appropriate Inspectors General in writing and clarifies that the 14-calendar day period for Inspectors General to determine the credibility of the urgent concern submission begins when the appropriate Inspector General has received from the submitter the information the submitter intends to report to Congress.

Section 403. Protection for individuals making authorized disclosures to Inspectors General of elements of the Intelligence Community

Section 403 clarifies that in certain circumstances, disclosures of classified information, made to Inspectors General of the Intelligence Community by whistleblowers who are “out of access” due to a security clearance suspension, revocation, or other action, would not violate applicable nondisclosure agreements, are deemed to comply with Executive Order 13526, and are not a violation subject to criminal penalties relating to unauthorized disclosures. Specifically, the out-of-access whistleblower’s disclosure would not constitute an unauthorized disclosure if it were made to appropriately cleared Office of Inspector General personnel with jurisdiction over the subject of the allegations and in accordance with appropriate security guidance.

Section 404. Clarification of authority of certain Inspectors General to receive protected disclosures

Section 404 makes technical corrections to 50 U.S.C. § 3234 to clarify that the Inspectors General of the Defense Intelligence Agency, National Geospatial-Intelligence Agency, National Reconnaissance Office, and National Security Agency are authorized recipients of whistleblower protected disclosures.

Section 405. Codification of the National Intelligence Management Council

Section 405 codifies the National Intelligence Management Council (NIMC) within the Office of the Director of National Intelligence and sets forth its composition, authorities, and responsibilities. This section also expresses the sense of Congress that the Director of National Intelligence should appoint a National Intelligence Manager (NIM) dedicated to the People’s Republic of China. This section further directs the Director to provide a report to the congressional intelligence committees within 180 days of the date of enactment on strategic competition, including an examination of the potential effects of establishing a new national intelligence center designed to integrate collection and analysis in support of strategic competition. Finally, this section expresses the sense of Congress that the Director should appoint a NIM dedicated to the counternarcotics mission.

Section 406. Analyses and impact statements regarding proposed investment into the United States

Section 406 amends Section 102A(z) of the National Security Act of 1947 (50 U.S.C. § 3024(z)) to clarify that the Director of National Intelligence shall provide to the congressional intelligence committees any analytic materials prepared by the Director in support of investigations undertaken by the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector.

Section 407. Responsibilities and authorities of the Director of National Intelligence

Section 407 requires the Director of National Intelligence to immediately notify the congressional intelligence committees in writ-

ing if the President directs the Director to perform a new intelligence-related function pursuant to 50 U.S.C. § 3024(f)(10).

Section 408. Enabling Intelligence Community integration

Section 408 amends Title I of the National Security Act of 1947 (50 U.S.C. § 3021 et seq.) to authorize an element of the Intelligence Community, subject to such guidance or regulations as may be developed by the Director of National Intelligence, to provide goods or services to another element of the Intelligence Community without reimbursement or transfer of funds for such goods or services for the purposes of remote work and hoteling initiatives for Intelligence Community employees and affiliates. This section further provides that a transfer of goods or services under this section may not occur without the prior approval of the heads of both the providing and receiving elements of the Intelligence Community.

Section 409. Protection of intelligence sources and methods

Section 409 amends Section 102A(i) of the National Security Act of 1947 (50 U.S.C. § 3024(i)) by adding a new subsection which designates the Director of National Intelligence to be responsible for the creation, modification, deconfliction, and oversight for controlled access programs relating to intelligence sources, methods, and intelligence activities. This section also restricts the Director from approving the establishment of a controlled access program unless a vulnerability of or threat to specific information is exceptional and when the normal criteria for determining eligibility for access is deemed insufficient to protect information from unauthorized disclosure. Finally, this section provides that the Director may only delegate this responsibility to the Principal Deputy Director of National Intelligence.

Section 410. Department of Homeland Security intelligence support for State Governors

Section 410 requires the Undersecretary of Homeland Security for Intelligence and Analysis to ensure that, at least once per year, an officer of the Field Intelligence Directorate engages proactively with senior officials for each state, U.S. territory, and the District of Columbia, such as the chief executive or Homeland Security Advisor of such jurisdiction.

Section 411. Authorization relating to certain intelligence and counterintelligence activities of Coast Guard

Section 411 authorizes Coast Guard to expend up to one percent of the funding made available to it each fiscal year under the National Intelligence Program for objects of a confidential, extraordinary, or emergency nature, which may be accounted for solely on the certification of the Commandant and with such certification deemed a sufficient voucher for the amount therein certified.

Section 412. Requirements with respect to access of foreign nationals to Department of Energy National Laboratories

Section 412 requires the Secretary of Energy to designate Senior Executive employees at the Department of Energy to have final approval authority with respect to authorizing the access of foreign nationals into Department of Energy National Laboratories if an

assessment of the Office of Intelligence and Counterintelligence within the Department of Energy identifies potential significant risks that are not agreed to by the director of the relevant National Laboratory.

Section 413. Formalized counterintelligence training for Department of Energy personnel

Section 413 requires the Director of the Office of Intelligence and Counterintelligence within the Department of Energy to develop and implement a standardized counterintelligence training program for all Department of Energy personnel, and a specialized training program for officers at the Office of Intelligence and Counterintelligence who have counterintelligence responsibilities. This section also requires the Director to brief the congressional intelligence committees on the implementation of this training program within 90 days of the date of enactment.

Section 414. Federal Bureau of Investigation proactive cyber support

Section 414 requires the Federal Bureau of Investigation (FBI) to develop and make available, within 90 days of the date of enactment, an unclassified interface to facilitate connection between owners and operators of U.S. critical infrastructure and the FBI. This section further requires that the interface be made available to congressional offices to facilitate this connection. Finally, this section requires that the interface include cyber hygiene best practices, tailored threat information, recommendations for responding to cyber-attacks, and information on the best ways to liaise with the FBI.

Section 415. Requirements relating to confidential human source program of Federal Bureau of Investigation

Section 415 places certain requirements, effective 180 days after the date of enactment, on the Federal Bureau of Investigation's operation of its confidential human source (CHS) program, namely requiring the Special Agent in Charge of the relevant FBI Field Office to verify the identity of an individual before the FBI may open the individual as a CHS; prohibiting a headquarters-based FBI Special Agent from opening an individual as a CHS; requiring additional vetting of current or potential CHS who are counterintelligence concerns or under criminal or counterintelligence investigation; requiring handling agents to take certain steps if they believe a CHS has engaged in an unauthorized illegal activity; prohibiting the FBI Director from intervening in a civil action or administrative hearing in which a CHS is a party; and prohibiting FBI from opening Members of Congress or candidates for Federal office as CHS. This section further requires additional internal, as well as congressional, oversight of the CHS program.

Section 416. Congressional notice of Federal Bureau of Investigation counterintelligence investigations into individuals who hold or are candidates for Federal elected office

Section 416 requires the Director of the Federal Bureau of Investigation to notify congressional leadership no later than five days after the commencement of a counterintelligence investigation into an individual who holds an elected Federal office or an individual

who is a candidate in an election for Federal office. The contents of such notification shall include, to the extent consistent with the need to protect the integrity of ongoing counterintelligence investigations or other exceptionally sensitive national security or law enforcement matters, a summary of the relevant facts associated with the counterintelligence investigation and the identity of the person subject to such investigation.

Section 417. Intelligence Community Counterintelligence Office at the Department of Transportation

Section 417 requires the Director of National Intelligence to seek to enter into an agreement with the Secretary of Transportation to establish an Intelligence Community Counterintelligence Office (ICCO) within the Department of Transportation (DOT) for the purpose of providing timely and relevant counterintelligence threat information to the leadership of DOT. The Director of the ICOO shall be appointed by the Director of National Intelligence, be an employee of the Intelligence Community, and be responsible for, among other things, advising the Secretary of Transportation on intelligence and counterintelligence matters and ensuring that counterintelligence information is provided to appropriate personnel and disseminated in a timely manner.

Section 418. Ukraine lessons learned working group

Section 418 requires the Director of National Intelligence and the Secretary of Defense to jointly establish a working group to identify lessons the Intelligence Community has learned from the Ukraine conflict; to share such lessons with the Department of Defense elements responsible for the development of joint and service-specific doctrine, acquisitions decisions, and capability development; and to provide recommendations on intelligence collection priorities to support those Department of Defense elements.

Section 419. Modification to waiver for post-service employment restrictions

Section 419 delegates the waiver authority for post-service employment restrictions applicable to former Intelligence Community employees (50 U.S.C. § 3073a) from the Director of National Intelligence to the heads of the Intelligence Community elements. This section also adjusts the approval standard for post-service employment restrictions waivers to require the applicable head of the Intelligence Community element to determine that issuing such a waiver will not harm the national security interests of the United States. Finally, this section clarifies that the heads of the Intelligence Community elements may provide advisory opinions to current and former employees regarding whether a proposed employment, representation, advice, or services would be prohibited under the statute.

Section 420. Prohibition of funds for Intelligence Experts Group

Section 420 prohibits funds authorized or otherwise made available by the Act to the Department of Homeland Security's Office of Intelligence and Analysis from being obligated or expended to support the Intelligence Experts Group or any successor group.

Section 421. Prohibition on availability of funds for certain activities of the Overt Human Intelligence and Open Source Intelligence Collection Programs of the Office of Intelligence and Analysis of the Department of Homeland Security

Section 421 extends through Fiscal Year 2025 a prohibition on certain activities by the Department of Homeland Security's Office of Intelligence and Analysis that were prohibited by section 7324 of the Intelligence Authorization Act for Fiscal Year 2024.

Section 422. Limitation on availability of funds for the Office of the Director of National Intelligence pending submission of information regarding improvements relating to Intelligence Community staffing, details, and assignments

Section 422 prohibits the Director of National Intelligence from expending more than 95 percent of the funds made available to the Office of the Director of National Intelligence until the Director submits to the congressional intelligence committees the document required under section 7307(b) of the Intelligence Authorization Act for Fiscal Year 2024 (50 U.S.C. § 3023 note).

SUBTITLE B—REPORTS AND OTHER MATTERS

Section 431. Foreign malign influence interagency guidance

Section 431 requires the Director of National Intelligence, within 30 days of the date of enactment, to provide the congressional intelligence committees with the interagency guidance that governs engagement with social media companies for each element of the Intelligence Community.

Section 432. Foreign malign influence standard operating procedures

Section 432 requires the Federal Bureau of Investigation (FBI), within 30 days of the date of enactment, to provide the congressional intelligence committees with its most recently updated standard operating procedures document, without restrictions, that governs the FBI's engagements with social media companies.

Section 433. Intelligence support for certain executive branch departments and agencies

Section 433 requires the Director of National Intelligence, within 90 days of the date of enactment, to provide a briefing to the congressional intelligence committees on the intelligence support provided to executive branch departments and agencies in accordance with Intelligence Community Directive 404, entitled "Executive Branch Intelligence Customers."

Section 434. Intelligence Community recruitment for certain security-cleared separating military members

Section 434 requires the Intelligence Community Chief Human Capital Officer, within 90 days of the date of enactment, to develop a human resources strategy for enhancing the recruitment into the Intelligence Community of individuals transitioning out of military service with top-secret security clearance. This section also requires the Intelligence Community Chief Human Capital Officer, within 30 days of developing such strategy, to brief the congressional in-

telligence committees on the strategy, including a plan for how each Intelligence Community element intends to implement the strategy.

Section 435. Strategy to strengthen Intelligence Community recruitment efforts in the United States territories

Section 435 requires the Director of National Intelligence, acting through the Intelligence Community Chief Human Capital Officer, and in coordination with the human capital offices of other Intelligence Community elements, to develop an Intelligence Community-wide strategy to strengthen efforts to recruit qualified individuals residing in the five United States territories. This section further requires the Director to brief the congressional intelligence committees on this strategy within 180 days of the date of enactment.

Section 436. Extension of requirement for annual report on strikes undertaken by the United States against terrorist targets outside areas of active hostilities

Section 436 modifies the reporting and sunset dates for the report required by section 1723 of the National Defense Authorization Act for Fiscal Year 2020, which directed the Director of National Intelligence and Secretary of Defense to jointly report on the number of strikes undertaken by the United States against terrorist targets outside areas of active hostilities during the preceding calendar year, as well as assessments of combatant and non-combatant deaths resulting from those strikes.

Section 437. Advisability and feasibility study on updating intelligence sharing regulations

Section 437 requires the Director of National Intelligence, within 180 days of the date of enactment, to provide a report to the congressional intelligence committees on the degree to which the current policies of the elements of the Intelligence Community related to intelligence sharing with foreign countries are consistent with certain principles, and, if such policies are not consistent with those principles, the advisability and feasibility of revising the policies to incorporate such principles. The section defines the applicable principles to include the principle that the Intelligence Community may not share actionable intelligence with another country unless the Intelligence Community receives credible and reliable assurances that the country will use the intelligence in accordance with applicable international law.

Section 438. Budget transparency for open-source intelligence activities

Section 438 directs the head of each element of the Intelligence Community, within 90 days of the date of enactment, to submit to the Director of National Intelligence a comprehensive summary of all budget information with respect to the element's open- source intelligence activities. This section further directs the Director, within 120 days of the date of enactment, to submit to the congressional intelligence committees a report compiling the information provided by the head of each element of the Intelligence Commu-

nity with respect to the element's open-source intelligence activities.

Section 439. Enhancing public-private sharing on manipulative adversary practices in critical mineral projects

Section 439 directs the Director of National Intelligence to develop, within 180 days of the date of enactment, a strategy to improve the sharing of information and intelligence on foreign adversary tactics and illicit activities affecting the ability of United States companies to compete in foreign jurisdictions on projects relating to energy generation and storage, including with respect to critical minerals inputs. This section further directs the Director, not later than 30 days after completion of the strategy, to submit, or otherwise provide a briefing to the congressional intelligence committees on, a plan for implementing the strategy.

Section 440. Briefing on policies and procedures for addressing threats from known or suspected terrorists

Section 440 requires representatives from the Department of Homeland Security, including Customs and Border Protection, Homeland Security Investigations, and the Office of Intelligence and Analysis, and representatives from the Federal Bureau of Investigation, including the Terrorist Screening Center, to brief the appropriate congressional committees, within 30 days of the date of enactment, about existing policies and procedures for handling encounters with known or suspected terrorists at U.S. borders.

Section 441. Assessment on intelligence relationship between Egypt and Israel

Section 441 requires the Director of National Intelligence to submit, within 90 days of the date of enactment, a report to the congressional intelligence committees that assesses the intelligence relationship between Israel and Egypt, including an assessment of intelligence failures by either country or between the two countries that contributed to the attack on Israel by Hamas on October 7, 2023, and that describes any lessons learned for future intelligence activities.

Section 442. Intelligence assessment of economic coercion by the People's Republic of China in the Indo-Pacific region and strategies to enhance the economic resilience of countries in the Indo-Pacific region

Section 442 requires the Assistant Secretary of State for Intelligence and Research, in consultation with the Director of the Central Intelligence Agency, to submit, within 180 days of the date of enactment, an assessment to the appropriate congressional committees on economic coercion activities undertaken by the People's Republic of China in the Indo-Pacific region and strategies that would enhance the resilience of Indo-Pacific countries to such economic coercion efforts.

Section 443. Report on the mission effect of civilian harm

Section 443 requires the Director of National Intelligence, acting through the National Intelligence Council, to submit to the appropriate congressional committees within 180 days of the date of en-

actment a report examining the extent to which civilian harm that occurs during counterterrorism operations informs Intelligence Community analyses on the mission success of campaigns to degrade, disrupt, or defeat foreign terrorist organizations.

Section 444. Report on the economic outlook of China

Section 444 requires the Director of National Intelligence, acting through the National Intelligence Council and in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis and the Director of the Central Intelligence Agency, to submit to the congressional intelligence committees within 120 days of the date of enactment a classified report on the economic outlook of the People's Republic of China (PRC). This report shall include assessments of the strengths and weaknesses of the PRC's economy, potential challenges to its economic growth, and the economic implications of its foreign and defense policy.

Section 445. Repeal of requirement with respect to assessments regarding the Northern Triangle and Mexico

Section 445 repeals section 5522 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), which requires the Director of National Intelligence to provide semiannual briefings to the appropriate congressional committees on the Intelligence Community's collection priorities and activities in the Northern Triangle and Mexico.

TITLE V—MATTERS RELATING TO DEFENSE INTELLIGENCE AND OVERHEAD ARCHITECTURE

Section 501. Sense of Congress on the need for increased effort and resources in the field of geomatics

Section 501 expresses the sense of Congress that the Intelligence Community should use existing authorities to further engage with academic and industry partners to help reverse the current trend of the United States producing fewer geomatics scientists and engineers compared to its global competitors and potential adversaries.

Section 502. Department of Defense Senior Intelligence Oversight Official

Section 502 codifies and updates the position of Department of Defense Senior Intelligence Oversight Official (SIOO) per Department of Defense Directive 5148.13 (dated April 26, 2017), which prescribes the intelligence oversight responsibilities and functions, relationships, and authorities of the Department of Defense SIOO to ensure that the SIOO has responsibility to conduct independent oversight of all Department of Defense intelligence, intelligence-related, and sensitive activities.

Section 503. Extension and modification of Department of Defense intelligence and counterintelligence expense authority

Section 503 extends by five years, through Fiscal Year 2030, section 1057 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), which authorizes the Secretary of Defense to expend certain amounts made available for the Military Intelligence Program for intelligence and counterintelligence activi-

ties for any purpose the Secretary determines to be proper with regard to intelligence and counterintelligence objects of a confidential, extraordinary, or emergency nature.

This section also provides that the Secretary may not delegate any expenditure pursuant to this authority that exceeds \$125,000, an inflation-based adjustment to the \$100,000 figure in current law.

Section 504. Authority of Army counterintelligence agents

Section 504 amends 10 U.S.C. § 7377 to provide special agents of the Army Counterintelligence Command, whose duties include conducting, supervising, and coordinating counterintelligence investigations, with the authority to execute warrants and make arrests. This authority is currently authorized for special agents of the Army Criminal Investigation Command.

Section 505. Modifications to notification on the provision of Defense sensitive support

Section 505 modifies section 1055 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) regarding the requirements to notify the provision of defense sensitive support to require a quarterly summary of routine defense sensitive support provided to non-Department of Defense Federal departments or agencies. The section also modifies the requirements to notify the provision of defense sensitive support to allow for time-sensitive and extraordinary support notifications to Congress to be made after the activity concludes or simultaneously with the execution of the supported activity, which would help assure the safety and success of the activity supported.

Section 506. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities

Section 506 extends for three years, through 2027, 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. This section also requires the Secretary of Defense to pre-coordinate any such commercial activities with the Director of the Central Intelligence Agency.

Section 507. Promulgating guidance related to certain Department of Defense contracts

Section 507 requires the Secretary of Defense, by January 31, 2025, to issue formal guidance on the governance and oversight of Department of Defense contracts that support or enable sensitive activities.

Section 508. Sense of Congress on Space Force acquisition workforce

Section 508 expresses the sense of Congress that the National Reconnaissance Office and United States Space Force jointly benefit from a robust United States Space Force military and civilian acquisition workforce that includes acquisition program managers, engineers, and program control and finance professionals.

TITLE VI—MATTERS RELATING TO CENTRAL INTELLIGENCE AGENCY

Section 601. Requirements for the Special Victim Investigator

Section 601 prohibits the Central Intelligence Agency from appointing an individual who is currently employed by the CIA to the position of Special Victim Investigator.

Section 602. Reserve for Contingencies notification requirement

Section 602 requires the Director of the Central Intelligence Agency to provide additional notification to the appropriate congressional committees within 10 days of the CIA's obligation or expenditure of Reserve for Contingencies funds.

Section 603. Government Accountability Office study and report on modernization initiative of the Central Intelligence Agency

Section 603 requires the Comptroller General of the United States to conduct a study on the impacts of the Central Intelligence Agency's modernization initiative of 2015. This section requires the Comptroller General to assess the modernization initiative's impacts on the CIA's organizational structure and operations; how new administrative requirements have impacted operations; how the changes have allowed the CIA to adequately respond to emerging issues; whether the changes have impacted the analytical and operational personnel's willingness to take professional risks; whether there are any impacts resulting from the ability to have long-term specializations in analytical career fields; and whether there are any impacts on the growing role of analytical personnel in managerial and policy positions.

TITLE VII—MATTERS RELATING TO TECHNOLOGY AND INNOVATION

Section 701. Sensitive compartmented information facility accreditation

Section 701 requires the Under Secretary of Defense for Intelligence and Security, by December 31, 2029, to assign responsibility to the Defense Counterintelligence and Security Agency (DCSA) for the accreditation of sensitive compartmented information facilities (SCIFs) for all components of the Department of Defense, including the military departments, except for the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency. This section also requires the Under Secretary to notify the congressional intelligence and defense committees regarding the resources required to carry out this responsibility. Finally, this section requires the Under Secretary, in consultation with the Directors of NSA, NRO, and NGA, to submit to the congressional intelligence and defense committees, by December 31, 2027, a report on the feasibility of DCSA assuming SCIF accreditation responsibility for those agencies.

Section 702. Study of Intelligence Community research security

Section 702 requires the Director of National Intelligence to conduct a study on preventing Intelligence Community research grant funding from improperly benefiting countries of concern, as defined

in 22 U.S.C. § 2651a(m)(1). This section further requires the Director, within 180 days of the date of enactment, to submit a report to the congressional intelligence committees that contains the results of this study, which shall evaluate the Intelligence Community's current research security practices; evaluate the feasibility and effects of prohibiting the award of an Intelligence Community research grant to any individual or institution if the head of the relevant Intelligence Community element cannot verify that such grantee does not partner with individuals from institutions located in a country of concern, or with institutions or entities from or located in a country of concern, subject to a waiver of such prohibition on a case by case basis; and to make recommendations for the operational implementation of such a prohibition.

Section 703. Report on biotechnology

Section 703 requires the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the Federal Bureau of Investigation to each submit to the congressional intelligence committees, by June 30, 2025, a report on biotechnology threats and intelligence activities related to such threats.

Section 704. Data with respect to timeliness of security clearance determinations

Section 704 amends 50 U.S.C. § 3352h, which requires the President, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent, to publish new timeliness performance standards for processing personnel vetting trust determinations in accordance with the Federal personnel vetting performance management standards, and to publish a quarterly report on the compliance of Executive agencies with those standards. This section requires the Director of National Intelligence to provide the congressional intelligence committees with the raw data used to prepare such quarterly report regarding the timeliness of security clearance determinations for each Intelligence Community element that collects such data. This section further requires that such data be provided to the congressional intelligence committees in unclassified form to the greatest extent possible and that a justification be provided where such data is provided in classified form.

Section 705. Data with respect to timeliness of polygraph examinations

Section 705 amends 50 U.S.C. § 3352h, which requires the President, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent, to publish new timeliness performance standards for processing personnel vetting trust determinations in accordance with the Federal personnel vetting performance management standards, and to publish a quarterly report on the compliance of Executive agencies with those standards. This section requires the Director of National Intelligence to provide the congressional intelligence committees with the raw data used to prepare such quarterly report regarding the timeliness of polygraph examinations for each Intelligence Community element

that collects such data. This section further requires that such data be provided to the congressional intelligence committees in unclassified form to the greatest extent possible and that a justification be provided where such data is provided in classified form.

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 18, UNITED STATES CODE

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PART II—CRIMINAL PROCEDURE

* * * * *

CHAPTER 213—LIMITATIONS

Sec.

3281. Capital offenses.

* * * * *

3302. *Espionage offenses.*

* * * * *

§ 3302. Espionage offenses

An indictment may be found or an information may be instituted at any time without limitation for—

- (1) *a violation of section 951, or a conspiracy to violate such section;*
- (2) *a violation of section 794, or a conspiracy to violate such section; or*
- (3) *a violation of section 1425, if the offense was committed to facilitate a violation of section 951.*

* * * * *

INTERNAL SECURITY ACT OF 1950

* * * * *

TITLE I—SUBVERSIVE ACTIVITIES CONTROL

* * * * *

PERIOD OF LIMITATION

SEC. 19. An indictment for any violation of title 18, United States Code, section 792[, 793, or 794] or 793, other than a violation constituting a capital offense, may be found at any time within ten years next after such violation shall have been committed. This section shall not authorize prosecution, trial, or punishment for any offense now barred by the provisions of existing law.

* * * * *

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 V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

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Sec. 517. Notification requirement with respect to Federal Bureau of Investigation counterintelligence investigations regarding individuals who hold or are candidates for Federal elected office.

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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 ap-

propriated 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 personnel 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.

(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, binding personnel policies and programs applicable to the intelligence community that—

(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) 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 General 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 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 notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in cases involving elements of the intelligence community within the Department of Defense; 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.

(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.

(10) The Director of National Intelligence shall perform such other intelligence-related functions as the President may direct [], and upon receiving any such direction, the Director shall notify the congressional intelligence committees immediately in writing with a

description of such other intelligence-related functions directed by the President.

(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 intel-

ligence 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)(A) *The Director, or the Principal Deputy Director acting on behalf of the Director, shall be responsible for the creation, modification, deconfliction, and oversight of special access programs (referred to as controlled access programs) pertaining to intelligence sources, methods, and intelligence activities (but not including military operational, strategic, and tactical programs).*

(B) *In carrying out the responsibility under subparagraph (A), the Director shall—*

(i) ensure controlled access programs of the intelligence community conform with the requirements identified within Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or any successor order;

(ii) establish controlled access program minimum security requirements and guidance for the implementation of such re-

quirements, to include general procedures, personnel security, physical security, and control marking requirements;

(iii) ensure access to controlled access programs is based on a documented need-to-know;

(iv) require controlled access programs to identify and periodically review Critical Program Information and to develop and periodically review a Program Protection Plan for each controlled access program;

(v) require periodic reviews of and, as appropriate, closure of controlled access programs; and

(vi) coordinate with other agencies to deconflict special access programs.

[(3)] (4) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

[(4)] (5)(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 potentially 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 re-

ferred 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.

(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 Rep-

resentatives 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 Representatives 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 Prior-

ities 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 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 community, 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 commu-

nity, 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, *including with respect to counterintelligence*; and

(B) describe any actions that have been or will be taken to mitigate such impact.

(3) *DEFINITIONS.*—*In this subsection:*

(A) *The term “a review or an investigation of any proposed investment into the United States for which the Director has prepared analytic materials” includes a review, investigation, assessment, or analysis conducted by the Director pursuant to section 7 or 10(g) of Executive Order 13913 (85 Fed. Reg. 19643; relating to Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector), or successor order.*

(B) *The term “investment” includes any activity reviewed, investigated, assessed, or analyzed by the Director pursuant to section 7 or 10(g) of Executive Order 13913, or successor order.*

(aa) *REQUIREMENTS WITH RESPECT TO SECURE COMMUNICATION BETWEEN CONGRESS AND INTELLIGENCE COMMUNITY.*—

(1) *IN GENERAL.*—*The Director of National Intelligence shall, upon the approval of specified congressional leaders—*

(A) *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;*

(B) *ensure that such communications enabled under subparagraph (A) facilitate communication at all classification levels;*

(C) *ensure that the requirements specified in subparagraph (A) are met in conformity with applicable standards for the protection of national security information; and*

(D) *ensure that any security limitations or controls associated with use of capabilities pursuant to subparagraph (A) are consistent with such limitations or controls imposed within the executive branch and do not impede effective and efficient oversight of the intelligence community by Congress.*

(2) *GOVERNANCE.*—*The Director, in coordination with specified congressional leaders, shall establish governance and security policies applicable to the connectivity, equipment, and software provided under this subsection and shall review and update such policies periodically, as appropriate, to address counterintelligence threats and technological changes.*

(3) *TREATMENT AS CONGRESSIONAL RECORDS.*—*Any data created, stored, or transmitted by the congressional intelligence committees through networks, equipment, or software provided under paragraph (1) 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.

(4) *DOCUMENTATION OF COST.*—*The Director shall document the funding required to satisfy this subsection within each annual budget submission to Congress, including any anticipated upgrades or recapitalization expenditures over the 5-year period that begins on October 1 of the fiscal year for which year-by-year proposed funding is included.*

(5) *SPECIFIED CONGRESSIONAL LEADERS DEFINED.*—*In this subsection, the term “specified congressional leaders” means—*

(A) the Speaker and the minority leader of the House of Representatives;

(B) the majority leader and the minority leader of the Senate; and

(C) the Chair and Ranking Member of the congressional intelligence committees.

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 National Intelligence Management Council.*

[(5)] (6) The General Counsel.

[(6)] (7) The Civil Liberties Protection Officer.

[(7)] (8) The Director of Science and Technology.

[(8)] (9) The Director of the National Counterintelligence and Security Center.

[(9)] (10) The Chief Information Officer of the Intelligence Community.

[(10)] (11) The Inspector General of the Intelligence Community.

[(11)] (12) The Director of the National Counterterrorism Center.

[(12)] (13) The Director of the National Counter Proliferation Center.

[(13)] (14) The Chief Financial Officer of the Intelligence Community.

[(14)] (15) 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.

(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.

* * * * *

INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

(2) to provide leadership and coordination and recommend policies for activities designed—

(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

(B) to prevent and detect fraud and abuse in such programs and activities;

(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

(B) the necessity for, and the progress of, corrective actions; and

(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

(B) the necessity for, and the progress of, corrective actions.

(c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The nomination of an individual for appointment as Inspector General shall be made—

(A) without regard to political affiliation;

(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

(4)(A) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the substantive rationale, including detailed and case-specific reasons, for the 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 Inspector 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.

(5)(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 nonduty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (4)(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.

(6)(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, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) 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, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), 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.

(d) ASSISTANT INSPECTORS GENERAL.—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

- (1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;
- (2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and
- (3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, 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 the duties and responsibilities under this section, to comply with generally accepted government auditing.

(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that

such prohibition is necessary to protect vital national security interests of the United States.

(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

(3) **[The Inspector General is authorized]** (A) *The Inspector General is authorized* to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence 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 intelligence community—

[(A)] (i) 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 this provision shall qualify as a withholding statute pursuant to subsection (b)(3) of section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"); and

[(B)] (ii) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee 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.

(B)(i) An individual may disclose classified information to the Inspector General in accordance with the applicable security standards and procedures established under section 102A or 803 of this Act, chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.), Executive Order 13526 (50 U.S.C. 3161 note; relating to Classified National Security Information), or any applicable provision of law.

(ii) A disclosure under clause (i) of classified information by an individual without appropriate clearance or authority to access such classified information at the time of the disclosure shall be treated as an authorized disclosure that does not violate a covered provision if the disclosure—

(I) does not include the access, handling, retention, or storage of such classified information; and

(II) is otherwise made in accordance with the applicable security standards and procedures for such classified information.

(iii) In this subparagraph, the term "covered provision" means—

(I) any otherwise applicable nondisclosure agreement;

(II) any otherwise applicable regulation or order issued under the authority of chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) or Executive Order 13526;

(III) section 798 of title 18, United States Code; or

(IV) any other provision of law with respect to the unauthorized disclosure of national security information.

(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community 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, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of departments, agencies, and other elements of the United States Government, 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 component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

(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 may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records,

audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(B) 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.

(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community 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.

(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

(B) all other personnel decisions concerning personnel permanently assigned to the Office of the 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 a component of the Office of the Director of National Intelligence.

(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or

assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal, State (as defined in section 805), or local governmental agency or unit thereof.

(B) Upon request of the Inspector General for information or assistance from a department, agency, or element of the Federal Government under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than October 31 and April 30 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending September 30 and March 31, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

(B) Each report under this paragraph shall include, at a minimum, the following:

(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

(iv) A statement of whether or not 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.

(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

(3)(A) In the event that—

(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review,

the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information *in writing* to the Inspector General.

(B) ~~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~~ (i) *The Inspector General shall determine [whether the complaint or information] whether a complaint or information under subparagraph (A) appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.*

(ii) *The Inspector General shall comply with clause (i) with respect to a complaint or information under subparagraph (A) not later than the end of the 14-calendar-day period beginning on the date on which the employee who reported the complaint or information confirms to the Inspector General that the employee reported the complaint or information to the Inspector General with the intent to report to Congress the complaint or information.*

(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 congressional 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 informa-

tion to Congress by contacting either or both of the congressional intelligence committees directly.

(ii) An employee may contact the congressional 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 congressional intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such 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, the term "urgent concern" means any of the following:

(I) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation 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.

(II) 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.

(III) 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 (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

(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) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 416 of title 5, United States Code.

(I) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of either of the congressional intelligence committees, or a staff member of either of such committees, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

(J) In this paragraph, the term “employee” includes a former employee, if the complaint or information reported under subparagraph (A) arises from or relates to the period during which the former employee was an employee.

(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

(l) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request 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 of the Inspector General; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(2) 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 Intelligence Community;

(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.

(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations,

tions of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

- (A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);
- (B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);
- (C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);
- (D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and
- (E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.

(o) INFORMATION ON WEBSITE.—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community 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 of the Intelligence Community.

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SEC. 103M. NATIONAL INTELLIGENCE MANAGEMENT COUNCIL.

(a) ESTABLISHMENT.—*There is within the Office of the Director of National Intelligence a National Intelligence Management Council.*

(b) COMPOSITION.—

(1) The National Intelligence Management Council shall be composed of senior officials within the intelligence community and substantive experts from the public or private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of National Intelligence.

(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the National Intelligence Management Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

(c) DUTIES AND RESPONSIBILITIES.—*Members of the National Intelligence Management Council shall work with each other and with other elements of the intelligence community to ensure proper co-ordination and to minimize duplication of effort, in addition to the following duties and responsibilities:*

(1) Provide integrated mission input to support the processes and activities of the intelligence community, including with respect to intelligence planning, programming, budgeting, and evaluation processes.

(2) Identify and pursue opportunities to integrate or coordinate collection and counterintelligence efforts.

(3) In concert with the responsibilities of the National Intelligence Council, ensure the integration and coordination of analytic and collection efforts.

(4) Develop and coordinate intelligence strategies in support of budget planning and programming activities.

(5) Advise the Director of National Intelligence on the development of 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).

(6) In concert with the responsibilities of the National Intelligence Council, support the role of the Director of National Intelligence as principal advisor to the President on intelligence matters.

(7) Inform the elements of the intelligence community of the activities and decisions related to missions assigned to the National Intelligence Management Council.

(8) Maintain awareness, across various functions and disciplines, of the mission-related activities and budget planning of the intelligence community.

(9) Evaluate, with respect to assigned mission objectives, requirements, and unmet requirements, the implementation of the budget of each element of the intelligence community.

(10) Provide oversight on behalf of, and make recommendations to, the Director of National Intelligence on the extent to which the activities, program recommendations, and budget proposals made by elements of the intelligence community sufficiently address mission objectives, intelligence gaps, and unmet requirements.

(d) *MISSION MANAGEMENT OF MEMBERS.*—Members of the National Intelligence Management Council, under the direction of the Director of National Intelligence, shall serve as mission managers to ensure integration among the elements of the intelligence community and across intelligence functions, disciplines, and activities for the purpose of achieving unity of effort and effect, including through the following responsibilities:

(1) Planning and programming efforts.

(2) Budget and program execution oversight.

(3) Engagement with elements of the intelligence community and with policymakers in other agencies.

(4) Workforce competencies and training activities.

(5) Development of capability requirements.

(6) Development of governance fora, policies, and procedures.

(e) *STAFF; AVAILABILITY.*—

(1) *STAFF.*—The Director of National Intelligence shall make available to the National Intelligence Management Council such staff as may be necessary to assist the National Intelligence Management Council in carrying out the responsibilities described in this section.

(2) *AVAILABILITY.*—Under the direction of the Director of National Intelligence, the National Intelligence Management Council shall make reasonable efforts to advise and consult with officers and employees of other departments or agencies, or compo-

nents thereof, of the United States Government not otherwise associated with the intelligence community.

(f) *SUPPORT FROM ELEMENTS OF THE INTELLIGENCE COMMUNITY.*—*The heads of the elements of the intelligence community shall provide appropriate support to the National Intelligence Management Council, including with respect to intelligence activities, as required by the Director of National Intelligence.*

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SEC. 113C. NON-REIMBURSABLE TRANSFER OF GOODS AND SERVICES WITHIN INTELLIGENCE COMMUNITY IN CERTAIN CASES.

(a) *IN GENERAL.*—

(1) *AUTHORITY.*—*Notwithstanding any other provision of law, an element of the intelligence community may, subject to such guidance or regulations as may be developed by the Director of National Intelligence, provide goods or services to another element of the intelligence community without reimbursement or transfer of funds for such goods or services for the purposes of remote work and hoteling initiatives for intelligence community employees and affiliates.*

(2) *PRIOR APPROVAL REQUIREMENT.*—*A transfer of goods or services under paragraph (1) may not occur without the prior approval of the heads of both the providing and receiving elements of the intelligence community.*

(b) *HOTELING DEFINED.*—*In this section, the term “hoteling” means an alternative work arrangement in which employees of one element of the intelligence community are authorized flexible work arrangements to work part of the time at one or more alternative worksite locations, as appropriately authorized.*

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TITLE III—MISCELLANEOUS

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SEC. 304. REQUIREMENTS FOR CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.

(a) *POST-EMPLOYMENT RESTRICTIONS.*—

(1) *COVERED POST-SERVICE POSITION.*—

(A) *PERMANENT RESTRICTION.*—*Except as provided by [paragraph (2)(A)(i)] paragraph (2)(A), an employee of an element of the intelligence community who occupies a covered intelligence position may not occupy a covered post-service position for a designated prohibited foreign country following the date on which the employee ceases to occupy a covered intelligence position.*

(B) *TEMPORARY RESTRICTION.*—*Except as provided by [paragraph (2)(A)(ii)] paragraph (2)(A), an employee of an element of the intelligence community who occupies a covered intelligence position may not occupy a covered post-service position during the 30-month period following the date on which the employee ceases to occupy a covered intelligence position.*

(2) *WAIVER.*—

[(A) *AUTHORITY TO GRANT TEMPORARY WAIVER.*—

[(i) WAIVERS OF PERMANENT RESTRICTION.—On a case-by-case basis, the Director of National Intelligence may temporarily waive the restriction in paragraph (1)(A) with respect to an employee or former employee who is subject to that restriction only after—

[(I) the employee or former employee submits to the Director a written application for such waiver in such form and manner as the Director determines appropriate;

[(II) the Director determines that not granting such waiver would result in a grave detrimental impact to current or future intelligence operations of the United States; and

[(III) the Director provides the congressional intelligence committees with a detailed justification stating why not granting such waiver would result in a grave detrimental impact to current or future intelligence operations of the United States.

[(ii) WAIVERS OF TEMPORARY RESTRICTION.—On a case-by-case basis, the Director may temporarily waive the restriction in paragraph (1)(B) with respect to an employee or former employee who is subject to that restriction only after—

[(I) the employee or former employee submits to the Director a written application for such waiver in such form and manner as the Director determines appropriate; and

[(II) the Director determines that such waiver is necessary to advance the national security interests of the United States.]

(A) AUTHORITY TO GRANT WAIVERS.—*The applicable head of an intelligence community element may waive a restriction in paragraph (1) with respect to an employee or former employee who is subject to that restriction only after—*

(i) the employee or former employee submits to the applicable head of the intelligence community element a written application for such waiver in such form and manner as the applicable head of the intelligence community element determines appropriate; and

(ii) the applicable head of the element of the intelligence community determines that granting such waiver will not harm the national security interests of the United States.

(B) PERIOD OF WAIVER.—A waiver issued under subparagraph (A) shall apply for a period not exceeding 5 years. The [Director] *applicable head of the intelligence community element* may renew such a waiver.

(C) REVOCATION.—The [Director] *applicable head of the intelligence community element* may revoke a waiver issued under subparagraph (A) to an employee or former employee, effective on the date that is 60 days after the date on which the [Director] *applicable head of the intelligence community element* provides the employee or former employee written notice of such revocation.

(D) TOLLING.—The 30-month restriction in paragraph (1)(B) shall be tolled for an employee or former employee during the period beginning on the date on which a waiver is issued under subparagraph (A) and ending on the date on which the waiver expires or on the effective date of a revocation under subparagraph (C), as the case may be.

[(E) NOTIFICATION.—Not later than 30 days after the date on which the Director issues a waiver under subparagraph (A) or a revocation of a waiver under subparagraph (C), the Director shall submit to the congressional intelligence committees written notification of the waiver or revocation, as the case may be. Such notification shall include the following:

[(i) With respect to a waiver issued to an employee or former employee—

[(I) the details of the application, including the covered intelligence position held or formerly held by the employee or former employee;

[(II) the nature of the activities of the employee or former employee after ceasing to occupy a covered intelligence position;

[(III) a description of the national security interests that will be advanced by reason of issuing such waiver; and

[(IV) the specific reasons why the Director determines that issuing such waiver will advance such interests.

[(ii) With respect to a revocation of a waiver issued to an employee or former employee—

[(I) the details of the waiver, including any renewals of such waiver, and the dates of such waiver and renewals; and

[(II) the specific reasons why the Director determined that such revocation is warranted.]

(E) REPORTING TO CONGRESS.—*On a quarterly basis, the head of each element of the intelligence community shall submit to the congressional intelligence committees a written notification of each waiver or revocation that shall include the following:*

(i) *With respect to a waiver issued to an employee or former employee—*

(I) the covered intelligence position held or formerly held by the employee or former employee; and

(II) a brief description of the covered post-service employment, including the employer and the recipient of the representation, advice, or services.

(ii) *With respect to a revocation of a waiver issued to an employee or former employee—*

(I) the details of the waiver, including any renewals of such waiver, and the dates of such waiver and renewals; and

(II) the specific reasons why the applicable head of the intelligence community element determined that such revocation is warranted.

(b) COVERED POST-SERVICE EMPLOYMENT REPORTING.—

(1) REQUIREMENT.—During the period described in paragraph (2), an employee who ceases to occupy a covered intelligence position shall—

(A) report covered post-service employment to the head of the element of the intelligence community that employed such employee in such covered intelligence position upon accepting such covered post-service employment; and

(B) annually (or more frequently if the head of such element considers it appropriate) report covered post-service employment to the head of such element.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date on which an employee ceases to occupy a covered intelligence position.

(3) REGULATIONS.—The head of each element of the intelligence community shall issue regulations requiring, as a condition of employment, each employee of such element occupying a covered intelligence position to sign a written agreement requiring the regular reporting of covered post-service employment to the head of such element pursuant to paragraph (1).

(c) PENALTIES.—

(1) CRIMINAL PENALTIES.—A former employee who knowingly and willfully violates subsection (a) or who knowingly and willfully fails to make a required report under subsection (b) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both. Each report under subsection (b) shall be subject to section 1001 of title 18, United States Code.

(2) SECURITY CLEARANCES.—The head of an element of the intelligence community shall revoke the security clearance of a former employee if the former employee knowingly and willfully fails to make a required report under subsection (b) or knowingly and willfully makes a false report under such subsection.

(d) PROVISION OF INFORMATION.—

(1) TRAINING.—The head of each element of the intelligence community shall regularly provide training on the restrictions under subsection (a) and the reporting requirements under subsection (b) to employees of that element who occupy a covered intelligence position.

(2) WRITTEN NOTICE ABOUT REPORTING REQUIREMENTS.—The head of each element of the intelligence community shall provide written notice of the reporting requirements under subsection (b) to an employee when the employee occupies a covered intelligence position.

(3) WRITTEN NOTICE ABOUT RESTRICTIONS.—The head of each element of the intelligence community shall provide written notice of the restrictions under subsection (a) to any person who may be subject to such restrictions on or after the date of enactment of the Intelligence Authorization Act for Fiscal Year 2023—

(A) when the head of the element determines that such person may become subject to such covered intelligence position restrictions; and

(B) when the person occupies a covered intelligence position.

(4) *WRITTEN ADVISORY OPINIONS.*—Upon request from a current employee who occupies a covered intelligence position or a former employee who previously occupied a covered intelligence position, the applicable head of the element of the intelligence community concerned may provide a written advisory opinion to such current or former employee regarding whether a proposed employment, representation, or provision of advice or services constitutes covered post-service employment as defined in subsection (g).

(e) ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than March 31 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on covered post-service employment occurring during the year covered by the report.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The number of former employees who occupy a covered post-service position, broken down by—

- (i) the name of the employer;
- (ii) the foreign government, including by the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed; and
- (iii) the nature of the services provided as part of the covered post-service employment.

(B) A certification by the Director that—

(i) each element of the intelligence community maintains adequate systems and processes for ensuring that former employees are submitting reports required under subsection (b);

(ii) to the knowledge of the heads of the elements of the intelligence community, all former employees who occupy a covered post-service position are in compliance with this section;

(iii) the services provided by former employees who occupy a covered post-service position do not—

(I) pose a current or future threat to the national security of the United States; or

(II) pose a counterintelligence risk; and

(iv) the Director and the heads of such elements are not aware of any credible information or reporting that any former employee who occupies a covered post-service position has engaged in activities that violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.

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

(f) NOTIFICATION.—In addition to the annual reports under subsection (e), if a head of an element of the intelligence community determines that the services provided by a former employee who occupies a covered post-service position pose a threat or risk described in clause (iii) of paragraph (2)(B) of such subsection, or include activities described in clause (iv) of such paragraph, the head

shall notify the congressional intelligence committees of such determination by not later than 7 days after making such determination. The notification shall include the following:

- (1) The name of the former employee.
- (2) The name of the employer.
- (3) The foreign government, including the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed.
- (4) As applicable, a description of—
 - (A) the risk to national security, the counterintelligence risk, or both; and
 - (B) the activities that may violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.

(g) **DEFINITIONS.**—In this section:

- (1) **COVERED INTELLIGENCE POSITION.**—The term “covered intelligence position” means a position within an element of the intelligence community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.
- (2) **COVERED POST-SERVICE EMPLOYMENT.**—The term “covered post-service employment” means direct or indirect employment by, representation of, or any provision of advice or services [relating to national security, intelligence, the military, or internal security to, the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country] to the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country if such employment, representation, or provision of advice or services relates to national security, intelligence, the military, or internal security.
- (3) **COVERED POST-SERVICE POSITION.**—The term “covered post-service position” means a position of employment described in paragraph (2).

- (4) **DESIGNATED PROHIBITED FOREIGN COUNTRY.**—The term “designated prohibited foreign country” means the following:

- (A) The People’s Republic of China.
- (B) The Russian Federation.
- (C) The Democratic People’s Republic of Korea.
- (D) The Islamic Republic of Iran.
- (E) The Republic of Cuba.
- (F) The Syrian Arab Republic.

- (5) **EMPLOYEE.**—The term “employee”, with respect to an employee occupying a covered intelligence position, includes an officer or official of an element of the intelligence community, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element.

- (6) **FORMER EMPLOYEE.**—The term “former employee” means an individual—

(A) who was an employee occupying a covered intelligence position; and

(B) who is subject to the requirements under subsection (a) or (b).

(7) GOVERNMENT OF A FOREIGN COUNTRY.—The term “government of a foreign country” has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).

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TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

* * * * *

FUNDING OF INTELLIGENCE ACTIVITIES

SEC. 504. (a) Appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

(1) those funds were specifically authorized by Congress for use for such intelligence or intelligence-related activities; or

(2) in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 503 of this Act concerning any significant anticipated intelligence activity, the Director of the Central Intelligence Agency has notified the appropriate congressional committees of the intent to make such funds available for such activity *and, not later than 10 days after the date of the obligation or expenditure of such funds, of the activity requiring such obligation or expenditure;* or

(3) in the case of funds specifically authorized by the Congress for a different activity—

(A) the activity to be funded is a higher priority intelligence or intelligence-related activity;

(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and

(C) the Director of National Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity;

(4) nothing in this subsection prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31, United States Code.

(b) Funds available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

(c) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government may be expended, or may be directed to be expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by subsection (a) of section 503 has been signed or otherwise issued in accordance with that subsection.

(d)(1) Except as otherwise specifically provided by law, funds available to an intelligence agency that are not appropriated funds

may be obligated or expended for an intelligence or intelligence-related activity only if those funds are used for activities reported to the appropriate congressional committees pursuant to procedures which identify—

- (A) the types of activities for which nonappropriated funds may be expended; and
- (B) the circumstances under which an activity must be reported as a significant anticipated intelligence activity before such funds can be expended.

(2) Procedures for purposes of paragraph (1) shall be jointly agreed upon by the congressional intelligence committees and, as appropriate, the Director of National Intelligence or the Secretary of Defense.

(e) As used in this section—

(1) the term “intelligence agency” means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

(2) the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate; and

(3) the term “specifically authorized by the Congress” means that—

(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

(B) although the funds were not formally requested, the Congress both specifically authorized the appropriation of the funds for the activity and appropriated the funds for the activity.

* * * * *

SEC. 517. NOTIFICATION REQUIREMENT WITH RESPECT TO FEDERAL BUREAU OF INVESTIGATION COUNTERINTELLIGENCE INVESTIGATIONS REGARDING INDIVIDUALS WHO HOLD OR ARE CANDIDATES FOR FEDERAL ELECTED OFFICE.

(a) *IN GENERAL.*—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 the Federal Bureau of Investigation shall notify congressional leadership not later than 5 days after the commencement of a counterintelligence investigation into an individual who holds an elected Federal office or an individual who is a candidate in an election for Federal office.

(b) *CONTENTS.*—A notification under subsection (a) shall include, to the extent consistent with the need to protect the integrity of ongoing counterintelligence investigations or other exceptionally sensitive national security or law enforcement matters, a summary of the relevant facts associated with the counterintelligence investigation and the identity of the person subject to such investigation.

(c) *CONGRESSIONAL LEADERSHIP DEFINED.*—In this section, the term “congressional leadership” means—
 (1) the majority leader of the Senate;
 (2) the minority leader of the Senate;
 (3) the Chair and Vice Chair of the Select Committee on Intelligence of the Senate;
 (4) the Speaker of the House of Representatives;
 (5) the minority leader of the House of Representatives; and
 (6) the Chair and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

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TITLE XI—ADDITIONAL MISCELLANEOUS PROVISIONS

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SEC. 1104. PROHIBITED PERSONNEL PRACTICES IN THE INTELLIGENCE COMMUNITY.

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” means an executive department or independent establishment, as defined under sections 101 and 104 of title 5, United States Code, that contains an intelligence community element, except the Federal Bureau of Investigation.

(2) **COVERED INTELLIGENCE COMMUNITY ELEMENT.**—The term “covered intelligence community element”—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(3) **PERSONNEL ACTION.**—The term “personnel action” means, with respect to an employee in a position in a covered intelligence community element (other than a position excepted from the competitive service due to its confidential, policy-determining, policymaking, or policy-advocating character) or a contractor employee—

(A) an appointment;

(B) a promotion;

(C) a disciplinary or corrective action;

(D) a detail, transfer, or reassignment;

(E) a demotion, suspension, or termination;

(F) a reinstatement or restoration;

(G) a performance evaluation;

(H) a decision concerning pay, benefits, or awards;

(I) a decision concerning education or training if such education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation; or

(J) any other significant change in duties, responsibilities, or working conditions.

(4) CONTRACTOR EMPLOYEE.—The term “contractor employee” means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element.

(b) AGENCY EMPLOYEES.—Any employee of a covered intelligence community element or an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee of a covered intelligence community element as a reprisal for—

(1) any lawful disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, 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 an employee designated by the head of that agency for such purpose), the appropriate inspector general of the employing agency or *covered intelligence community element*, a congressional intelligence committee, or a member of a congressional intelligence committee, which the employee reasonably believes evidences—

(A) a violation of any Federal law, rule, or regulation; or

(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(2) any lawful disclosure that complies with—

(A) subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

(B) 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

(C) subparagraphs (A), (D), and (I) of section 103H(k)(5);

or

(3) if the actions do not result in the employee 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—

(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(B) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A); or

(C) 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.

(c) CONTRACTOR EMPLOYEES.—(1) Any employee of an agency or of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element

who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action with respect to any contractor employee as a reprisal for—

(A) any lawful disclosure of information by the contractor employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, a supervisor in the contractor employee's direct chain of command, or a supervisor of the employing or contracting agency or employing contractor with responsibility for the subject matter of the disclosure, up to and including the head of the employing or contracting agency (or an employee designated by the head of that agency for that purpose) or employing contractor, the appropriate inspector general of the employing or contracting agency or *covered intelligence community element*, a congressional intelligence committee, or a member of a congressional intelligence committee, which the contractor employee reasonably believes evidences—

- (i) a violation of any Federal law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); 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 that complies with—

- (i) subsections (a)(1), (d), and (g) 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);

or

(C) if the actions do not result in the contractor employee 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) A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an agency official, unless the request takes the form of a nondiscretionary directive and is within the authority of the agency official making the request.

(d) RULE OF CONSTRUCTION.—Consistent with the protection of intelligence sources and methods, nothing in subsection (b) or (c) shall be construed to authorize—

- (1) the withholding of information from Congress; or
- (2) the taking of any personnel action against an employee who lawfully discloses information to Congress.

(e) DISCLOSURES.—A disclosure shall not be excluded from this section because—

- (1) the disclosure was made to an individual, including a supervisor, who participated in an activity that the employee reasonably believed to be covered under subsection (b)(1)(B) or the contractor employee reasonably believed to be covered under subsection (c)(1)(A)(ii);
- (2) the disclosure revealed information that had been previously disclosed;
- (3) the disclosure was not made in writing;
- (4) the disclosure was made while the employee was off duty;
- (5) of the amount of time which has passed since the occurrence of the events described in the disclosure; or
- (6) the disclosure was made during the normal course of duties of an employee or contractor employee.

(f) ENFORCEMENT.—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.

(g) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

- (1) preempt or preclude any employee, contractor employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights provided under any other law, rule, or regulation, including section 2303 of title 5, United States Code; or
- (2) repeal section 2303 of title 5, United States Code.

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CENTRAL INTELLIGENCE AGENCY ACT OF 1949

* * * * *

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 Perma-

ment 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 Inspector 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 act-

ing 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 CONCERN.—(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 intel-

ligence 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 *in writing* 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~~ *The Inspector General shall determine [whether the complaint or information] whether a complaint or information under subparagraph (A) 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) The Inspector General shall comply with clause (i) with respect to a complaint or information under subparagraph (A) not later than the end of the 14-calendar-day period beginning on the date on which the employee who reported the complaint or information confirms to the Inspector General that the employee reported the complaint or information to the Inspector General with the intent to report to Congress the complaint or information.

~~[(ii)]~~ (iii) If the Director determines that a complaint or information transmitted under ~~[(1)]~~ subparagraph (A) 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 informa-

tion 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.

(I) In this paragraph, the term “employee” includes a former employee or former contractor, if the complaint or information reported under subparagraph (A) arises from or relates to the period during which the former employee or former contractor was an employee or contractor, as the case may be.

(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】** (A) *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)] (i) *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)] (ii) *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.*

(B)(i) *An individual may disclose classified information to the Inspector General in accordance with the applicable security standards and procedures established under section 102A or 803 of the National Security Act of 1947 (50 U.S.C. 3024, 3162a), chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.), Executive Order 13526 (50 U.S.C. 3161 note; relating to Classified National Security Information), or any applicable provision of law.*

(ii) *A disclosure under clause (i) of classified information by an individual without appropriate clearance or authority to access such classified information at the time of the disclosure shall be treated as an authorized disclosure that does not violate a covered provision if the disclosure—*

(I) does not include the access, handling, retention, or storage of such classified information; and

(II) is otherwise made in accordance with the applicable security standards and procedures for such classified information,

(iii) In this subparagraph, the term "covered provision" means—

- (I) any otherwise applicable nondisclosure agreement;
- (II) any otherwise applicable regulation or order issued under the authority of chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 *et seq.*) or Executive Order 13526;
- (III) section 798 of title 18, United States Code; or
- (IV) any other provision of law with respect to the unauthorized disclosure of national security information.

(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 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 restriction 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.

SEC. 32. SPECIAL VICTIM INVESTIGATOR.

(a) ESTABLISHMENT.—The Director shall establish in the Office of Security a Special Victim Investigator, who shall be authorized to investigate or facilitate the investigation of unrestricted reports containing allegations of sexual assault and sexual harassment. The person appointed as the Special Victim Investigator shall be an appropriately credentialed Federal law enforcement officer and may be detailed or assigned from a Federal law enforcement entity. *No individual appointed as the Special Victim Investigator may, at the time of such appointment, be a current employee of the Central Intelligence Agency.*

(b) RESPONSIBILITIES.—The Investigator shall—

(1) at the election of a victim (as defined in section 31(k)), be authorized to conduct internal Agency inquiries, investigations, and other fact-finding activities related to allegations of sexual harassment, which may be separate and in addition to any inquiry or investigation conducted by the Office of Equal Employment Opportunity;

(2) conduct and manage internal Agency inquiries, investigations, and other fact-finding activities related to specific allegations of sexual assault;

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

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

(5) facilitate engagement with other law enforcement relating to such allegations, where appropriate, including coordinating on the matter and any related matters 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, the Department of State's Diplomatic Security Service, or other Federal, State, local, or Tribal law enforcement authorities, for any such inquiries, investigations, or other fact-finding activities;

(6) develop and implement policies and procedures necessary for the Special Victim Investigator or any law enforcement partner to conduct effective investigations and also protect sensitive information;

(7) serve as the primary internal investigative body in the Agency for allegations of sexual assault, except that, in the case of an allegation of a sexual assault involving an employee of the Office of Security, the Special Victim Investigator shall coordinate with the Inspector General or appropriate criminal investigators employed by a Federal, State, local, or Tribal law enforcement entity, as necessary, to maintain the integrity of the investigation and mitigate potential conflicts of interest;

(8) establish and coordinate 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 Sexual Harassment/Assault Response and Prevention Office, including providing a copy of materials related to investigations with such redactions as

deemed necessary, to facilitate the support and advocacy of such Office for victims of alleged sexual assault or sexual harassment.

(c) TIMEFRAME FOR INVESTIGATIONS.—The Special Victim Investigator shall—

(1) ensure that any Special Victim Investigator investigation into an allegation of a sexual assault or sexual harassment contained in an unrestricted report submitted under section 31 is completed by not later than 60 days after the date on which the report is referred to the Special Victim Investigator; and

(2) if the Special Victim 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 Special Victim Investigator, 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.

TITLE 5, UNITED STATES CODE

PART I—THE AGENCIES GENERALLY

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CHAPTER 4—INSPECTORS GENERAL

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§ 416. Additional provisions with respect to Inspectors General of the intelligence community

(a) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMITTEES.—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.

(2) URGENT CONCERN.—The term “urgent concern” means any of the following:

(A) 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 involving classified information, but does not include differences of opinions concerning public policy matters.

(B) 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.

(C) An action, including a personnel action described in section 2302(a)(2)(A) of this title constituting reprisal or threat of reprisal prohibited under section 407(c) of this

title in response to an employee's reporting an urgent concern in accordance with this section.

(3) *EMPLOYEE.*—The term “employee” includes a former employee or former contractor, if the complaint or information reported pursuant to this section arises from or relates to the period during which the former employee or former contractor was an employee or contractor, as the case may be.

(b) COMPLAINT OR INFORMATION WITH RESPECT TO URGENT CONCERN.—

(1) TO WHOM REPORTS MAY BE MADE.—

(A) INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.—An employee of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, or the National Security Agency, or of a contractor of any of those Agencies, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information *in writing* to the Inspector General of the Department of Defense (or designee).

(B) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community, 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 of the Intelligence Community.

(C) INSPECTOR GENERAL OF DEPARTMENT OF JUSTICE.—An employee of the Federal Bureau of Investigation, or of a contractor of the Bureau, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information *in writing* to the Inspector General of the Department of Justice (or designee).

(D) OTHER APPROPRIATE INSPECTOR GENERAL.—Any other employee of, or contractor to, an executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of this title, to have as its principal function the conduct of foreign intelligence or counterintelligence activities, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information *in writing* to the appropriate Inspector General (or designee) under this chapter, section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517), or section 103H(k) of the National Security Act of 1947 (50 U.S.C. 3033(k)).

(2) DESIGNEE TO REPORT COMPLAINT OR INFORMATION TO INSPECTOR GENERAL WITHIN 7 DAYS.—If a designee of an Inspector General under this section receives a complaint or information of an employee with respect to an urgent concern, that designee shall report the complaint or information to the Inspector General within 7 calendar days of receipt.

(3) DESIGNEES OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.—The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the Na-

tional Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.

(c) INITIAL DETERMINATIONS AND TRANSMITTALS.—

(1) CREDIBILITY.—~~Not later than the end of the 14-calendar day period beginning on the date of receipt of an employee complaint or information under subsection (b), the~~ *The Inspector General shall determine [whether the complaint or information] whether a complaint or information reported under subsection (b) appears credible. Upon making such a determination, the Inspector General shall transmit to the head of the establishment notice of that determination, together with the complaint or information.*

(2) DEADLINE FOR COMPLIANCE.—*The Inspector General shall comply with paragraph (1) with respect to a complaint or information reported under subsection (b) not later than the end of the 14-calendar-day period beginning on the date on which the employee who reported the complaint or information confirms to the Inspector General that the employee reported the complaint or information to the Inspector General with the intent to report to Congress the complaint or information.*

~~[(2)]~~ (3) CONFLICT OF INTEREST.—If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment 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 and, if the establishment is within the Department of Defense, to the Secretary of Defense. In such a case, the requirements of this section for the head of the establishment apply to each recipient of the Inspector General's transmission.

(d) FORWARDING TRANSMITTALS.—Upon receipt of a transmittal from the Inspector General under subsection (c), the head of the establishment shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the head of the establishment considers appropriate.

(e) SUBMITTING COMPLAINT OR INFORMATION TO CONGRESS.—

(1) IN GENERAL.—If the Inspector General does not find credible under subsection (c) a complaint or information submitted to the Inspector General under subsection (b), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (c), the employee (subject to paragraph (2)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(2) LIMITATION.—The employee may contact the intelligence committees directly as described in paragraph (1) only if the employee—

(A) before making such a contact, furnishes to the head of the establishment, 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

(B) obtains and follows from the head of the establishment, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(3) INTELLIGENCE COMMITTEE RECEIPT OF COMPLAINT OR INFORMATION.—A member or employee of one of the intelligence committees who receives a complaint or information under paragraph (1) does so in that member or employee's official capacity as a member or employee of that committee.

(f) NOTIFICATION.—The Inspector General shall notify an employee who reports a complaint or information under this section of each action taken under this section with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(g) NO JUDICIAL REVIEW.—An action taken by the head of an establishment or an Inspector General under subsections (b) through (f) shall not be subject to judicial review.

(h) NOTICE OF SUBMISSION AND DATE.—An individual who has submitted a complaint or information to an 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 that particular Inspector General, and of the date on which such submission was made.

(i) *PROTECTION FOR INDIVIDUALS MAKING AUTHORIZED DISCLOSURES.*—

(1) *IN GENERAL.*—An individual may disclose classified information to an Inspector General of an element of the intelligence community in accordance with the applicable security standards and procedures established under section 102A or 803 of the National Security Act of 1947 (50 U.S.C. 3024, 3162a), chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.), Executive Order 13526 (50 U.S.C. 3161 note; relating to Classified National Security Information), or any applicable provision of law.

(2) *DISCLOSURE WITHOUT CLEARANCE OR AUTHORITY.*—A disclosure under paragraph (1) of classified information by an individual without appropriate clearance or authority to access such classified information at the time of the disclosure shall be treated as an authorized disclosure that does not violate a covered provision if the disclosure—

(A) does not include the access, handling, retention, or storage of such classified information; and

(B) is otherwise made in accordance with the applicable security standards and procedures for such classified information.

(3) *DEFINITION OF COVERED PROVISION.*—In this subsection, the term “covered provision” means—

(A) any otherwise applicable nondisclosure agreement;

(B) any otherwise applicable regulation or order issued under the authority of chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) or Executive Order 13526;

(C) section 798 of title 18; or

(D) any other provision of law with respect to the unauthorized disclosure of national security information.

(4) DEFINITION.—In this subsection, 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).

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DEPARTMENT OF ENERGY ORGANIZATION ACT

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TITLE II—ESTABLISHMENT OF THE DEPARTMENT

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OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE

SEC. 215. (a) DEFINITIONS.—In this section, the terms “intelligence community” and “National Intelligence Program” have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(b) IN GENERAL.—There is in the Department an Office of Intelligence and Counterintelligence. Such office shall be under the National Intelligence Program.

(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Intelligence and Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

(2) The Secretary shall select an individual to serve as the Director from among individuals who have substantial expertise in matters relating to the intelligence community, including foreign intelligence and counterintelligence.

(d) DUTIES.—(1) Subject to the authority, direction, and control of the Secretary, the Director shall perform such duties and exercise such powers as the Secretary may prescribe.

(2) The Director shall be responsible for establishing policy for intelligence and counterintelligence programs and activities at the Department.

(3) *The Director shall develop and implement—*

(A) a delineated and standardized training plan with respect to counterintelligence to train all personnel in the Department; and

(B) a separate delineated and standardized training plan with respect to counterintelligence to train officers in the Office who have counterintelligence responsibilities.

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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TITLE X—GENERAL PROVISIONS

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Subtitle E—Miscellaneous Authorities and Limitations

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SEC. 1057. EXPENDITURE OF FUNDS FOR DEPARTMENT OF DEFENSE INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of Defense may expend amounts made available for the Military Intelligence Program for any of fiscal years 2020 through [2025] 2030 for intelligence and counterintelligence activities for any purpose the Secretary determines to be proper with regard to intelligence and counterintelligence objects of a confidential, extraordinary, or emergency nature. Such a determination is final and conclusive upon the accounting officers of the United States.

(b) LIMITATION ON AMOUNT.—The Secretary of Defense may not expend more than five percent of the amounts described in subsection (a) for any fiscal year for objects described in that subsection unless—

(1) the Secretary notifies the congressional defense committees and the congressional intelligence committees of the intent to expend the amounts and purpose of the expenditure; and

(2) 30 days have elapsed from the date on which the Secretary provides the notice described in paragraph (1).

(c) CERTIFICATION.—For each expenditure of funds under this section, the Secretary shall certify that such expenditure was made for an object of a confidential, extraordinary, or emergency nature.

(d) REPORT.—Not later than December 31 of each of 2020 through [2025] 2030, the Secretary of Defense shall submit to the congressional defense committees and the congressional intelligence committees a report on expenditures made under this section during the fiscal year preceding the year in which the report is submitted. Each such report shall include, for each expenditure under this section during the fiscal year covered by the report, a description, the purpose, the program element, and the certification required under section (c).

(e) LIMITATION ON DELEGATIONS.—The Secretary of Defense may not delegate the authority under this section with respect to any expenditure in excess of [\$100,000] \$125,000.

(f) 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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TITLE XVII—REPORTS AND OTHER MATTERS

Subtitle A—Studies and Reports

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SEC. 1723. ANNUAL REPORT ON STRIKES UNDERTAKEN BY THE UNITED STATES AGAINST TERRORIST TARGETS OUTSIDE AREAS OF ACTIVE HOSTILITIES.

(a) ANNUAL REPORT.—Not later than [May 1 2020] December 31, 2024, and annually thereafter until [2022] December 31, 2027, the Director of National Intelligence and the Secretary of Defense shall jointly submit to Congress a report on the number of strikes undertaken by the United States against terrorist targets outside areas of active hostilities during the preceding calendar year, as well as assessments of combatant and non-combatant deaths resulting from those strikes.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include—

(1) information obtained from relevant agencies regarding the general sources of information and methodology used to conduct the assessments of combatant and non-combatant deaths;

(2) to the extent feasible and appropriate, the general reasons for discrepancies between post-strike assessments from the United States and credible reporting from nongovernmental organizations regarding non-combatant deaths resulting from strikes undertaken by the United States against terrorist targets outside areas of active hostilities.

(c) REVIEW OF POST-STRIKE REPORTING.—In preparing a report under this section, the Director and the Secretary shall, to the maximum extent practicable, review relevant and credible post-strike all-source reporting, including such information from non-governmental sources, for the purpose of ensuring that this reporting is available to and considered by relevant agencies in their assessment of deaths.

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

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DIVISION E—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018, 2019, AND 2020

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SUBDIVISION 1

TITLE LV—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle C—Matters Relating to Other Countries

[SEC. 5522. ASSESSMENTS REGARDING THE NORTHERN TRIANGLE AND MEXICO.]

[(a) ASSESSMENT.]

[(1) REPORT.] Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis, the Assistant Secretary of State for Intelligence and Research, the Chief of Intelligence of the Drug Enforcement Administration, and other appropriate officials in the intelligence community, shall submit to the appropriate congressional committees a report containing a comprehensive assessment of drug trafficking, human trafficking, and human smuggling activities in the Northern Triangle and Mexico.

[(2) MATTERS INCLUDED.] The report under paragraph (1) shall include, at a minimum, the following:

[(A)] An assessment of the effect of drug trafficking, human trafficking, and human smuggling on the security and economic situation in the Northern Triangle.

[(B)] An assessment of the effect of the activities of drug trafficking organizations on the migration of persons from the Northern Triangle to the United States-Mexico border.

[(C)] A summary of any relevant activities by elements of the intelligence community in relation to drug trafficking, human trafficking, and human smuggling in the Northern Triangle and Mexico.

[(D)] An assessment of methods and routes used by drug trafficking organizations, human traffickers, and human smugglers to move drugs, persons, or both from the Northern Triangle and Mexico to the United States.

[(E)] An assessment of the intersection between the activities of drug trafficking organizations, human traffickers and human smugglers, and other organized criminal groups in the Northern Triangle and Mexico.

[(F)] An assessment of the illicit funds and financial transactions that support the activities of drug trafficking organizations, human traffickers, and human smugglers, and connected criminal enterprises, in the Northern Triangle and Mexico.

[(G) A comprehensive review of the current collection priorities of the intelligence community for the Northern Triangle and Mexico, as of the date of the enactment of this Act, in order to identify whether such priorities are appropriate and sufficient in light of the threat posed by the activities of drug trafficking organizations and human traffickers and human smugglers to the security of the United States and the Western Hemisphere.

[(3) FORM.—The report required by paragraph (1) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

[(4) AVAILABILITY.—The report under paragraph (1), or the unclassified summary of the report described in paragraph (3), shall be made publicly available.

[(b) BRIEFINGS.—

[(1) SEMIANNUAL REQUIREMENT.—Not later than 90 days after the date on which the report under subsection (a) is submitted, and every 180 days thereafter for a 5-year period, the Director of National Intelligence shall provide to the congressional intelligence committees a briefing on the intelligence community's collection priorities and activities in the Northern Triangle and Mexico with a focus on the threat posed by the activities of drug trafficking organizations and human traffickers and human smugglers to the security of the United States and the Western Hemisphere.

[(2) MATTERS INCLUDED.—Each briefing under paragraph (1) shall include a description of the funds expended by the intelligence community on the efforts described in such paragraph during the preceding fiscal year, except the first such briefing shall cover fiscal years 2018 and 2019.

[(c) DEFINITIONS.—In this section:

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

[(A) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives; and

[(B) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

[(2) HUMAN TRAFFICKING.—The term “human trafficking” has the meaning given the term “severe forms of trafficking in persons” by section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).

[(3) NORTHERN TRIANGLE.—The term “Northern Triangle” means El Salvador, Guatemala, and Honduras.]

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TITLE 10, UNITED STATES CODE

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 I—GENERAL MATTERS

Sec.

421. Funds for foreign cryptologic support.

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430c. *Senior Intelligence Oversight Official*.

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§ 430c. Senior Intelligence Oversight Official

(a) *ESTABLISHMENT.*—The Secretary of Defense, or a designee of the Secretary determined by regulations prescribed by the Secretary, shall designate a civilian employee of the Department of Defense in the Senior Executive Service to serve as the Senior Intelligence Oversight Official.

(b) *RESPONSIBILITIES.*—The Senior Intelligence Oversight Official shall exercise independent oversight of all intelligence, intelligence-related, and sensitive activities of the Department of Defense, including activities involving—

- (1) tradecraft;
- (2) the operational use of an individual; or
- (3) clandestine operational tactics, techniques, and procedures.

(c) *ACCESS.*—The Senior Intelligence Oversight Official shall have—

- (1) complete and unrestricted access to all information concerning any intelligence, intelligence-related, or sensitive activity of the Department of Defense regardless of classification or compartmentalization, including special access programs, from any personnel or organizational entity of the Department of Defense, to the extent necessary to carry out the responsibilities and functions of the Senior Intelligence Oversight Official; and
- (2) direct access to the Secretary of Defense and the Deputy Secretary of Defense, as circumstances require in the determination of the Senior Intelligence Oversight Official.

(d) *REVIEW OF REGULATIONS.*—The Secretary of Defense shall review and update Department of Defense Directive 5148.13, and any associated or successor regulation or directive, to conform to this section.

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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, 2024]** December 31, 2027.

(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]

(1) be pre-coordinated with the Director of the Central Intelligence Agency using procedures mutually agreed upon by the Secretary of Defense and the Director, and, where appropriate, be supported by the Director; 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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SUBTITLE B—ARMY

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PART II—PERSONNEL

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CHAPTER 747—CIVILIAN EMPLOYEES

Sec.

7371. Army War College and United States Army Command and General Staff College: civilian faculty members.

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【7377. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.】
 7377. *Civilian special agents of the Criminal Investigation Command and Army Counterintelligence Command: authority to execute warrants and make arrests.*

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§ 7377. Civilian special agents of the Criminal Investigation Command and Army Counterintelligence Command: authority to execute warrants and make arrests

(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

【(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.】

(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is—

(1) a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army; or

(2) a special agent of the Army Counterintelligence Command (or a successor to that command) whose duties include conducting, supervising, or coordinating counterintelligence investigations in programs and operations of the Department of the Army.

(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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TITLE X—GENERAL PROVISIONS

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Subtitle E—Miscellaneous Authorities and Limitations

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SEC. 1055. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

- (1) is consistent with the mission and functions of the Department of Defense;
- (2) does—
 - (A) not significantly interfere with the mission or functions of the Department; or
 - (B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States; and
- (3) has been requested by the head of a non-Department of Defense Federal department or agency who has certified to the Secretary that the department or agency has reasonably attempted to use capabilities and resources internal to the department or agency.

(b) NOTICE REQUIRED.—

(1) IN GENERAL.—Except as provided in [paragraph (3)] *paragraphs (3) and (4)*, before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees, and, when the part of the Department of Defense providing the sensitive support is a member of the intelligence community, the congressional intelligence committees of the Secretary's intent to provide such support.

(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

- (A) A description of the support to be provided.
- (B) A description of how the support is consistent with the mission and functions of the Department.
- (C) A description of the required duration of the support.
- (D) A description of the initial costs for the support.
- (E) A description of how the support—
 - (i) does not significantly interfere with the mission or functions of the Department; or
 - (ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

(3) ROUTINE DEFENSE SENSITIVE SUPPORT.—*In the event that the provision of defense sensitive support is routine defense sensitive support, the Secretary shall provide notification under paragraph (1) on a quarterly basis after providing the support.*

[(3)] (4) TIME SENSITIVE SUPPORT AND EXTRAORDINARY SECURITY PROTECTIONS.—In the event that the provision of defense sensitive support is time-sensitive or requires extraordinary security protections, the Secretary shall—

(A) [may] provide notification under paragraph (1) after providing the support or after the activity supported concludes; [and] or

(B) [shall] provide such [notice as soon as practicable after providing such support, but not later than 48 hours after providing the support] notification simultaneously with the execution of the supported activity.

[(4)] (5) REVERSE DEFENSE SENSITIVE SUPPORT REQUEST.—The Secretary shall notify the congressional defense committees (and the congressional intelligence committees with respect to matters relating to members of the intelligence community) of requests made by the Secretary to a non-Department of Defense Federal department or agency for support that requires special protection from disclosure in the same manner and containing the same information as the Secretary notifies such committees of defense sensitive support requests under [paragraphs (1) and (3)] paragraphs (1), (3), and (4).

[(5)] (6) SUSTAINMENT COSTS.—If the Secretary determines that sustainment costs will be incurred as a result of the provision of defense sensitive support, the Secretary, not later than 15 days after the initial provision of such support, shall certify to the congressional defense committees (and the congressional intelligence committees with respect to matters relating to members of the intelligence community) that such sustainment costs will not interfere with the ability of the Department to execute operations, accomplish mission objectives, and maintain readiness.

(c) **[(DEFENSE SENSITIVE SUPPORT DEFINED)] DEFINITIONS.**—In this section, the term “defense sensitive support” means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.]:

(1) *The term “defense sensitive support” means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.*

(2) *The term “routine defense sensitive support” has the meaning given such term elsewhere in the Intelligence Authorization Act for Fiscal Year 2025.*

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SECTION 7702 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024

SEC. 7702. TIMELINESS STANDARD FOR RENDERING DETERMINATIONS OF TRUST FOR PERSONNEL VETTING.

(a) TIMELINESS STANDARD.—

(1) **IN GENERAL.**—The President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent, establish and publish in such public venue as

the President considers appropriate, new timeliness performance standards for processing personnel vetting trust determinations in accordance with the Federal personnel vetting performance management standards.

(2) QUINQUENNIAL REVIEWS.—Not less frequently than once every 5 years, the President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent—

(A) review the standards established pursuant to paragraph (1); and

(B) pursuant to such review—

(i) update such standards as the President considers appropriate; and

(ii) publish in the Federal Register such updates as may be made pursuant to clause (i).

(3) CONFORMING AMENDMENT.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by striking subsection (g).

(b) QUARTERLY REPORTS ON IMPLEMENTATION.—

(1) IN GENERAL.—Not less frequently than quarterly, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly make available to the public a quarterly report on the compliance of Executive agencies (as defined in section 105 of title 5, United States Code) with the standards established pursuant to subsection (a).

(2) DISAGGREGATION.—Each report made available pursuant to paragraph (1) shall disaggregate, to the greatest extent practicable, data by appropriate category of personnel risk and between Government and contractor personnel.

(c) COMPLEMENTARY STANDARDS FOR INTELLIGENCE COMMUNITY.—The Director of National Intelligence may, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information) establish for the intelligence community standards complementary to those established pursuant to subsection (a).

(d) DATA WITH RESPECT TO TIMELINESS OF SECURITY CLEARANCE DETERMINATIONS.—

(1) *IN GENERAL.*—With respect to each report on compliance with timeliness standards for rendering determinations of trust for personnel vetting prepared pursuant to subsection (b), the Director of National Intelligence shall make available to the congressional intelligence committees as soon as practicable the raw data with respect to the timeliness of security clearance determinations used to prepare each such report in machine-readable format for each element of the intelligence community that collects such data.

(2) *FORM AND CLASSIFICATION JUSTIFICATION.*—The data provided to the congressional intelligence committees under paragraph (1) shall be submitted in unclassified form to the greatest extent possible and shall contain a justification for the classification of any such data provided, which shall include cita-

tions to the applicable classification guide which explain the reason any such data is classified.

(e) DATA WITH RESPECT TO TIMELINESS OF POLYGRAPH EXAMINATIONS.—

(1) IN GENERAL.—With respect to each report on compliance with timeliness standards for rendering determinations of trust for personnel vetting prepared pursuant to subsection (b), the Director of National Intelligence shall make available to the congressional intelligence committees as soon as practicable the raw data with respect to the timeliness of polygraph examinations used to prepare each such report in machine-readable format for each element of the intelligence community that collects such data.

(2) FORM AND CLASSIFICATION JUSTIFICATION.—The data provided to the congressional intelligence committees under paragraph (1) shall be submitted in unclassified form to the greatest extent possible and shall contain a justification for the classification of any such data provided, which shall include citations to the applicable classification guide which explain the reason any such data is classified.

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COMMITTEE CORRESPONDENCE

The following letter exchange will be inserted into this report:

1. June 17, 2024 letter from The Honorable Sam Graves, Chair, House Committee on Transportation and Infrastructure.
2. June 20, 2024 letter from The Honorable Mike Turner, Chair, House Permanent Select Committee on Intelligence.

COMMITTEE CORRESPONDENCE



Committee on Transportation and Infrastructure
 U.S. House of Representatives
 Washington, DC 20515

Sam Graves
 Chairman

Rick Larsen
 Ranking Member

Jack Ruddy, Staff Director

Katherine W. Dedeck, Democratic Staff Director

June 17, 2024

The Honorable Michael Turner
 Chairman
 House Permanent Select Committee on Intelligence
 HVC-304, The Capitol
 Washington, DC 20515

Dear Chairman Turner:

I am writing to you concerning H.R. 8512, the *Intelligence Authorization Act for Fiscal Year 2025*. The bill was referred primarily to the Permanent Select Committee on Intelligence. There is a certain provision in the legislation that falls within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, agree to waive the Committee on Transportation and Infrastructure's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Transportation and Infrastructure does not waive any future jurisdictional claim over the subject matters contained in the bill that fall within its Rule X jurisdiction, and that the Committee will be appropriately consulted and involved on this or similar legislation as it moves forward. Further, this does not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees and should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Finally, I would ask that a copy of this letter and your response acknowledging our jurisdiction interest in the bill be included in the Committee Report on H.R. 8512 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 between our Committees.

Sincerely,



Sam Graves
Chairman
Committee on Transportation
and Infrastructure

cc: The Honorable Rick Larsen
Ranking Member, Committee on Transportation and Infrastructure

The Honorable James A. Himes
Ranking Member, Permanent Select Committee on Intelligence

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ONE HUNDRED EIGHTEENTH CONGRESS
JAMES A. HIMES, CONNECTICUT
RANKING MEMBER



U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

June 20, 2024

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
Washington, DC 20515

Dear Chairman Graves,

Thank you for your letter dated June 17, 2024, regarding H.R. 8512, the Intelligence Authorization Act for Fiscal Year 2025. I agree that the Committee on Transportation and Infrastructure 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 Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

Michael R. Turner
Chairman
Permanent Select Committee on Intelligence

cc: The Honorable Rick Larsen
Ranking Member, Committee on Transportation and Infrastructure

The Honorable James A. Himes
Ranking Member, Permanent Select Committee
on Intelligence

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