

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
2026

NOVEMBER 28, 2025.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5167]

The Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 5167) to authorize appropriations for fiscal year 2026 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 2026”.

(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—COUNTERINTELLIGENCE REFORM

Sec. 301. Short title.

Sec. 302. Establishment, functions, and authorities of the National Counterintelligence Center.

Sec. 303. Transition provisions.

Sec. 304. Conforming amendments.

TITLE IV—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 401. Restriction on conduct of intelligence activities.

- Sec. 402. Increase in employee compensation and benefits authorized by law.
- Sec. 403. Intelligence acquisition enhancement.
- Sec. 404. Senior officials for biotechnology.
- Sec. 405. Prohibition on use of DeepSeek on intelligence community systems.
- Sec. 406. Knowledge management system for international cartels and other transnational criminal organizations.
- Sec. 407. Notice of impact of diplomatic and consular post closings on intelligence activities.
- Sec. 408. Harmonizing policies on the use of classified data in training or refining artificial intelligence models.
- Sec. 409. Accelerating review of artificial intelligence capabilities for deployment.
- Sec. 410. Enhancing intelligence community technology adoption metrics.
- Sec. 411. AI security playbook.

TITLE V—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Central Intelligence Agency

- Sec. 501. Guidance on novel and significant expenditures for purposes of notification under the Central Intelligence Agency Act of 1949.
- Sec. 502. Improvements to security of Central Intelligence Agency installations.

Subtitle B—Elements of Department of Defense

- Sec. 511. Requirement to avoid duplication in purchase of commercially available information for defense intelligence components.
- Sec. 512. Oversight and deconfliction of vendor support to clandestine activities.
- Sec. 513. Disestablishment of advisory boards for National Geospatial-Intelligence Agency and National Reconnaissance Office.
- Sec. 514. Expansion of commercial imagery and data procurement.

Subtitle C—Other Elements

- Sec. 521. Notice of counterintelligence assessments and investigations by the Federal Bureau of Investigation of candidates for or holders of Federal office.
- Sec. 522. Requirement for Department of Energy Employees to report travel to countries of risk.

TITLE VI—OPEN-SOURCE INTELLIGENCE MATTERS

- Sec. 601. Definitions.
- Sec. 602. Efficient use of open-source intelligence.
- Sec. 603. Oversight of acquisition of commercially available information.
- Sec. 604. Budget matters relating to open-source intelligence activities.
- Sec. 605. Budget materials for open-source information, publicly available information, and commercially available information.
- Sec. 606. Standardization of training on collection of publicly available information and commercially available information.
- Sec. 607. Requirement to purge incidentally collected publicly available information or commercially available information relating to United States persons.
- Sec. 608. Update to intelligence community directives relating to open-source intelligence.
- Sec. 609. Audits of expenditures for publicly available information and commercially available information.
- Sec. 610. Quarterly briefings on procurement of commercially available information.
- Sec. 611. Study on engagement with other agencies with respect to open-source intelligence requirements.

TITLE VII—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

- Sec. 701. Unclassified appraisals of employees of the Defense Intelligence Agency.
- Sec. 702. Prohibition on requiring political or ideological activism within the intelligence community.
- Sec. 703. Merit-based personnel decisions.
- Sec. 704. Equal treatment in recruitment and training of intelligence community personnel.
- Sec. 705. Treatment of certain Agency service as active-duty service for purposes of benefits administered by Secretary of Veterans Affairs.

TITLE VIII—MATTERS RELATING TO FOREIGN COUNTRIES

- Sec. 801. Net assessments of the People's Republic of China.
- Sec. 802. National Intelligence Management Council mission manager for the People's Republic of China.
- Sec. 803. National Intelligence Estimate of advancements in biotechnology by the People's Republic of China.
- Sec. 804. Extension of intelligence community coordinator for Russian atrocities accountability.
- Sec. 805. Study on collection and analysis by intelligence community of foreign atrocities.
- Sec. 806. Intelligence support for Ukraine.

TITLE IX—REPORTS AND OTHER MATTERS

- Sec. 901. Modifications to access to restricted data under the Atomic Energy Act of 1954.
- Sec. 902. Revisions to congressional notification of intelligence collection adjustments.
- Sec. 903. Annual submission of Intelligence Community Drug Control Program Budget proposal.
- Sec. 904. Repeal of annual report on financial intelligence on terrorist assets.
- Sec. 905. Repeal of outdated or unnecessary reporting requirements.
- Sec. 906. Notification of material changes to policies or procedures governing terrorist watchlist and transnational organized crime watchlist.
- Sec. 907. Annual report on United States persons on the terrorist watch list.
- Sec. 908. Plan on use of proposed web of biological data.

(c) AUTOMATIC EXECUTION OF CLERICAL CHANGES.—Except as otherwise expressly provided, when an amendment made by this Act amends an Act to add a section or larger organizational unit to that Act, repeals or transfers a section or larger organizational unit in that Act, or amends the designation or heading of a section or larger organizational unit in that Act, that amendment also shall have the effect of amending any table of contents of that Act to alter the table to conform to the changes made by the amendment.

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 2026 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 2026 the sum of \$674,500,000.

(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 2026 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 2026.

TITLE III—COUNTERINTELLIGENCE REFORM

SEC. 301. SHORT TITLE.

This title may be cited as the “Strategic Enhancement of Counterintelligence and Unifying Reform Efforts Act” or the “SECURE Act”.

SEC. 302. ESTABLISHMENT, FUNCTIONS, AND AUTHORITIES OF THE NATIONAL COUNTERINTELLIGENCE CENTER.

(a) CLARIFICATION OF DEFINITION OF COUNTERINTELLIGENCE.—Section 3(3) of the National Security Act of 1947 (50 U.S.C. 3003(3)) is amended by inserting “deter, disrupt, investigate, exploit, or” before “protect against”.

(b) ESTABLISHMENT OF NATIONAL COUNTERINTELLIGENCE CENTER.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by inserting after title III the following new title:

“TITLE IV—NATIONAL COUNTERINTELLIGENCE CENTER

“Subtitle A—Organization

“SEC. 401. ESTABLISHMENT; DIRECTOR.

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

“(b) DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE CENTER.—

“(1) APPOINTMENT.—There is a Director of the National Counterintelligence Center, who shall be the head of the National Counterintelligence Center and who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) PRINCIPAL ADVISOR FOR COUNTERINTELLIGENCE.—The Director of the National Counterintelligence Center shall serve as the principal advisor to the President and the Director of National Intelligence with respect to counterintelligence matters.

“(3) REPORTING.—The Director of the National Counterintelligence Center shall report to the Director of National Intelligence.

“SEC. 402. PERSONNEL.

“Subject to the authority, direction, and control of the Director of National Intelligence, the Director of the National Counterintelligence Center may exercise the authorities of the Director of National Intelligence under subsections (l) and (m) of section 102A with respect to personnel of the National Counterintelligence Center.

“SEC. 403. NATIONAL COUNTERINTELLIGENCE TASK FORCE.

“(a) ESTABLISHMENT.—The Director of the National Counterintelligence Center shall establish a task force to be known as the ‘National Counterintelligence Task Force’ (in this section referred to as the ‘Task Force’).

“(b) MEMBERSHIP.—The Task Force shall be composed of the following:

“(1) The Director of the National Counterintelligence Center, who shall serve as chair of the Task Force.

“(2) A designee of the head of each element of the intelligence community.

“(3) A designee of any other department or agency of the Federal Government that the Director of the National Counterintelligence Center and the head of such department or agency considers appropriate.

“(4) Such other persons as the Director of the National Counterintelligence Center considers appropriate.

“(c) DUTIES.—The Task Force shall carry out such duties as are assigned to the Task Force by the Director.

“Subtitle B—Mission, Duties, and Authorities

“SEC. 411. MISSION.

“The mission of the National Counterintelligence Center shall be to direct, coordinate, and carry out counterintelligence activities.

“SEC. 412. DUTIES.

“(a) IN GENERAL.—The Director of the National Counterintelligence Center shall lead and direct all efforts of the Federal Government with respect to—

“(1) countering, denying, disrupting, and degrading intelligence operations by foreign entities;

“(2) deceiving, exploiting, and shaping the intelligence gathering plans, intentions, operations, and perceived effectiveness of foreign entities;

“(3) coordinating, deconflicting, authorizing, and directing the execution of counterintelligence activities by the intelligence community;

“(4) strategic operational planning for counterintelligence activities;

“(5) countering foreign influence operations;

“(6) countering foreign denial and deception activities;

“(7) assessing foreign intelligence capabilities and addressing counterintelligence collection gaps and strategic threats;

- “(8) mitigating counterintelligence risks and vulnerabilities;
- “(9) analyzing and producing counterintelligence products;
- “(10) evaluating technical counterintelligence capabilities and resources;
- “(11) evaluating and establishing interagency processes and methods to resolve counterintelligence anomalies;
- “(12) assessing integration shortfalls and leading efforts to maximize the integration of data and expertise to address foreign intelligence threats and improve counterintelligence;
- “(13) advocating for and providing education and training relating to counterintelligence and countering foreign influence operations; and
- “(14) such other matters relating to counterintelligence as the Director of National Intelligence may direct.

“(b) **ADDITIONAL SPECIFIC DUTIES.**—In addition to the duties described in subsection (a), the Director of the National Counterintelligence Center shall—

- “(1) establish and prioritize requirements for the collection, analysis, and dissemination of counterintelligence information by the intelligence community;
- “(2) evaluate the effectiveness of the elements of the intelligence community in using funds available under the National Counterintelligence Program to carry out counterintelligence activities and achieve counterintelligence goals;
- “(3) engage international partners to conduct information sharing and joint operations and enhance capabilities with respect to counterintelligence;
- “(4) establish doctrine, certification, and tradecraft standards and requirements for execution of offensive counterintelligence activities;
- “(5) carry out damage assessments under section 415;
- “(6) establish a polygraph program for counterintelligence purposes, including to support damage assessments under section 415 and other departments and agencies of the Federal Government;
- “(7) establish a centralized system for the intelligence community for the storage of and access to information on foreign intelligence threat actors;
- “(8) support departments and agencies of the Federal Government that are not elements of the intelligence community with counterintelligence matters and resources;
- “(9) conduct outreach on counterintelligence matters to State, local, and tribal governments and public- and private-sector organizations and establish an information-sharing framework to allow Federal, State, local, and tribal governments and public- and private-sector organizations to share information on suspected foreign intelligence threats; and
- “(10) establish procedures, policies, and information-sharing frameworks for watchlisting, screening, vetting, and suspicious activity reporting for counterintelligence purposes.

“SEC. 413. AUTHORITY TO DIRECT AND CARRY OUT COUNTERINTELLIGENCE ACTIVITIES.

“(a) **AUTHORITY OF DIRECTOR.**—In carrying out the mission and duties of the National Counterintelligence Center, the Director of the National Counterintelligence Center may—

- “(1) carry out a counterintelligence activity;
- “(2) direct the head of an element of the intelligence community to carry out a counterintelligence activity;
- “(3) direct the head of an element of the intelligence community to receive the concurrence of the Director before such element carries out a counterintelligence activity;
- “(4) access all counterintelligence information, including investigative and operational information, in the possession of an element of the intelligence community;
- “(5) direct the head of department or agency of the Federal Government to provide the Director with information the Director considers necessary to carry out a damage assessment under section 415 or in any other circumstance where the Director determines a damage assessment is appropriate;
- “(6) direct the head of an element of the intelligence community to embed within such element an individual designated by the Director to serve as a liaison between such element and the Director with respect to counterintelligence activities;
- “(7) delegate authority to carry out a counterintelligence activity to the head of an element of the intelligence community; and
- “(8) transfer funds made available to the National Counterintelligence Center to another department or agency of the Federal Government to support counterintelligence activities of that department or agency.

“(b) **DUTIES OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.**—The head of each element of the intelligence community—

“(1) shall carry out each counterintelligence activity that the Director of the National Counterintelligence Center directs the head of such element to carry out;

“(2) may not carry out a counterintelligence activity with respect to which the Director of the National Counterintelligence Center directs the head of such element to receive the concurrence of the Director before such element carries out such counterintelligence activity until the head of such element receives such concurrence;

“(3) provide access to all counterintelligence information in the possession of such element that is requested by the Director of the National Counterintelligence Center;

“(4) provide information as the Director of the National Counterintelligence Center considers necessary to carry out a damage assessment under section 415 or in any other circumstance where the Director determines a damage assessment is appropriate;

“(5) embed within such element an individual designated by the Director to serve as a liaison between such element and the Director with respect to counterintelligence activities; and

“(6) promptly notify the Director of the National Counterintelligence Center of—

“(A) each counterintelligence investigation initiated by the head of such element; and

“(B) any intended or pending arrest of a person in a counterintelligence investigation.

“(c) CLARIFICATION OF PROSECUTORIAL DISCRETION.—Nothing in this section shall be construed to affect the authority of the Attorney General to prosecute a violation of Federal criminal law.

“Subtitle C—National Counterintelligence Program

“SEC. 421. NATIONAL COUNTERINTELLIGENCE PROGRAM.

“(a) ESTABLISHMENT.—There is established within the National Intelligence Program a National Counterintelligence Program consisting of—

“(1) all strategic counterintelligence activities, programs, and projects of the National Intelligence Program; and

“(2) the activities, programs, and projects of the National Counterintelligence Center.

“(b) BUDGET.—The Director of the National Counterintelligence Center, in consultation with the heads of the elements of the intelligence community, shall develop and determine an annual budget for the National Counterintelligence Program.

“Subtitle D—Strategies, Reports, and Oversight

“SEC. 431. NATIONAL COUNTERINTELLIGENCE OUTLOOK AND LONG-TERM STRATEGY REPORT.

“Not less than once every five years, the Director of the National Counterintelligence Center shall submit to the congressional intelligence committees a national counterintelligence outlook and long-term strategy report. Such report shall include—

“(1) an overall forecast of the counterintelligence outlook and long-term strategy for the United States;

“(2) an explanation of the strategic context of the outlook and strategy;

“(3) an explanation of key drivers and trends of the outlook and strategy;

“(4) projected counterintelligence capabilities of the United States and of adversary foreign entities;

“(5) an identification of any risks or uncertainties with respect to the outlook and strategy;

“(6) an identification of metrics or indicators with respect to the outlook and strategy; and

“(7) any recommendations of the Director for policy changes to meet future counterintelligence challenges.

“SEC. 432. NATIONAL COUNTERINTELLIGENCE STRATEGY.

“Not less than once every three years, the Director of the National Counterintelligence Center shall submit to the congressional intelligence committees a strategy to be known as the ‘National Counterintelligence Strategy’. Each National Counterintelligence Strategy shall—

“(1) align the counterintelligence activities of the intelligence community toward the strategic priorities of the United States;

“(2) include a plan for implementing the strategy not later than one year after the date of the submission of the strategy; and

“(3) include a plan for measuring the execution, performance, and effectiveness of the strategy during the two-year period beginning on the date on which the strategy is implemented.

“SEC. 433. NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT.

“Not less than once every three years, the Director of the National Counterintelligence Center, in consultation with the heads of appropriate department and agencies of the Federal Government and private-sector entities, shall submit to the congressional intelligence committees a strategic planning assessment of the counterintelligence requirements of the United States to be known as the ‘National Threat Identification and Prioritization Assessment’.

“SEC. 434. ACTIVITIES OF THE NATIONAL COUNTERINTELLIGENCE TASK FORCE.

“(a) ANNUAL REPORT.—Not later than December 31 of each year, the Director of the National Counterintelligence Center, acting through the National Counterintelligence Task Force, shall submit to the congressional intelligence committees a report describing the activities of the Task Force during the preceding fiscal year. Such report shall include—

“(1) a description of counterintelligence campaigns conducted during the period covered by the report; and

“(2) a description of the efforts of the Task Force to coordinate counterintelligence campaigns throughout the Federal Government and the results of such efforts.

“(b) QUARTERLY BRIEFING.—The Director of the National Counterintelligence Center, acting through the National Counterintelligence Task Force, shall provide to the congressional intelligence committees a quarterly briefing on the activities of the Task Force during the preceding quarter.

“(c) NOTICE OF SIGNIFICANT VULNERABILITIES OR OUTCOMES.—Not later than 30 days after the Director of the National Counterintelligence Center, acting through the National Counterintelligence Task Force, identifies a significant counterintelligence vulnerability or a significant outcome of a counterintelligence activity, the Director shall submit to the congressional intelligence committees notice and a description of such vulnerability or such outcome.”

(c) NATIONAL SECURITY COUNCIL PARTICIPATION.—Section 101(c)(2) of the National Security Act of 1947 (50 U.S.C. 3021(c)(2)) is amended by striking “and the National Cyber Director” and inserting “the National Cyber Director, and the Director of the National Counterintelligence Center”.

(d) COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.—

(1) TECHNICAL CORRECTION TO EXISTING PROVISION BEFORE TRANSFER.—

(A) CORRECTION.—Section 361(g) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2625) is amended by striking “Section 811(c)” and inserting “Section 811(e)”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177).

(2) TRANSFER OF PROVISION.—Subtitle B of title IV of the National Security Act of 1947, as added by subsection (a) of this section, is amended by adding at the end a new section 414 consisting of—

(A) a heading as follows:

“SEC. 414. COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.”; and

(B) a text consisting of paragraphs (1) through (7) of subsection (e) of section 811 of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103-359; 50 U.S.C. 3381).

(3) MODIFICATIONS AND CONFORMING AMENDMENTS.—Section 414 of the National Security Act of 1947, as added by paragraph (2) of this section, is amended—

- (A) by redesignating paragraphs (1) through (7) as subsections (a) through (g), respectively (and redesignating the provisions in each paragraph and conforming the margins accordingly);
 - (B) in subsection (a), as redesignated by subparagraph (A)—
 - (i) by striking “(a) Except as provided in paragraph (5)” and inserting “(a) COORDINATION.—Except as provided in subsection (e)”;
 - (ii) in paragraph (1) (as so redesignated), by inserting “and the Director of the National Counterintelligence Center” after “the Federal Bureau of Investigation”; and
 - (iii) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” and inserting “paragraph (1)”;
 - (C) in subsection (b) (as so redesignated), by striking “(b) Except as provided in paragraph (5)” and inserting “(b) ESPIONAGE INFORMATION.—Except as provided in subsection (e)”;
 - (D) in subsection (c) (as so redesignated)—
 - (i) by striking “(c)” and inserting “(c) IMPACT ASSESSMENT.—”; and
 - (ii) in paragraph (2)(A)—
 - (I) by striking “subparagraph (A)” and inserting “paragraph (1)”;
 - and
 - (II) by striking “investigation under paragraph (1)” and inserting “investigation under subsection (a)”;
 - (E) in subsection (d) (as so redesignated)—
 - (i) by striking “(d)” and inserting “(d) NOTIFICATION OF FULL ESPIONAGE INVESTIGATION.—”; and
 - (ii) in paragraph (2), by striking “subparagraph (A)” and inserting “paragraph (1)”;
 - (F) in subsection (e) (as so redesignated)—
 - (i) by striking “(e)” and inserting “(e) WAIVER.—”; and
 - (ii) by striking “paragraph (1), (2), or (3)” and inserting “subsection (a), (b), or (c)”;
 - (G) in subsection (f) (as so redesignated), by striking “(f)” and inserting “(f) RULE OF CONSTRUCTION.—”; and
 - (H) in subsection (g) (as so redesignated), by striking “(g)” and inserting “(g) DEFINITIONS.—”.
- (4) REPEAL OF EXISTING PROVISION.—Section 811 of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359; 50 U.S.C. 3381) is repealed.
- (e) DAMAGE ASSESSMENTS.—
- (1) TRANSFER OF PROVISION.—Section 1105A of the National Security Act of 1947 (50 U.S.C. 3235a) is—
- (A) redesignated as section 415; and
 - (B) transferred so as to appear after section 414, as added by subsection (d) of this section.
- (2) MODIFICATIONS.—Section 415 of the National Security Act of 1947, as redesignated by paragraph (1), is amended—
- (A) by striking “Director of National Intelligence” each place it appears and inserting “Director of the National Counterintelligence Center”; and
 - (B) by adding at the end the following new subsections:
- “(d) REQUIREMENTS FOR FEDERAL AGENCIES.—
- “(1) IN GENERAL.—The head of each department or agency of the Federal Government shall—
- “(A) not later than 7 days after the head of such department or agency becomes aware of any actual or potential significant unauthorized disclosure or compromise of classified national intelligence, notify the Director of the National Counterintelligence Center of such disclosure or compromise; and
 - “(B) not later than 30 days after the date on which the Director of the National Counterintelligence Center submits a request to the head of such department or agency for information the Director considers necessary to carry out a damage assessment pursuant to this section, provide the Director of the National Counterintelligence Center such information.
- “(2) NOTICE OF NONCOMPLIANCE.—Not later than 30 days after the date on which the Director of the National Counterintelligence Center determines the head of a department or agency of the Federal Government has violated the requirements of paragraph (1), the Director shall notify the congressional intelligence committees and the Inspector General of the Intelligence Community of the violation.
- “(3) NOTICE OF DETERMINATION THAT ONLY SINGLE ELEMENT IS IMPACTED.—Not later than 30 days after the head of a department or agency of the Federal

Government determines that an actual or potential significant unauthorized disclosure or compromise of classified national intelligence impacts only that department or agency, the head of such department or agency shall provide to the Director of the National Counterintelligence Center notice of that determination.

“(e) SEMIANNUAL REPORTS ON IMPLEMENTATION.—On January 31 and July 31 of each year, the Director of the National Counterintelligence Center shall submit to the congressional intelligence committees a report on actual or potential significant unauthorized disclosures or compromises of classified national intelligence. Each report shall include, with respect to the half-year period ending on the December 31 or June 30 preceding the submission of the report, respectively—

“(1) an identification of any actual or potential unauthorized disclosures or compromises that occurred during the period covered by the report;

“(2) the status of any action or dispensation with respect to each unauthorized disclosure or compromise—

“(A) identified in accordance with paragraph (1); or

“(B) for which notice and a description of the final resolution has not been provided to the congressional intelligence committees in a report required by this subsection; and

“(3) a description of any determinations by the Director that an unauthorized disclosure or compromise of classified national intelligence was not significant for purposes of subsection (a)(1).”.

SEC. 303. TRANSITION PROVISIONS.

(a) REDESIGNATION OF NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—

(1) CENTER.—The National Counterintelligence and Security Center is redesignated as the National Counterintelligence Center.

(2) DIRECTOR.—The person serving as the Director of the National Counterintelligence and Security Center on the day before the date of the enactment of this Act may serve as the Director of the National Counterintelligence Center until the date on which a Director of the National Counterintelligence Center is appointed by the President, by and with the advice and consent of the Senate, in accordance with section 401 of the National Security Act of 1947, as added by section 302 of this Act.

(b) REPORT ON TRANSITION OF SECURITY COMPONENTS.—

(1) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the assessment of the Director as to whether the security functions described in paragraph (3) should be functions of the Director of the National Counterintelligence Center or if such functions should be the responsibility of another official.

(2) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees a briefing on the progress of the assessment required under paragraph (1).

(3) SECURITY FUNCTIONS DESCRIBED.—The security functions described in this subsection are as follows:

(A) Functions arising from the role of the Director of National Intelligence as the Security Executive Agent under section 803 of the National Security Act of 1947 (50 U.S.C. 3162a).

(B) Functions arising from the role of the Director of National Intelligence as joint leader of the National Insider Threat Task Force.

(C) Functions of the Special Security Directorate and Center for Security Evaluation of the National Counterintelligence Center (as so redesignated).

(c) REALIGNMENT OF COUNTERINTELLIGENCE-RELATED ACTIVITIES WITHIN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall transfer the functions and personnel of the Office of the Director of National Intelligence relating to counterintelligence matters to the National Counterintelligence Center.

(d) TEMPORARY AUTHORITY TO TRANSFER PERSONNEL AND REPROGRAM FUNDS FOR COUNTERINTELLIGENCE ACTIVITIES.—

(1) AUTHORITY TO REALIGN.—During the 180-day period beginning on the date of the enactment of this title, subject to the authority, direction, and control of the Director of National Intelligence, the Director of the National Counterintelligence Center, in consultation with the heads of the elements of the intelligence community, may transfer personnel or transfer or reprogram funds made available under the National Intelligence Program to carry out title IV of the National Security Act of 1947, as added by section 302 of this Act.

(2) NOTIFICATION.—Not later than 30 days after transferring personnel or transferring or reprogramming funds under paragraph (1), the Director of the National Counterintelligence Center shall submit notice of the transfer or reprogramming to—

- (A) the congressional intelligence committees;
- (B) the Committees on Appropriations of the Senate and the House of Representatives;
- (C) in the case of a transfer or reprogramming to or from an element of the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and
- (D) in the case of a transfer or reprogramming to or from the Department of Justice, the Committees on the Judiciary of the Senate and the House of Representatives.

(e) NATIONAL COUNTERINTELLIGENCE TASK FORCE.—

(1) CLARIFICATION ON USE OF EXISTING TASK FORCE.—Nothing in this Act shall be construed to require the establishment of a new National Counterintelligence Task Force under section 403 of the National Security Act of 1947, as added by section 302 of this Act, if the National Counterintelligence Task Force, as in existence the day before the date of the enactment of this Act, satisfies the requirements of such section 403 or is modified to satisfy such requirements.

(2) REPORT.—Not later than 90 days after the date of the establishment of the National Counterintelligence Task Force under section 403 of the National Security Act of 1947, as added by section 302 of this Act, the Director of the National Counterintelligence Center shall submit to the congressional intelligence committees a report containing—

- (A) the plans and activities of the Task Force, as in existence the day before the date of the enactment of this Act, during the period beginning on January 1, 2020, and ending on the date of the enactment of this Act; and
- (B) the organization, structure, and plans for the Task Force as established under such section 403.

SEC. 304. CONFORMING AMENDMENTS.

(a) CONFORMING REPEALS.—

(1) NATIONAL SECURITY ACT OF 1947.—Section 103F of the National Security Act of 1947 (50 U.S.C. 3031, 3059) is repealed.

(2) COUNTERINTELLIGENCE ENHANCEMENT ACT OF 2002.—Sections 902 and 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 3382, 3383) are repealed.

(b) REFERENCES TO NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—

(1) NATIONAL SECURITY ACT OF 1947.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by striking “National Counterintelligence and Security Center” each place it appears and inserting “National Counterintelligence Center” in the following provisions:

- (A) Section 102A(f)(2) (50 U.S.C. 3024(f)(2)).
- (B) Section 102A(f)(8)(F) (50 U.S.C. 3024(f)(8)(F)).
- (C) Section 103(c)(9) (50 U.S.C. 3025(c)(9)).
- (D) Section 1107(a) (50 U.S.C. 3237(a)).
- (E) Section 1108(a) (50 U.S.C. 3238(a)).

(2) OTHER PROVISIONS OF LAW.—The following provisions of law are amended by striking “National Counterintelligence and Security Center” each place it appears and inserting “National Counterintelligence Center”:

- (A) Section 5315 of title 5, United States Code.
- (B) Section 1322(b)(1)(D) of title 41, United States Code.
- (C) Section 7318 of the Intelligence Authorization Act for Fiscal Year 2024 (division G of Public Law 118-31; 50 U.S.C. 3384).
- (D) Section 6306(c)(6) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116-92; 50 U.S.C. 3370(c)(6)).
- (E) Section 6508(a) of such Act (50 U.S.C. 3371d(a)).
- (F) Section 341(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 28 U.S.C. 519 note).

(c) BUDGET MATERIALS.—Section 506(a)(4) of the National Security Act of 1947 (50 U.S.C. 3096(a)(4)) is amended by striking “Counterintelligence” and inserting “The National Counterintelligence Program”.

(d) TRANSFER OF REPORTING PROVISIONS.—

(1) CHINESE INFLUENCE OPERATIONS.—Section 1107 of the National Security Act of 1947 (50 U.S.C. 3237), as amended by subsection (b) of this section, is—

- (A) redesignated as section 435; and

(B) transferred so as to appear after section 434 of such Act, as added by section 302 of this Act.

(2) **RUSSIAN INFLUENCE OPERATIONS.**—Section 1108 of the National Security Act of 1947 (50 U.S.C. 3238), as amended by subsection (b) of this section, is—

(A) redesignated as section 436; and

(B) transferred so as to appear after section 435 of such Act, as redesignated and transferred by paragraph (1).

TITLE IV—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 401. 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. 402. 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. 403. INTELLIGENCE ACQUISITION ENHANCEMENT.

Section 102A(n)(6)(C) of the National Security Act of 1947 (50 U.S.C. 3024(n)(6)(C)) is amended—

(1) in clause (ii), by striking “Subject to section 4022(a)(2) of such title, the Director” and inserting “Subject to section 4022(a)(2) of such title and except as provided in clause (viii) of this subparagraph, the Director, or the head of an element of the intelligence community to whom the Director has delegated authority under subparagraph (B),”; and

(2) by adding at the end the following new clause:

“(viii) The Director of the National Reconnaissance Office, if delegated the authority under subparagraph (B), may exercise the authority under clause (ii) by substituting ‘\$500,000,000’ for ‘\$75,000,000’ if the Director of the National Reconnaissance Office submits to the congressional intelligence committees notice of an agreement or transaction of an amount that exceeds \$75,000,000 not later than 14 days before the agreement or transaction is entered into and certifies that the agreement or transaction is essential to meet critical national security objectives.”.

SEC. 404. SENIOR OFFICIALS FOR BIOTECHNOLOGY.

(a) **DESIGNATION REQUIRED.**—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by adding at the end the following new section:

“SEC. 123. DESIGNATION OF SENIOR OFFICIALS FOR BIOTECHNOLOGY.

“(a) **DESIGNATION.**—The head of each element of the intelligence community specified in subsection (b) shall designate a senior official of such element to serve as the official responsible for the activities of such element relating to biotechnology.

“(b) **SPECIFIED ELEMENTS.**—The elements of the intelligence community specified in this subsection are the following:

“(1) The Office of the Director of National Intelligence.

“(2) The Central Intelligence Agency.

“(3) The National Security Agency.

“(4) The Defense Intelligence Agency.

“(5) The intelligence elements of the Federal Bureau of Investigation.

“(6) The Office of Intelligence and Counterintelligence of the Department of Energy.

“(7) The Bureau of Intelligence and Research of the Department of State.

“(8) The Office of Intelligence and Analysis of the Department of Homeland Security.

“(c) **NOTICE TO CONGRESS.**—Not later than 15 days after designating a senior official under this section, the head of the element of the intelligence community designating such official shall submit to the congressional intelligence committees notice of the designation.”.

(b) **INITIAL DESIGNATION.**—The head of each element of the intelligence community required to designate a senior official of such element under section 123 of the National Security Act of 1947, as added by subsection (a) of this section, shall designate such senior official not later than 90 days after the date of the enactment of this Act.

SEC. 405. PROHIBITION ON USE OF DEEPSEEK ON INTELLIGENCE COMMUNITY SYSTEMS.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by adding at the end the following new section:

“SEC. 1115. PROHIBITION ON USE OF DEEPSEEK ON INTELLIGENCE COMMUNITY SYSTEMS.

“(a) PROHIBITION.—The Director of National Intelligence, in consultation with the other heads of the elements of the intelligence community, shall develop standards and guidelines for elements of the intelligence community that require the removal of any covered application from national security systems operated by an element of the intelligence community, a contractor to an element of the intelligence community, or another entity on behalf of an element of the intelligence community.

“(b) APPLICABILITY OF INFORMATION SECURITY REQUIREMENTS.—The standards and guidelines developed under subsection (a) shall be consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code.

“(c) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under subsection (a) shall include—

“(1) exceptions for national security purposes and research activities; and

“(2) risk mitigation standards and guidelines that shall apply in the case of an exception described in paragraph (1).

“(d) DEFINITIONS.—In this section:

“(1) COVERED APPLICATION.—The term ‘covered application’ means the DeepSeek application or any successor application or service developed or provided by High Flyer or any successor entity.

“(2) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44, United States Code.”.

(b) INITIAL STANDARDS AND GUIDELINES.—The Director of National Intelligence shall develop the initial standards and guidelines required under section 1115 of the National Security Act of 1947, as added by subsection (a) of this section, not later than 60 days after the date of the enactment of this Act.

SEC. 406. KNOWLEDGE MANAGEMENT SYSTEM FOR INTERNATIONAL CARTELS AND OTHER TRANSNATIONAL CRIMINAL ORGANIZATIONS.

Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 405 of this Act, is further amended by adding at the end the following new section:

“SEC. 1116. KNOWLEDGE MANAGEMENT SYSTEM FOR INTERNATIONAL CARTELS AND OTHER TRANSNATIONAL CRIMINAL ORGANIZATIONS.

“(a) REQUIREMENT FOR KNOWLEDGE MANAGEMENT SYSTEM.—The Director of National Intelligence, in consultation with the Attorney General, shall ensure that the intelligence community—

“(1) makes use of the Transnational Organized Crime Identity Intelligence Platform or a successor knowledge management system to enable and enhance information management, information sharing, analysis, and collaboration across the intelligence community and between the intelligence community and Federal law enforcement agencies related to international cartels and other transnational criminal organizations; and

“(2) provides all terrorism information (as defined in section 1016(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a))) to the National Counterterrorism Center, including terrorism information related to international cartels and other transnational criminal organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or as a Specially Designated Global Terrorist under Executive Order 13224 (50 U.S.C. 1701 note) or any successor Executive order.

“(b) PROCEDURES.—The Director of National Intelligence and the Attorney General shall each or jointly, as appropriate, issue procedures for collecting, storing, accessing, and disseminating data under the system described in subsection (a), including with respect to the organization of such data and security requirements for accessing such data. Such procedures shall be designed to encourage collaboration between elements of the intelligence community and between elements of the intelligence community and Federal law enforcement agencies with respect to international cartels and other transnational criminal organizations, including foreign terrorist organizations designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and persons or entities designated as a Specially Designated Global Terrorist under Executive Order 13224 (50 U.S.C. 1701 note) or any successor Executive order.

“(c) INTELLIGENCE COMMUNITY INPUT.—The head of each element of the intelligence community shall—

“(1) input all data described in subsection (a)(1) in the possession of such element into the system described in such subsection in accordance with the procedures established under subsection (b); and

“(2) share all terrorism information described in subsection (a)(2) in the possession of such element with the National Counterterrorism Center.

“(d) BRIEFINGS.—Not later than June 30 and December 31 of each year through 2028, the Director of National Intelligence and the Attorney General shall jointly provide to the congressional intelligence committees a briefing on the implementation of this section. Such briefing shall include—

“(1) the opinions of the Director and the Attorney General as to the effectiveness of the knowledge management system required under subsection (a);

“(2) a description of any challenges identified by the Director or the Attorney General with the knowledge management system required under subsection (a);

“(3) an indication of the level of compliance of each element of the intelligence community with the requirements of this section; and

“(4) an assessment of the level of participation in the knowledge management system of Federal law enforcement agencies.”.

SEC. 407. NOTICE OF IMPACT OF DIPLOMATIC AND CONSULAR POST CLOSINGS ON INTELLIGENCE ACTIVITIES.

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:

“SEC. 517. NOTICE OF IMPACT OF DIPLOMATIC AND CONSULAR POST CLOSINGS ON INTELLIGENCE ACTIVITIES.

“(a) NOTICE REQUIRED.—Not later than 30 days after a covered closure of a diplomatic or consular post, the Director of National Intelligence, in consultation with the heads of the other appropriate elements of the intelligence community as determined by the Director, shall submit to the congressional intelligence committees a notice describing the impact of the closure on the activities of the intelligence community. Such notice shall include—

“(1) a description of the impact, if any, of the closure on the activities or interests of the intelligence community;

“(2) a plan to mitigate any adverse impacts to such elements caused by such closure; and

“(3) a description of whether, and the extent to which, the Director and the heads of the other appropriate elements of the intelligence community—

“(A) were consulted in the decision-making process with respect to such closure; and

“(B) registered any concerns with or objections to such closure.

“(b) COVERED CLOSURE OF A DIPLOMATIC OR CONSULAR POST DEFINED.—In this section, the term ‘covered closure of a diplomatic or consular post’ means the closure of a United States diplomatic or consular post abroad that—

“(1) is anticipated to last for 60 days or longer; or

“(2) has lasted for 60 days or longer.”.

SEC. 408. HARMONIZING POLICIES ON THE USE OF CLASSIFIED DATA IN TRAINING OR REFINING ARTIFICIAL INTELLIGENCE MODELS.

(a) INTELLIGENCE COMMUNITY-WIDE POLICIES.—Not later than 180 days after the date of the enactment of this Act, the President shall issue or update policies that apply to the entire intelligence community with respect to the use of classified information for the purpose of training or refining artificial intelligence models for use by an element of the intelligence community.

(b) MAXIMUM DATA USAGE.—The policies issued or updated under subsection (a) shall seek to maximize to the greatest extent practicable the amount of data that can be used for training or refining artificial intelligence models, including maximizing the amount of information classified at the most sensitive levels that may be used for such training or refining, consistent with the need to protect such information from unauthorized use and in accordance with existing laws.

SEC. 409. ACCELERATING REVIEW OF ARTIFICIAL INTELLIGENCE CAPABILITIES FOR DEPLOYMENT.

(a) GUIDANCE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the head of each other element of the intelligence community, shall develop and promulgate guidance to prioritize the completion of reviews of authorizations to operate artificial intelligence capabilities being evaluated within an element of the intelligence community.

(b) CONGRESSIONAL NOTICE OF LENGTHY REVIEWS.—

(1) IN GENERAL.—The head of each element of the intelligence community shall submit to the congressional intelligence committees a notification of any

review of an authorization to operate artificial intelligence capabilities within an element of the intelligence community the length of which exceeds a period of 60 days. The head of such element shall submit such notice not later than 7 days after the date on which the length of such review exceeds such period.

(2) SUNSET.—The requirements of paragraph (1) shall terminate on the date that is five years after the date of the enactment of this Act.

SEC. 410. ENHANCING INTELLIGENCE COMMUNITY TECHNOLOGY ADOPTION METRICS.

(a) METRIC DEVELOPMENT AND IMPLEMENTATION.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the National Geospatial-Intelligence Agency, the Director of the National Reconnaissance Office, and the Director of the Defense Intelligence Agency shall each develop and implement a process (which may be different from the processes of the other elements) that makes use of a single set of metrics and methodologies to assess, on an agency wide, aggregate basis, the adoption, integration, and operational impact of emerging technologies, including artificial intelligence, within the respective agencies of those Directors.

(b) REQUIREMENTS.—The metrics and methodologies required under subsection (a) shall include metrics and methodologies for assessing—

- (1) safety and security;
- (2) effectiveness and efficiency; and
- (3) the impact of the use of an emerging technology on risk to mission or likelihood of success of mission.

(c) BRIEFING.—Not later than one year after the date of enactment of this Act, the head of each agency described in subsection (a) shall provide to the congressional intelligence committees a briefing on the implementation of this section, including—

- (1) the metrics established under subsection (a);
- (2) the progress of the element toward meeting such metrics; and
- (3) any recommendations of the head of such agency for legislative or regulatory reforms to improve technology adoption.

(d) DEFINITIONS.—In this section, the terms “artificial intelligence” and “emerging technology” have the meaning given those terms in section 6701 of the Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263; 50 U.S.C. 3024 note).

SEC. 411. AI SECURITY PLAYBOOK.

(a) REQUIREMENT.—The Director of the National Security Agency, acting through the Artificial Intelligence Security Center (or successor office), shall develop strategies (in this section referred to as the “AI Security Playbook”) to defend covered AI technologies from technology theft by threat actors.

(b) ELEMENTS.—The AI Security Playbook under subsection (a) shall include the following:

(1) Identification of potential vulnerabilities in advanced AI data centers and among advanced AI developers capable of producing covered AI technologies, with a focus on cybersecurity risks and other security challenges that are unique to protecting covered AI technologies and critical components of such technologies (such as threat vectors that do not typically arise, or are less severe, in the context of conventional information technology systems).

(2) Identification of components or information that, if accessed by threat actors, would meaningfully contribute to progress made by the actor with respect to developing covered AI technologies, including with respect to—

- (A) AI models and key components of such models;
- (B) core insights relating to the development of advanced AI systems, including with respect to training such systems, the inferences made by such systems, and the engineering of such systems; and
- (C) other related information.

(3) Strategies to detect, prevent, and respond to cyber threats by threat actors targeting covered AI technologies.

(4) Identification of the levels of security, if any, that would require substantial involvement by the United States Government in the development or oversight of highly advanced AI systems.

(5) Analysis of how the United States Government would be involved to achieve the levels of security identified in paragraph (4), including a description of a hypothetical initiative to build covered AI technology systems in a highly secure governmental environment, considering, at a minimum, cybersecurity protocols, provisions to protect model weights, efforts to mitigate insider threats (including personnel vetting and security clearance adjudication processes), network access control procedures, counterintelligence and anti-espionage meas-

- ures, and other strategies that would be used to reduce threats of technology theft by threat actors.
- (c) FORM.—The AI Security Playbook under subsection (a) shall include—
- (1) detailed methodologies and intelligence assessments, which may be contained in a classified annex; and
 - (2) an unclassified portion with general guidelines and best practices suitable for dissemination to relevant individuals, including in the private sector.
- (d) ENGAGEMENT.—
- (1) IN GENERAL.—In developing the AI Security Playbook under subsection (a), the Director shall—
 - (A) engage with prominent AI developers and researchers, as determined by the Director, to assess and anticipate the capabilities of highly advanced AI systems relevant to national security, including by—
 - (i) conducting a comprehensive review of industry documents pertaining to the security of AI systems with respect to preparedness frameworks, scaling policies, risk management frameworks, and other matters;
 - (ii) conducting interviews with subject matter experts;
 - (iii) hosting roundtable discussions and expert panels; and
 - (iv) visiting facilities used to develop AI;
 - (B) to leverage existing expertise and research, collaborate with a federally funded research and development center that has conducted research on strategies to secure AI models from nation-state actors and other highly resourced actors; and
 - (C) consult, as appropriate, with such other departments and agencies of the United States Government as the Director determines relevant, including the Bureau of Industry and Security of the Department of Commerce, the Center for AI Standards and Innovation of the National Institute of Standards and Technology, the Department of Homeland Security, and the Department of Defense.
 - (2) NONAPPLICABILITY OF FACA.—None of the activities described in this subsection shall be construed to establish or use an advisory committee subject to chapter 10 of title 5, United States Code.
- (e) REPORTS.—
- (1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the AI Security Playbook under subsection (a), including a summary of progress on the development of Playbook, an outline of remaining sections, and any relevant insights about AI security.
 - (2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the Playbook.
 - (3) FORM.—The report submitted under paragraph (2)—
 - (A) shall include—
 - (i) an unclassified version suitable for dissemination to relevant individuals, including in the private sector; and
 - (ii) a publicly available version; and
 - (B) may include a classified annex.
- (f) RULE OF CONSTRUCTION.—Nothing in subsection (b)(4) shall be construed to authorize or require any regulatory or enforcement action by the United States Government.
- (g) DEFINITIONS.—In this section:
- (1) The term “appropriate congressional committees” means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.
 - (2) The terms “artificial intelligence” and “AI” have the meaning given the term “artificial intelligence” in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note prec. 4061).
 - (3) The term “covered AI technologies” means advanced AI (whether developed by the private sector, the United States Government, or a public-private partnership) with critical capabilities that the Director determines would pose a grave national security threat if acquired or stolen by threat actors, such as AI systems that match or exceed human expert performance in relating to chemical, biological, radiological, and nuclear matters, cyber offense, model autonomy, persuasion, research and development, and self-improvement.
 - (4) The term “technology theft” means any unauthorized acquisition, replication, or appropriation of covered AI technologies or components of such technologies, including models, model weights, architectures, or core algorithmic in-

sights, through any means, such as cyber attacks, insider threats, and side-channel attacks, or exploitation of public interfaces.

(5) The term “threat actors” means nation-state actors and other highly resourced actors capable of technology theft.

TITLE V—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Central Intelligence Agency

SEC. 501. GUIDANCE ON NOVEL AND SIGNIFICANT EXPENDITURES FOR PURPOSES OF NOTIFICATION UNDER THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

(a) IN GENERAL.—Section 8(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510(c)) is amended—

(1) by striking “Not later than” and inserting “(1) Not later than”; and

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

“(2)(A) Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2026, the Director shall issue written guidance to ensure the timely identification and reporting of novel and significant expenditures in accordance with this subsection. Such guidance shall—

“(i) establish a definition of a novel and significant expenditure for purposes of this subsection;

“(ii) define internal procedures to evaluate expenditures to determine if such expenditures are novel and significant using the definition established pursuant to clause (i); and

“(iii) require timely congressional notification in accordance with this subsection.

“(B) The Director shall regularly review and update the guidance issued under this paragraph as appropriate.

“(C) Not later than 60 days after the date on which the initial guidance is issued under this paragraph and not later than 60 days after the date on which any material revisions to such guidance take effect, the Director shall provide a briefing to the committees specified in paragraph (1) with respect to such guidance or such material revisions.”

(b) CONFORMING AMENDMENT.—Section 102A(n)(5) of the National Security Act of 1947 (50 U.S.C. 3024(n)(5)) is amended in the first sentence by striking “of such section” and inserting “of such section, including the guidance issued under paragraph (2) of such subsection (c)”.

SEC. 502. IMPROVEMENTS TO SECURITY OF CENTRAL INTELLIGENCE AGENCY INSTALLATIONS.

(a) AGENCY HEADQUARTERS INSTALLATION.—Subsection (a)(1) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515) is amended by striking “Compound” each place it appears and inserting “Installation”.

(b) UNMANNED AIRCRAFT.—Such Act is further amended by inserting after section 15 the following:

“SEC. 15A. AUTHORITY REGARDING UNMANNED AIRCRAFT SYSTEMS.

“(a) AUTHORITY TO INTERCEPT.—Notwithstanding sections 32, 2511(f), or 3121(a) of title 18, United States Code, the Director may take, and may authorize personnel of the Agency with assigned duties under section 15 that include the security or protection of people, facilities, or assets within the United States to take, the actions described in subsection (b)(1) to mitigate a credible threat to safety or security posed by an unmanned aircraft system in the airspace above any specially designated property.

“(b) AUTHORIZED ACTIONS.—

“(1) ACTIONS DESCRIBED TO ENSURE SAFETY AND SECURITY.—The actions described in this paragraph are the following:

“(A) During the operation of the unmanned aircraft system, detect, identify, monitor, and track the unmanned aircraft system, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication, used to control the unmanned aircraft system.

“(B) Warn the operator of the unmanned aircraft system, including by passive or active, and by direct or indirect, physical, electronic, radio, and electromagnetic means.

“(C) Disrupt control of the unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft system by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system.

“(D) Seize or exercise control of the unmanned aircraft system.

“(E) Seize or otherwise confiscate the unmanned aircraft system.

“(F) Use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system.

“(2) LIMITATION ON ACTIONS.—

“(A) DURATION.—In carrying out subsection (a), the Director may take an action described in paragraph (1) only for the period necessary to mitigate the threat to safety or security identified in subsection (a).

“(B) COMPLIANCE.—In carrying out subsection (a), the Director shall comply with the guidance developed under subsection (c).

“(c) GUIDANCE.—

“(1) DEVELOPMENT.—The Director shall develop guidance for carrying out actions described in subsection (b)(1) and conducting research, testing, training, and evaluation under subsection (e) in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration to ensure that any such use of a system does not adversely affect or interfere with the safety and efficiency of the national airspace system.

“(2) CONTACT REQUIREMENT.—The guidance under paragraph (1) shall include a requirement that the Director contact the Administrator of the Federal Aviation Administration through the appropriate channel before carrying out an action described in subsection (b)(1) or conducting research, testing, training, and evaluation under subsection (e).

“(3) UPDATES.—On an annual basis, the Director, in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall review the guidance developed under paragraph (1) and make any necessary updates.

“(d) FORFEITURE.—Any unmanned aircraft system described in subsection (a) that is seized by the Director is subject to forfeiture to the United States.

“(e) RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Director may, consistent with section 105(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(g)), other Federal laws, and Presidential directives, conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine the capability and utility of the equipment prior to the use of the equipment for any action described in subsection (b)(1).

“(f) NOTIFICATIONS.—

“(1) DEPARTMENT OF JUSTICE NOTIFICATION.—Not later than 15 days after the date on which the Director carries out an action described in subsection (b)(1), the Director shall notify the Attorney General of such action.

“(2) CONGRESSIONAL NOTIFICATION.—Not later than 90 days after the date on which the Director carries out an action described in subsection (b)(1), the Director shall submit to the appropriate congressional committees a notification of such action. Such notification shall include a description of—

“(A) the action taken;

“(B) options considered by the Director to mitigate any identified effects to the national airspace system relating to such action, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals; and

“(C) whether any records or materials were transferred to the Attorney General pursuant to subparagraph (A) of subsection (g)(3), including the purpose of such transfer under subparagraph (B) of such subsection.

“(g) MAINTENANCE OF MATERIALS.—

“(1) LIMIT.—Except as provided by paragraph (3), in carrying out an action described in subsection (b)(1), the Director may maintain records containing or regarding the content and dialing, signaling, routing, and addressing information associated with wire communications, oral communications, electronic communications, and radio communications, and may maintain parts or the whole of an unmanned aircraft system, only if such maintenance—

“(A) is for the purpose of mitigating the threat to safety or security of persons; and

“(B) does not exceed the period the Director determines necessary or 30 days, whichever is shorter.

“(2) DESTRUCTION.—Except as provided by paragraph (3), the Director shall destroy any records or materials maintained under paragraph (1) at the end of the period specified in paragraph (1).

“(3) EXCEPTION.—

“(A) TRANSFER.—If the Attorney General determines that the maintenance of records or parts or the whole of an unmanned aircraft system under paragraph (1) is necessary for a longer period than authorized under such paragraph for a purpose described in subparagraph (B) of this paragraph, the Director shall transfer the records or parts or the whole of an unmanned aircraft system, as the case may be, to the Attorney General. The Attorney General shall—

“(i) maintain the records or parts or the whole of an unmanned aircraft system for such purpose; and

“(ii) destroy the records or parts or the whole of an unmanned aircraft system once such purpose no longer applies.

“(B) PURPOSE DESCRIBED.—A purpose described in this subparagraph is any of the following:

“(i) The investigation or prosecution of a violation of law.

“(ii) To comply with another provision of Federal law.

“(iii) An obligation to preserve materials during the course of litigation.

“(4) CERTIFICATIONS.—

“(A) AGENCY.—Each time the Director carries out an action described in subsection (b)(1), the Director shall certify that the Director is in compliance with paragraphs (1) and (2) of this subsection. The Director may only delegate the authority to make such certification to—

“(i) the General Counsel or the Principal Deputy General Counsel; or

“(ii) the Director of Operations or the Deputy Director of Operations.

“(B) DEPARTMENT OF JUSTICE.—Each time the Attorney General receives a transfer of records or parts or the whole of an unmanned aircraft system under paragraph (3), the Attorney General shall certify the date and purpose of the transfer and a description of the records or parts or the whole of an unmanned aircraft system.

“(C) RETENTION.—Each certification made under subparagraph (A) or (B) shall be retained by the Director or the Attorney General, respectively, for a period of at least seven years.

“(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as—

“(1) affecting the authorities described in section 105(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(g));

“(2) vesting in the Director any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration; or

“(3) vesting in the Secretary or Administrator any authority of the Director.

“(i) BUDGET.—The Director shall submit to the congressional intelligence committees, as a part of the budget requests of the Agency for each fiscal year after fiscal year 2026, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Agency. The funding display shall be in unclassified form, but may contain a classified annex.

“(j) SPECIALLY DESIGNATED PROPERTIES.—

“(1) LIST.—Specially designated properties covered by this section are properties listed in the classified annex accompanying the Intelligence Authorization Act for Fiscal Year 2026, or any subsequent Intelligence Authorization Act, that meet the criteria described in paragraph (3).

“(2) PROPOSED MODIFICATIONS.—On an annual basis, the Director shall submit to the appropriate congressional committees proposed modifications to the list of specially designated properties under paragraph (1) based on properties that meet the criteria described in paragraph (3).

“(3) CRITERIA DESCRIBED.—The criteria described in this paragraph are the following:

“(A) The property consists of premises owned, leased, or controlled by the Agency or the Office of the Director of National Intelligence plus a designated perimeter adjacent to the premises.

“(B) The property is identified by the Director, in coordination, with respect to potentially impacted airspace, with the Secretary of Transportation, through a risk-based assessment, as high-risk and a potential target for unlawful unmanned aircraft system-related activity.

“(C) The property is located in the United States and is beneath airspace that is restricted by a temporary flight restriction, a determination under section 2209 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44802 note), or any other similar restriction determined appropriate by the Secretary of Transportation.

“(D) The property directly relates to one or more functions authorized to be performed by the Agency under this Act or the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

“(4) ACCESS.—The chairmen and ranking minority members of the appropriate congressional committees specified in subsection (1)(1)(B) shall have access to the list of specially designated properties under paragraph (1), and each chairman and ranking minority member may designate one staff member of such committees who holds the appropriate security clearance to have such access.

“(k) TERMINATION.—The authority to carry out this section shall terminate on December 31, 2029.

“(l) DEFINITIONS.—In this section:

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

“(A) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(B) The Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) RADIO COMMUNICATION.—The term ‘radio communication’ has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

“(3) TITLE 18 TERMS.—The terms ‘electronic communication’, ‘intercept’, ‘oral communication’, and ‘wire communication’ have the meanings given those terms in section 2510 of title 18, United States Code.

“(4) UNITED STATES.—The term ‘United States’ has the meaning given that term in section 5 of title 18, United States Code.

“(5) UNMANNED AIRCRAFT SYSTEM.—The term ‘unmanned aircraft system’ has the meaning given the term in section 44801 of title 49, United States Code.”.

Subtitle B—Elements of Department of Defense

SEC. 511. REQUIREMENT TO AVOID DUPLICATION IN PURCHASE OF COMMERCIALY AVAILABLE INFORMATION FOR DEFENSE INTELLIGENCE COMPONENTS.

Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 430e. Requirement to avoid duplication in purchase of commercially available information

“(a) REQUIREMENT FOR REVIEW PRIOR TO PURCHASE.—Except as provided in subsection (b), a defense intelligence component may not purchase commercially available information until the head of such component determines the information intended to be purchased is not already available for use by such component from another defense intelligence component.

“(b) EXCEPTION.—(1) The Under Secretary of Defense for Intelligence and Security may authorize a defense intelligence component to purchase information otherwise prohibited by subsection (a)—

“(A) if the purchase is for the purpose of ensuring the quality and veracity of other information purchased or the performance of a vendor;

“(B) to obtain a sample of information to determine whether the information would be duplicative of other information already available to the component;

“(C) to maintain operational security of authorized activities of the Department of Defense; or

“(D) if enforcing the prohibition would pose a significant harm to national security or intelligence activities.

“(2) Not later than 30 days after the Under Secretary of Defense for Intelligence and Security authorizes the purchase of information pursuant to paragraph (1), the Under Secretary shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives notice of the authorization, including a description of the information authorized to be purchased and an identification of the exception in subparagraph (A), (B), (C), or (D) of paragraph (1) that the Under Secretary applied to authorize such purchase.

“(c) COMMERCIALY AVAILABLE INFORMATION DEFINED.—In this section, the term ‘commercially available information’ has the meaning given that term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.”.

SEC. 512. OVERSIGHT AND DECONFLICTION OF VENDOR SUPPORT TO CLANDESTINE ACTIVITIES.

(a) **IN GENERAL.**—Subchapter I of chapter 21 of title 10, United States Code, as amended by section 511 of this Act, is further amended by adding at the end the following new section:

“§ 430f. Oversight and deconfliction of vendor support to clandestine activities

“(a) **OVERSIGHT CAPABILITY.**—The Secretary of Defense shall establish, maintain, and continuously update a secure capability to facilitate oversight, deconfliction, and risk assessments of all commercial vendor support to the Department of Defense for clandestine activities, including support provided by subcontractors.

“(b) **EXCLUSIONS.**—Notwithstanding subsection (a), if the Secretary of Defense determines that information concerning a commercial vendor should not be made available for use by the capability required by subsection (a) due to operational, counterintelligence, or other national security concerns, the Secretary—

“(1) may exclude such information from use by the capability required by subsection (a); and

“(2) not later than 7 days after making a determination that such information should not be made available for use by such capability, shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives notice of the determination that includes—

“(A) the type or category of vendor that is the subject of such information;

“(B) with respect to such vendor, a synopsis of the contract and the scope of work involved; and

“(C) the rationale for excluding such information from use by the capability.

“(c) **DECONFLICTION.**—The Secretary of Defense shall ensure the capability required by subsection (a) is used to—

“(1) deconflict the use of commercial vendors in support of clandestine activities of the Department of Defense; and

“(2) assess operational risk and counterintelligence exposure attributable to the use of commercial vendors in support of clandestine activities of the Department of Defense.

“(d) **CLANDESTINE ACTIVITY DEFINED.**—In this section, the term ‘clandestine activity’ means any activity where it is intended that the role of the United States Government will not be apparent or acknowledged publicly.”.

(b) IMPLEMENTATION DEADLINE AND REPORTS.—

(1) IMPLEMENTATION DEADLINE AND CERTIFICATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(A) implement the requirements of section 430f of title 10, United States Code, as added by subsection (a) of this section; and

(B) submit to the congressional defense committees (as defined in section 101(a) of title 10, United States Code), the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a certification that such requirements have been implemented.

(2) SUBMISSION OF PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) submit to the committees described in paragraph (1)(B) a report containing the plan to implement the requirements of such section 430f; and

(B) provide to such committees a briefing with respect to such plan.

(3) PROGRESS REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the committees described in paragraph (1)(B) a briefing describing the progress of the Secretary toward implementing the requirements of such section 430f.

SEC. 513. DISESTABLISHMENT OF ADVISORY BOARDS FOR NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY AND NATIONAL RECONNAISSANCE OFFICE.

(a) NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—

(1) REPEAL OF AUTHORITY.—Section 6432 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263; 50 U.S.C. 441 note) is repealed.

(2) TERMINATION OF BOARD.—Notwithstanding paragraph (1), the advisory board established by such section 6432, as in effect on the day before the date of the enactment of this Act—

(A) shall terminate on the date that is 30 days after the date of the enactment of this Act or such earlier date as the advisory board considers appropriate; and

(B) until the date of the termination of the advisory board under paragraph (1), may exercise the authorities of the advisory board under such section 6432 for the purpose of winding down the operations of the advisory board.

(b) NATIONAL RECONNAISSANCE OFFICE.—

(1) REPEAL OF AUTHORITY.—Section 106A of the National Security Act of 1947 (50 U.S.C. 3041a) is amended by striking subsection (d).

(2) TERMINATION OF BOARD.—Notwithstanding paragraph (1), the advisory board established by such subsection (d), as in effect on the day before the date of the enactment of this Act—

(A) shall terminate on the date that is 30 days after the date of the enactment of this Act or such earlier date as the advisory board considers appropriate; and

(B) until the date of the termination of the advisory board under paragraph (1), may exercise the authorities of the advisory board under such subsection (d) for the purpose of winding down the operations of the advisory board.

SEC. 514. EXPANSION OF COMMERCIAL IMAGERY AND DATA PROCUREMENT.

The Director of the National Reconnaissance Office may use funds authorized to be appropriated for commercial remote sensing to—

(1) procure and deliver commercial imagery and data, excluding commercial analytics, to satisfy validated requirements of the Department of Defense or the intelligence community;

(2) procure and deliver commercial imagery and data, excluding commercial analytics, for any other national security, homeland defense, or civil partner use that the Director considers appropriate; and

(3) improve commercial remote sensing capabilities.

Subtitle C—Other Elements

SEC. 521. NOTICE OF COUNTERINTELLIGENCE ASSESSMENTS AND INVESTIGATIONS BY THE FEDERAL BUREAU OF INVESTIGATION OF CANDIDATES FOR OR HOLDERS OF FEDERAL OFFICE.

Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section 407 of this Act, is further amended by adding at the end the following new section:

“SEC. 518. NOTICE OF COUNTERINTELLIGENCE ASSESSMENTS AND INVESTIGATIONS OF FEDERAL CANDIDATES OR OFFICEHOLDERS.

“(a) NOTICE.—

“(1) NOTICE REQUIRED.—Except as provided in paragraph (3), the Director of the Federal Bureau of Investigation shall submit to congressional leadership, the congressional intelligence committees, and the chairmen and ranking minority members of the Committees on the Judiciary of the House of Representatives and the Senate notice of each counterintelligence assessment or investigation of an individual who is—

“(A) a candidate for Federal office;

“(B) a holder of Federal office; or

“(C) a covered congressional employee.

“(2) CONTENTS.—The notice required under paragraph (1) shall include—

“(A) a summary of the relevant facts associated with the counterintelligence assessment or investigation; and

“(B) the identity of such individual.

“(3) EXCEPTION.—The Director may refrain from providing a notice under paragraph (1) to an individual who is otherwise a recipient of notices under such paragraph if that individual is a target of the counterintelligence assessment or investigation covered by the notice.

“(b) TIMING.—The Director shall submit each notice under subsection (a) not later than 5 days after the date of the commencement of the counterintelligence assessment or investigation that is the subject of such notice. With respect to counterintelligence assessments or investigations that commenced before the date of the enactment of this section and are ongoing as of such date of enactment, the Director shall submit each notice under subsection (a) not later than 5 days after such date of enactment.

“(c) IDENTIFICATION OF COVERED CONGRESSIONAL EMPLOYEES.—

“(1) LISTS.—The Director may use the lists provided under paragraph (2) to determine whether an individual is a covered congressional employee.

“(2) PROVISION OF LISTS.—The Secretary of the Senate and the Clerk of the House of Representatives shall, not less than semiannually, each provide to the head of each element of the intelligence community a list of covered congressional employees of the Senate and the House of Representatives, respectively.

“(3) KNOWN CONGRESSIONAL EMPLOYEES.—Notwithstanding the lack of inclusion of a person on a list provided under paragraph (2), if a person that is subject to a counterintelligence assessment or investigation is known to the Federal Bureau of Investigation to be a covered congressional employee at the time of such counterintelligence assessment or investigation, the Director shall carry out this section as required when the subject of a counterintelligence assessment or investigation is a covered congressional employee.

“(d) DEFINITIONS.—In this section:

“(1) CANDIDATE; FEDERAL OFFICE.—The terms ‘candidate’ and ‘Federal office’ have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

“(2) COVERED CONGRESSIONAL EMPLOYEE.—The term ‘covered congressional employee’ means an employee or officer of—

“(A) the Senate or the House of Representatives;

“(B) a Senator or a Representative in, or Delegate or Resident Commissioner to, Congress; or

“(C) a committee of the Senate or House of Representatives, or a joint committee of the Senate and House of Representatives.”.

SEC. 522. REQUIREMENT FOR DEPARTMENT OF ENERGY EMPLOYEES TO REPORT TRAVEL TO COUNTRIES OF RISK.

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

“(4) The Director shall develop and implement requirements for all personnel of the Department of Energy that—

“(A) require such personnel to—

“(i) report to the Office any personal or official travel to a country of risk (as defined in section 6432(a) of the Intelligence Authorization Act for Fiscal Year 2025 (42 U.S.C. 7144b note)) or any other country the Director considers appropriate prior to beginning such travel;

“(ii) at the request of personnel of the Office, receive briefings with respect to travel to such a country prior to beginning such travel; and

“(iii) at the request of personnel of the Office, participate in debriefings after travel to such a country; and

“(B) prohibit bringing an electronic device provided by the Department of Energy or that can access Department of Energy non-public systems or data to such a country unless travel to such country with such electronic device is approved by the Director.”.

(b) REPORT.—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 implementation of paragraph (4) of section 215(d) of the Department of Energy Organization Act (42 U.S.C. 7144b(d)), as added by subsection (a) of this section.

TITLE VI—OPEN-SOURCE INTELLIGENCE MATTERS

SEC. 601. DEFINITIONS.

In this title:

(1) COMMERCIALLY AVAILABLE INFORMATION.—The term “commercially available information” means information that is—

(A) of a type customarily made available or obtainable, sold, leased, or licensed to members of the general public or to non-governmental entities for purposes other than governmental purposes; or

(B)(i) intended for exclusive government use; and

(ii) knowingly and voluntarily provided by, procured from, or made accessible by a non-governmental entity.

(2) OPEN-SOURCE INTELLIGENCE.—The term “open-source intelligence” means intelligence derived exclusively from publicly available information or commercially available information.

(3) PUBLICLY AVAILABLE INFORMATION.—The term “publicly available information” means information that—

(A) is published or broadcast for public consumption;

- (B) is available on request to the public, including information available by subscription or purchase;
- (C) is accessible by the public;
- (D) could be seen or heard by any casual observer or member of the public;
- (E) is made available at a meeting open to the public; or
- (F) is observed by visiting any place or attending any event that is open to the public.

SEC. 602. EFFICIENT USE OF OPEN-SOURCE INTELLIGENCE.

(a) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.), as amended by section 404 of this Act, is further amended by adding at the end the following new section:

“SEC. 124. EFFICIENT USE OF OPEN-SOURCE INTELLIGENCE.

“(a) **EFFICIENT USE REQUIRED.**—The Director of National Intelligence shall ensure that the intelligence community makes efficient and effective use of open-source intelligence.

“(b) **DESIGNATION OF RESPONSIBLE OFFICIALS.**—

“(1) **IN GENERAL.**—In carrying out subsection (a), the Director of National Intelligence, in consultation with the heads of the other elements of the intelligence community, shall designate an official of the intelligence community who shall be responsible for the implementation, standardization, and harmonization of the collection and use of open-source intelligence for each of the following areas:

- “(A) Training, tradecraft, and professionalization.
- “(B) Technology innovation and tool development.
- “(C) Data acquisition, cataloging, and sharing.
- “(D) Collection management and requirements.
- “(E) Partnerships and collaborations with entities that are not elements of the intelligence community, including with respect to the dissemination of open-source intelligence products and tools to departments and agencies of the Federal Government that are not elements of the intelligence community.
- “(F) Standards and governance.

“(2) **AUTHORITY TO SELECT SINGLE OFFICIAL FOR MULTIPLE AREAS.**—The Director of National Intelligence may designate a single official to be responsible for more than one of the areas identified in subparagraphs (A) through (F) of paragraph (1).

“(c) **ADDITIONAL REQUIREMENTS FOR EFFICIENT USE.**—In carrying out subsection (a), the Director of National Intelligence shall, to the extent practicable—

- “(1) minimize the duplication of open-source intelligence activities and open-source funding allocations among elements of the intelligence community; and
- “(2) ensure that all open-source intelligence efforts undertaken by elements of the intelligence community are appropriately coordinated, documented, and disclosed to the other elements of the intelligence community.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the applicability of any law or regulation relating to the privacy or civil liberties of United States persons or data pertaining to United States persons.

“(e) **OPEN-SOURCE INTELLIGENCE DEFINED.**—The term ‘open-source intelligence’ has the meaning given that term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.”.

(b) **CONFORMING REPEAL.**—Section 1052 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 50 U.S.C. 3367) is repealed.

SEC. 603. OVERSIGHT OF ACQUISITION OF COMMERCIALY AVAILABLE INFORMATION.

Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.), as amended by section 602 of this Act, is further amended by adding at the end the following new section:

“SEC. 125. OVERSIGHT OF ACQUISITION OF COMMERCIALY AVAILABLE INFORMATION.

“(a) **DESIGNATION.**—The Director of National Intelligence shall designate an official within the intelligence community to oversee the acquisition and management of commercially available information by the elements of the intelligence community.

“(b) **DUTIES.**—The official designated under subsection (a) shall—

- “(1) ensure there is deconfliction of the acquisition of commercially available information;
- “(2) prevent unnecessary duplicative acquisitions;
- “(3) maximize interoperability and data sharing and minimize acquisitions costs;

“(4) coordinate information requirements between elements of the intelligence community and vendors providing commercially available information to ensure clear and concise specifications that outline the necessary features, quality standards, performance indicators, delivery timelines, and any other essential details;

“(5) document such requirements in formats common to the elements of the intelligence community to ensure a shared understanding of the information being requested;

“(6) establish an evaluation methodology to manage procurement metrics; and

“(7) carry out such additional duties relating to the acquisition and management of commercially available information by the elements of the intelligence community as the Director of National Intelligence considers appropriate.

“(c) ANNUAL REVIEW.—Not later than May 31, 2027, and annually thereafter for two years, the official designated under subsection (a) shall provide to the congressional intelligence committees a briefing on the acquisition of commercially available information.

“(d) COMMERCIALLY AVAILABLE INFORMATION DEFINED.—The term ‘commercially available information’ has the meaning given that term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.”.

SEC. 604. BUDGET MATTERS RELATING TO OPEN-SOURCE INTELLIGENCE ACTIVITIES.

(a) BUDGET INFORMATION.—Subsection (d) of section 102A of the National Security Act of 1947 (50 U.S.C. 3024) is amended by adding at the end the following new paragraph:

“(8) In addition to other applicable requirements under this subsection, the head of an element of the intelligence community may not transfer, reprogram, or otherwise reduce amounts made available for open-source intelligence activities without the prior approval of the Director of National Intelligence, unless such amounts are less than any threshold established by the Director under paragraph (1)(A) with respect to requiring prior approval by the Director for transfers and reprogrammings.”.

(b) OVERSIGHT.—Subsection (f) of such section is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following new paragraph:

“(10) The Director of National Intelligence shall—

“(A) conduct regular oversight of the open-source intelligence activities of the elements of the intelligence community and evaluate the effectiveness of such activities; and

“(B) ensure that the budget information provided under subsection (c)(2) includes information with respect to such activities.”.

SEC. 605. BUDGET MATERIALS FOR OPEN-SOURCE INFORMATION, PUBLICLY AVAILABLE INFORMATION, AND COMMERCIALLY AVAILABLE INFORMATION.

Section 506 of the National Security Act of 1947 (50 U.S.C. 3096) is amended—

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

“(5) With respect to fiscal years 2027 through 2029 and any additional fiscal years the Director of National Intelligence considers appropriate, the acquisition or use for intelligence purposes of publicly available information (as defined in section 601 of the Intelligence Authorization Act for Fiscal Year 2026), commercially available information (as defined in such section), or any other open-source information.”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

“(b) ADDITIONAL INFORMATION WITH RESPECT TO PUBLICLY AVAILABLE INFORMATION, COMMERCIALLY AVAILABLE INFORMATION, AND OTHER OPEN-SOURCE INFORMATION.—The budget justification materials required by paragraph (5) of subsection (a) shall include—

“(1) a summary of the primary activities and investments that the amount requested is intended to support;

“(2) a disaggregation of such amount requested by program, budget category, expenditure center or subproject, and any other appropriate classification, as determined by the Director of National Intelligence;

“(3) a comparison of the amount requested for each program for the fiscal year that is the subject of such materials and the amount made available for such program during the preceding fiscal year;

“(4) the number of full-time equivalent civilian and military personnel assigned to open-source intelligence duties by program and across the intelligence community; and

“(5) such other information as the Director of National Intelligence considers appropriate.”; and

(4) in subsection (c), as redesignated by paragraph (2) of this section, by striking “Amounts set forth under subsection (a)” and inserting “Information required under this section”.

SEC. 606. STANDARDIZATION OF TRAINING ON COLLECTION OF PUBLICLY AVAILABLE INFORMATION AND COMMERCIALY AVAILABLE INFORMATION.

Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 406 of this Act, is further amended by adding at the end the following new section:

“SEC. 1117. STANDARDIZATION OF TRAINING ON COLLECTION OF PUBLICLY AVAILABLE INFORMATION AND COMMERCIALY AVAILABLE INFORMATION.

“(a) ESTABLISHMENT OF TRAINING COURSE.—Not later than one year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2026, the official designated under section 125(a)(1) to be responsible for subparagraph (A) of such section, in consultation with the heads of the elements of the intelligence community, shall establish a training course on the collection of publicly available information and commercially available information for intelligence purposes.

“(b) COMPLETION OF COURSE REQUIRED.—

“(1) IN GENERAL.—The head of each element of the intelligence community shall require all personnel of such element whose duties include collection of publicly available information or commercially available information for intelligence purposes to satisfactorily complete the training course established under subsection (a). The head of each such element shall require the completion of such course—

“(A) with respect to personnel of such element who are serving as such personnel on the date on which such training course is established, not later than 180 days after such date; and

“(B) with respect to individuals who begin service as personnel of such element after the date on which such training course is established, not later than 90 days after beginning such service.

“(2) COMPLETION TRANSFERRABLE.—Subject to subsection (c), completion of the training course established under subsection (a) while serving in any element of the intelligence community shall satisfy the requirement under paragraph (1) with respect to service in any other element of the intelligence community or in the same element of the intelligence community after a break in service.

“(c) ADDITIONAL TRAINING.—The head of each element of the intelligence community may require personnel of such element to complete training in collection or analysis of open-source intelligence that is in addition to the training course required under subsection (a) as the head of such element considers appropriate to support the mission of such element, including requiring recurring completion of such training course.

“(d) DEFINITIONS.—In this section, the terms ‘commercially available information’, ‘open-source intelligence’, and ‘publicly available information’ have the meaning given those terms in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.”.

SEC. 607. REQUIREMENT TO PURGE INCIDENTALLY COLLECTED PUBLICLY AVAILABLE INFORMATION OR COMMERCIALY AVAILABLE INFORMATION RELATING TO UNITED STATES PERSONS.

Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section 606 of this Act, is further amended by adding at the end the following new section:

“SEC. 1118. REQUIREMENT TO PURGE INCIDENTALLY COLLECTED PUBLICLY AVAILABLE INFORMATION OR COMMERCIALY AVAILABLE INFORMATION RELATING TO UNITED STATES PERSONS.

“(a) REQUIREMENT TO PURGE.—The head of each element of the intelligence community shall purge from such element any publicly available information or commercially available information relating to a United States person that is incidentally collected by such element.

“(b) DEFINITIONS.—In this section:

“(1) COMMERCIALY AVAILABLE INFORMATION.—The term ‘commercially available information’ has the meaning given the term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

“(2) PUBLICLY AVAILABLE INFORMATION.—The term ‘publicly available information’ has the meaning given the term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

“(3) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given the term in section 105A.”

SEC. 608. UPDATE TO INTELLIGENCE COMMUNITY DIRECTIVES RELATING TO OPEN-SOURCE INTELLIGENCE.

(a) **UPDATE REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall review and update, to ensure the effective and efficient use of open-source intelligence—

(1) the provisions of Intelligence Community Directive 203, Analytic Standards, specifically relating to timeliness and the availability of all sources to include analytic standards for the use of publicly available information, commercially available information, and any other open-source information obtained to produce finished intelligence products;

(2) Intelligence Community Directive 206, Sourcing Requirements for Disseminated Analytic Products by—

(A) appending Intelligence Community Standard 206–01, Citation and Reference for Publicly Available Information, Commercially Available Information, and Open Source Intelligence to the Directive; and

(B) directing elements of the intelligence community to review and update tradecraft as appropriate and provide training to analysts to ensure compliance with such Standard; and

(3) Intelligence Community Directive 208, Maximizing the Utility of Analytic Products.

(b) **LIMITATION ON USE OF FUNDS.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2026 for the Intelligence Community Management Account, two percent may not be obligated or expended until the date on which the Director of National Intelligence submits to the congressional intelligence committees—

(1) notice that the updates required by subsection (d) of section 7321 of the Intelligence Authorization Act for Fiscal Year 2024 (division G of Public Law 118–31; 50 U.S.C. 3367 note) have been completed; and

(2) the plan required by subsection (a) of such section.

(c) **SUBMISSION.**—Upon updating the Intelligence Community Directives pursuant to subsection (a), the Director shall submit such updated Directives to the congressional intelligence committees.

SEC. 609. AUDITS OF EXPENDITURES FOR PUBLICLY AVAILABLE INFORMATION AND COMMERCIALLY AVAILABLE INFORMATION.

(a) **AUDITS REQUIRED.**—

(1) **NATIONAL INTELLIGENCE PROGRAM.**—The chief financial officer of each element of the intelligence community shall—

(A) audit all expenditures under the National Intelligence Program for publicly available information, commercially available information, or any other open-source information for intelligence purposes; and

(B) submit an accounting of such expenditures to the Chief Financial Officer of the Intelligence Community.

(2) **MILITARY INTELLIGENCE PROGRAM.**—The chief financial officer of each component of the Department of Defense that uses funds available under the Military Intelligence Program shall—

(A) audit all expenditures under the Military Intelligence Program for publicly available information, commercially available information, or any other open-source information for intelligence purposes; and

(B) submit an accounting of such expenditures to the Under Secretary of Defense (Comptroller).

(b) **MATTERS COVERED.**—Each audit required under this section shall account for all expenditures relating to the collection, acquisition, or procurement for intelligence purposes of publicly available information, including commercially available information, or any other open-source information using funds available under the National Intelligence Program or the Military Intelligence Program.

(c) **SUBMISSION.**—The Chief Financial Officer of the Intelligence Community and the Under Secretary of Defense (Comptroller) shall each provide to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) a briefing on the audits required by subsection (a)—

(1) not later than June 30, 2026, with respect to expenditures occurring during fiscal year 2024;

(2) not later than June 30, 2027, with respect to expenditures occurring during fiscal year 2025;

(3) not later than June 30, 2028, with respect to expenditures occurring during fiscal year 2026;

- (4) not later than June 30, 2029, with respect to expenditures occurring during fiscal year 2027;
- (5) not later than June 30, 2030, with respect to expenditures occurring during fiscal year 2028; and
- (6) not later than June 30, 2031, with respect to expenditures occurring during fiscal year 2029.

SEC. 610. QUARTERLY BRIEFINGS ON PROCUREMENT OF COMMERCIALY AVAILABLE INFORMATION.

During fiscal years 2026 and 2027, the head of each element of the intelligence community shall, on a quarterly basis, provide to the congressional intelligence committees a briefing on the obligation of any funds available under the National Intelligence Program or the Military Intelligence Program for the procurement of commercially available information during the preceding fiscal quarter, including with respect to the procurement of—

- (1) bulk data;
- (2) application programming interfaces; or
- (3) enterprise or limited software licenses.

SEC. 611. STUDY ON ENGAGEMENT WITH OTHER AGENCIES WITH RESPECT TO OPEN-SOURCE INTELLIGENCE REQUIREMENTS.

(a) **STUDY.**—

(1) **STUDY REQUIRED.**—The Director of National Intelligence shall conduct a study to determine the most effective way to support the open-source intelligence requirements of other departments and agencies of the Federal Government.

(2) **INITIATION DATE.**—The Director of National Intelligence shall begin the study required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) **INTELLIGENCE COMMUNITY PARTICIPATION.**—The head of each element of the intelligence community shall designate an officer or employee of such element to participate in the study required under subsection (a).

(c) **MATTERS COVERED.**—The study required under subsection (a) shall—

(1) determine the appropriate principal liaison within the intelligence community for other departments and agencies of the Federal Government to engage for assistance in collecting and analyzing open-source intelligence;

(2) determine best practices for each element of the intelligence community to—

(A) facilitate and develop relationships with other departments and agencies of the Federal Government to ensure those departments and agencies are aware of the availability and process for requesting open-source intelligence resources from such element; and

(B) assist those departments and agencies with obtaining the appropriate open-source intelligence resources from such element;

(3) review technical infrastructure connected to the information-sharing environment of the intelligence community that is provided to other departments and agencies of the Federal Government to facilitate discovery, access, retention, or destruction of intelligence or intelligence-related information; and

(4) determine how the intelligence community will resolve information-sharing disputes between an element of the intelligence community and another department or agency of the Federal Government.

(d) **BRIEFING.**—Not later than 90 days after the date of the initiation of the study required under subsection (a), the Director of National Intelligence shall provide to the congressional intelligence committees a briefing on the findings of the study.

TITLE VII—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

SEC. 701. UNCLASSIFIED APPRAISALS OF EMPLOYEES OF THE DEFENSE INTELLIGENCE AGENCY.

(a) **REQUIREMENTS FOR APPRAISALS.**—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by adding at the end the following new title:

“TITLE XII—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

“SEC. 1205. UNCLASSIFIED APPRAISALS OF EMPLOYEES OF THE DEFENSE INTELLIGENCE AGENCY.

“(a) UNCLASSIFIED APPRAISALS.—The Director of the Defense Intelligence Agency shall ensure that—

“(1) each performance appraisal of an employee of the Defense Intelligence Agency includes unclassified narrative input and unclassified rating scores for such employee from each person providing narrative input or rating scores for such appraisal; and

“(2) such unclassified narrative input and unclassified rating scores are provided to such employee in unclassified form.

“(b) APPRAISALS FOR DEPARTING EMPLOYEES.—

“(1) REQUIREMENT.—The Director of the Defense Intelligence Agency shall require the completion of a performance appraisal of any employee who—

“(A) terminates employment with the Defense Intelligence Agency; and

“(B) has not received a performance appraisal that was completed in accordance with the requirements of subsection (a) during the one and a half year period that ends on the date of termination of such employment.

“(2) TIMING OF COMPLETION.—A performance appraisal required under paragraph (1) shall be completed for an employee not later than 30 days after the date on which the employee terminates employment with the Defense Intelligence Agency.

“(c) WAIVER.—The Director of the Defense Intelligence Agency may waive the requirements of subsections (a) and (b) with respect to any employee whose affiliation with the Defense Intelligence Agency is classified.”.

(b) APPLICABILITY DATE.—

(1) UNCLASSIFIED APPRAISALS.—Subsection (a) of section 1205 of the National Security Act of 1947, as added by subsection (a) of this section, shall apply with respect to any appraisal of an employee occurring on or after the date of the enactment of this Act.

(2) APPRAISALS FOR DEPARTING EMPLOYEES.—Subsection (b) of such section shall apply with respect to any employee who terminates employment with the Defense Intelligence Agency on or after such date.

(c) CONFORMING TRANSFERS.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is further amended as follows:

(1) Sections 1104 and 1106 are—

(A) transferred to title XII, as added by subsection (a) of this section;

(B) inserted before section 1205, as so added; and

(C) redesignated as sections 1201 and 1202, respectively.

(2) Section 1202, as so redesignated, is amended by striking “1104” each place it appears and inserting “1201”.

SEC. 702. PROHIBITION ON REQUIRING POLITICAL OR IDEOLOGICAL ACTIVISM WITHIN THE INTELLIGENCE COMMUNITY.

Title XII of the National Security Act of 1947, as added and amended by section 701 of this Act, is further amended by inserting after section 1202 the following new section:

“SEC. 1203. PROHIBITION ON REQUIRING POLITICAL OR IDEOLOGICAL ACTIVISM WITHIN THE INTELLIGENCE COMMUNITY.

“(a) PROHIBITION.—The head of each element of the intelligence community shall ensure that—

“(1) a covered individual is not required to engage in political or ideological activism as a condition for obtaining a positive personnel action; and

“(2) a covered individual is not awarded additional points or otherwise be determined to be more likely to obtain a positive personnel decision based on engaging in political or ideological activism.

“(b) EXCEPTION FOR MAINTENANCE OF COVER.—Subsection (a) shall not apply with respect to requirements that a covered individual engage in political or ideological activism for the purposes of maintaining the cover of such individual, as determined by the head of the element of the intelligence community that would take a positive personnel action.

“(c) DEFINITIONS.—In this section:

“(1) COVERED INDIVIDUAL.—The term ‘covered individual’ means—

“(A) an applicant, employee, or former employee of an element of the intelligence community;

“(B) an employee or former employee assigned or detailed to an element of the intelligence community;

“(C) an employee or former employee of a contractor of an element of the intelligence community; or

“(D) an individual contractor or former individual contractor of an element of the intelligence community.

“(2) **POLITICAL OR IDEOLOGICAL ACTIVISM.**—The term ‘political or ideological activism’ means affirmatively advocating for beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action, including through speech, attendance at events, or membership in organizations or groups.

“(3) **POSITIVE PERSONNEL ACTION.**—The term ‘positive personnel action’ means, with regard to a covered individual, any of the following:

“(A) An appointment requested by the covered individual.

“(B) A promotion requested by the covered individual.

“(C) A decision not to subject the covered individual to disciplinary or corrective action.

“(D) A detail, transfer, or reassignment, requested by the covered individual.

“(E) A decision not to subject the covered individual to a demotion, suspension, or termination.

“(F) A reinstatement or restoration requested by the covered individual.

“(G) A recommendation or positive performance evaluation.

“(H) A decision concerning pay, benefits, or awards requested by the covered individual.

“(I) A decision not to order or recommend medical testing or examination, including psychiatric testing or examination, that the covered individual does not request.

“(J) The implementation or enforcement against the covered individual of any nondisclosure policy, form, or agreement.

“(K) The granting of the response requested by the covered individual with respect to any claim of retaliatory action or harassment.

“(L) A decision not to subject the covered individual to an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing an individual for making a protected disclosure.

“(M) A decision to provide education or training if such education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation.

“(N) Any other significant change in duties, responsibilities, or working conditions, requested by the covered individual.”.

SEC. 703. MERIT-BASED PERSONNEL DECISIONS.

Title XII of the National Security Act of 1947, as added by section 701 and amended by sections 701 and 702 of this Act, is further amended by inserting after section 1203 the following new section:

“SEC. 1204. MERIT-BASED PERSONNEL DECISIONS.

“(a) **REQUIREMENT.**—The head of each element of the intelligence community shall ensure that no personnel action (as defined in section 1104(a)) by such element is taken with a motivating factor of any of the following:

“(1) A desire to reverse the impacts of societal discrimination based on race, color, religion, sex, sexual orientation, transgender status, or national origin.

“(2) A desire to provide role models to or aid in recruitment of individuals of the same race, color, religion, sex, sexual orientation, transgender status, or national origin.

“(3) A belief or assumption that certain viewpoints or experiences can be ascribed to a person based on race, color, religion, sex, sexual orientation, transgender status, or national origin.

“(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the head of an element of the intelligence community from taking into consideration linguistic ability, linguistic background, race, color, religion, sex, sexual orientation, transgender status, or national origin in those certain instances where such factor is a bona fide occupational qualification reasonably necessary for carrying out the job function, including maintenance of cover.”.

SEC. 704. EQUAL TREATMENT IN RECRUITMENT AND TRAINING OF INTELLIGENCE COMMUNITY PERSONNEL.

Section 102A(f)(3)(A)(iv) of the National Security Act of 1947 (50 U.S.C. 3024(f)(3)(A)(iv)) is amended by striking “through the recruitment” and all that follows and inserting a semicolon.

SEC. 705. TREATMENT OF CERTAIN AGENCY SERVICE AS ACTIVE-DUTY SERVICE FOR PURPOSES OF BENEFITS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) ACTIVE-DUTY SERVICE.—Title III of the Central Intelligence Agency Retirement Act (50 U.S.C. 2151 et seq.) is amended—

- (1) in the heading, by inserting “AND VETERANS AFFAIRS BENEFITS” after “SYSTEM”; and
- (2) by adding at the end the following new section:

“SEC. 308. TREATMENT OF CERTAIN AGENCY SERVICE AS ACTIVE-DUTY SERVICE FOR PURPOSES OF BENEFITS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

“(a) ACTIVE-DUTY SERVICE.—For purposes of the benefits administered by the Secretary of Veterans Affairs under title 38, United States Code, or any other provision of law, an injury or illness incurred or aggravated by the covered service of a qualifying veteran shall be treated as an injury or illness incurred or aggravated in line of duty in the active military, naval, air, or space service.

“(b) DEFINITIONS.—In this section:

“(1) ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERVICE.—The term ‘active military, naval, air, or space service’ has the meaning given that term in section 101 of title 38, United States Code.

“(2) COVERED SERVICE.—The term ‘covered service’ means service performed by a qualifying veteran that meets the criteria specified in the classified annex accompanying the Intelligence Authorization Act for Fiscal Year 2026 or any subsequent Intelligence Authorization Act.

“(3) QUALIFYING VETERAN.—The term ‘qualifying veteran’ means an employee of the Agency who is a veteran (as defined in section 101 of title 38, United States Code).”.

(b) APPLICATION.—Section 308 of the Central Intelligence Agency Retirement Act, as added by subsection (a), shall apply with respect to injuries or illnesses incurred or aggravated before, on, or after the date of the enactment of this Act.

TITLE VIII—MATTERS RELATING TO FOREIGN COUNTRIES

SEC. 801. NET ASSESSMENTS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by inserting after section 1107A the following new section:

“SEC. 1107B. NET ASSESSMENTS OF THE PEOPLE'S REPUBLIC OF CHINA.

“(a) NET ASSESSMENTS REQUIRED.—The Director of National Intelligence, acting jointly through the National Intelligence Council and the National Intelligence Management Council and in consultation with the heads of the other elements of the intelligence community, shall conduct and regularly update net assessments of the economic, technological, financial, trade, industrial, and diplomatic power of the People's Republic of China in comparison to the United States and the national security implications of the activities of the People's Republic of China in those areas.

“(b) SOURCE INFORMATION.—In conducting and updating net assessments under subsection (a), the Director of National Intelligence shall use—

- “(1) open-source information with respect to the portion of the assessment relating to the United States; and
- “(2) all-source information with respect to the portion of the assessment relating to the People's Republic of China.

“(c) AVAILABILITY.—The Director of National Intelligence shall, consistent with the protection of sources and methods, make net assessments required under this section readily available and accessible to other departments and agencies of the Federal Government and to the congressional intelligence committees.”.

(b) FIRST ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete and submit to the congressional intelligence committees the first net assessment required under section 1107B of the National Security Act of 1947, as added by subsection (a) of this section.

SEC. 802. NATIONAL INTELLIGENCE MANAGEMENT COUNCIL MISSION MANAGER FOR THE PEOPLE'S REPUBLIC OF CHINA.

Section 103M of the National Security Act of 1947 (50 U.S.C. 3034d) is amended by adding at the end the following new subsection:

“(g) NATIONAL INTELLIGENCE MANAGER FOR THE PEOPLE’S REPUBLIC OF CHINA.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2026 and subject to paragraph (2), the Director of National Intelligence shall appoint a member of the National Intelligence Management Council as the National Intelligence Manager for matters relating to the People’s Republic of China.

“(2) WAIVER.—

“(A) IN GENERAL.—The Director of National Intelligence may waive the requirement under paragraph (1) if the Director of National Intelligence submits to the congressional intelligence committees a certification that the appointment described in paragraph (1) would not advance the national security interests of the United States.

“(B) PERIOD OF WAIVER.—A waiver under subparagraph (A) shall apply for the two-year period beginning on the date on which the Director of National Intelligence submits the certification described in such subparagraph. The Director may renew the period of applicability of a waiver by submitting additional certifications under such subparagraph.

“(3) TERMINATION.—The requirements of this subsection shall terminate on December 31, 2030.”.

SEC. 803. NATIONAL INTELLIGENCE ESTIMATE OF ADVANCEMENTS IN BIOTECHNOLOGY BY THE PEOPLE'S REPUBLIC OF CHINA.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, acting through the National Intelligence Council, shall—

(1) produce a National Intelligence Estimate with respect to advancements by the People’s Republic of China in biotechnology and any other significant technology or science sector the Director considers related; and

(2) submit such National Intelligence Estimate to the congressional intelligence committees.

SEC. 804. EXTENSION OF INTELLIGENCE COMMUNITY COORDINATOR FOR RUSSIAN ATROCITIES ACCOUNTABILITY.

Section 6512 of the Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263; 136 Stat. 3543; 50 U.S.C. 3025 note) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by inserting before the period the following: “, including with respect to the forcible transfer and deportation of Ukrainian children”; and

(B) in paragraph (4)(A), by striking “2026” and inserting “2028”; and

(2) in subsection (c), by striking “the date that is 4 years after the date of the enactment of this Act.” and inserting “December 31, 2028. The Director and Coordinator shall carry out this section before such date regardless of any ceasefire or cessation of armed hostilities by Russia in Ukraine occurring before such date.”.

SEC. 805. STUDY ON COLLECTION AND ANALYSIS BY INTELLIGENCE COMMUNITY OF FOREIGN ATROCITIES.

(a) STUDY.—Not later than two years after the date of the enactment of this Act, the Director of the Central Intelligence Agency, acting through the Center for the Study of Intelligence, shall submit to the congressional intelligence committees a study describing the historical approach by the intelligence community to collect, analyze, and disseminate relevant intelligence regarding the risk of and commission of atrocities worldwide since 2010.

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

(1) How the intelligence community has prioritized collection of intelligence regarding the risk of and commission of atrocities worldwide since 2010, including the placement of such intelligence on the National Intelligence Priorities Framework.

(2) Responsiveness of the intelligence community to the requirements of policymakers with respect to such intelligence.

(3) Previous intelligence community-coordinated assessments on such intelligence, including national intelligence estimates and individual products and product lines, including the Intelligence Community Atrocities Watchlist, dedicated to atrocities-related topics.

(4) The assessed utility to policymakers of such previous intelligence community assessments and products.

(5) Observable trends with respect to the matters described in paragraphs (1) through (4).

(6) The effects, including the assessed utility to policymakers, of the coordinator for Russian atrocities accountability designated under section 6512 of the Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263; 136 Stat. 3543; 50 U.S.C. 3025 note).

(7) The effects, including the assessed utility to policymakers, of the coordinator for accountability of atrocities of the People’s Republic of China designated under section 7401 of the Intelligence Authorization Act for Fiscal Year 2024 (division G of Public Law 118–31; 137 Stat. 1068; 50 U.S.C. 3025 note).

(8) Any other related matters the Director determines appropriate.

(c) FORM.—The study under subsection (a) shall contain an unclassified executive summary.

SEC. 806. INTELLIGENCE SUPPORT FOR UKRAINE.

(a) IN GENERAL.—The Director of National Intelligence shall ensure that each head of a relevant element of the intelligence community, as determined by the Director, provides to the Government of Ukraine intelligence support, including information, intelligence, and imagery collection authorized under the provisions of law applicable to the intelligence community, including the National Security Act of 1947 (50 U.S.C. 3001 et seq.), sufficient to support and enable robust operations of the Government of Ukraine that are specifically intended or reasonably expected to defend and retake the territory of Ukraine from the Russian Federation, unless the Director determines there is a compelling interest to not provide such support.

(b) NOTIFICATIONS.—Each head of an element of the intelligence community shall submit to the congressional intelligence committees a notification of any interruption in intelligence support provided to the Government of Ukraine by that element by not later than 7 days after the date on which such interruption begins.

TITLE IX—REPORTS AND OTHER MATTERS

SEC. 901. MODIFICATIONS TO ACCESS TO RESTRICTED DATA UNDER THE ATOMIC ENERGY ACT OF 1954.

(a) REQUIREMENTS.—Subsection b. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165(b)) is amended—

(1) by striking “Except” and inserting “(1) Except”; and

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

“(2)(A) Paragraph (1) shall not apply to the President, the Vice President, Members of Congress, or a justice or judge of the United States (as those terms are defined in section 451 of title 28, United States Code).

“(B) Beginning not later than 90 days after the date of the Intelligence Authorization Act for Fiscal Year 2026, the Secretary of Energy, in coordination with the Director of National Intelligence, or such other officer of the United States acting as the Security Executive Agent pursuant to subsection (a) of section 803 of the National Security Act of 1947 (50 U.S.C. 3162a), shall—

“(i) maintain an up-to-date list of each individual who holds a position described in subparagraph (A); and

“(ii) verify that such individual is authorized to access Restricted Data by virtue of holding such a position—

“(I) in coordination with the appropriate security official of the organization of the individual, including the Sergeants at Arms of the House of Representatives and the Senate with respect to Members of Congress; and

“(II) in a manner that does not require more personally identifying information of the individual than the Director of National Intelligence requires to verify access by such individuals to classified information.”.

(b) NOTIFICATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy, in coordination with the Director of National Intelligence, or such other officer of the United States acting as the Security Executive Agent pursuant to subsection (a) of section 803 of the National Security Act of 1947 (50 U.S.C. 3162a), shall notify the congressional intelligence committees of the status of carrying out paragraph (2) of subsection b. of section 145 of the Atomic Energy Act of 1954, as added by subsection (a).

SEC. 902. REVISIONS TO CONGRESSIONAL NOTIFICATION OF INTELLIGENCE COLLECTION ADJUSTMENTS.

Section 22 of the National Security Agency Act of 1959 (50 U.S.C. 3620) is amended—

(1) in subsection (a)—

(A) by striking “the occurrence of an intelligence collection adjustment” and inserting “that a covered intelligence collection or sharing adjustment has occurred”; and

(B) by striking “notification of the intelligence collection adjustment” and inserting “summary of such adjustment and the cause of such adjustment”; and

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

“(2) COVERED INTELLIGENCE COLLECTION OR SHARING ADJUSTMENT.—The term ‘covered intelligence collection or sharing adjustment’ means an action or inaction by the National Security Agency that results in a significant change to—

“(A) the quantity of intelligence collected by the National Security Agency with respect to a foreign country, foreign organization, or senior leader of a foreign country or foreign organization; or

“(B) policies or practices of the National Security Agency with respect to the sharing of intelligence with a foreign country, organization of foreign countries, or organization of countries of which the United States is a member.”.

SEC. 903. ANNUAL SUBMISSION OF INTELLIGENCE COMMUNITY DRUG CONTROL PROGRAM BUDGET PROPOSAL.

(a) REQUIREMENT.—Section 506 of the National Security Act of 1947 (50 U.S.C. 3096), as amended by section 605 of this Act, is further amended—

(1) by redesignating subsection (c), as redesignated by paragraph (2) of such section 605, as subsection (d); and

(2) by inserting after subsection (b), as added by paragraph (3) of such section 605, the following:

“(c) INTELLIGENCE COMMUNITY DRUG CONTROL PROGRAM BUDGET.—(1) The Director of National Intelligence shall annually develop a consolidated Intelligence Community Drug Control Program Budget.

“(2) Not later than 30 days after the date on which the Director of National Intelligence submits to the congressional intelligence committees the classified intelligence budget justification materials for a fiscal year under section 506J, the Director shall submit to such committees a summary of the consolidated Intelligence Community Drug Control Program Budget for that fiscal year. To the extent practicable, the Director shall organize such summary in a similar manner as the National Drug Control Program budget under section 704(c) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(c)).

“(3) Each summary under paragraph (2) shall include the following:

“(A) A certification by the Director stating that the consolidated Intelligence Community Drug Control Program Budget is designed to implement the responsibilities of the intelligence community in support of the counter-drug efforts of the United States, as reflected in the National Drug Control Strategy under section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705) and the National Interdiction Command and Control Plan under section 711(a)(4) of such Act (21 U.S.C. 1710(a)(4)).

“(B) A description of the key accomplishments of the intelligence community with respect to counternarcotics during the fiscal year in which the summary is submitted and the previous fiscal year.

“(C) The total amounts requested for the National Intelligence Program for counternarcotics for the fiscal year covered by the summary and for the previous fiscal year.

“(D) Each of the total amounts under subparagraph (C), disaggregated by each element of the intelligence community at the expenditure center, project, and subproject levels.

“(E) Any other information the Director determines appropriate to provide the congressional intelligence committees with a consolidated, comprehensive, and detailed understanding of the amounts, activities, and purposes of the amounts requested for the National Intelligence Program for counternarcotics for the fiscal year covered by the summary.

“(4) Each head of an element of the intelligence community shall timely provide to the Director of National Intelligence the information the Director requires to develop each summary under paragraph (2).”.

(b) CLERICAL AMENDMENT.—Such section 506 is amended in the heading by adding at the end the following: “; INTELLIGENCE COMMUNITY DRUG CONTROL PROGRAM BUDGET”.

(c) CONFORMING AMENDMENT.—Section 7320(a) of the Intelligence Authorization Act for Fiscal Year 2024 (division G of Public Law 118–31; 50 U.S.C. 3096 note) is amended by striking “2027” and inserting “2026”.

SEC. 904. REPEAL OF ANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.

(a) REPEAL.—Section 118 of the National Security Act of 1947 (50 U.S.C. 3055) is repealed.

(b) CONFORMING AMENDMENT.—Section 507(a) of such Act (50 U.S.C. 3106(a)) is amended—

- (1) by striking paragraph (5); and
- (2) by redesignating paragraph (6) as paragraph (5).

SEC. 905. REPEAL OF OUTDATED OR UNNECESSARY REPORTING REQUIREMENTS.

(a) NATIONAL SECURITY ACT OF 1947.—

(1) HIRING AND RETENTION OF MINORITY EMPLOYEES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is repealed.

(2) FOREIGN MALIGN INFLUENCE CENTER.—Section 119C of the National Security Act of 1947 (50 U.S.C. 3059) is amended—

- (A) by striking subsection (d); and
- (B) by redesignating subsection (e) as subsection (d).

(3) COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS FOR INTELLIGENCE COMMUNITY GRANT FUNDING.—Section 121 of the National Security Act of 1947 (50 U.S.C. 3061) is amended by striking subsection (c).

(4) AUTHORIZATION OF SUPPORT BY DIRECTOR OF NATIONAL INTELLIGENCE FOR CERTAIN WORKFORCE ACTIVITIES.—Section 1025(c) of the National Security Act of 1947 (50 U.S.C. 3224a) is amended by striking “to—” and all that follows through “workforce,” and inserting “to the recruitment or retention of the intelligence community workforce.”

(5) NATIONAL INTELLIGENCE UNIVERSITY.—Subtitle D of title X of the National Security Act of 1947 (50 U.S.C. 3327 et seq.) is amended—

- (A) by striking section 1033; and
- (B) by redesignating sections 1034 and 1035 as sections 1033 and 1034, respectively.

(6) MEASURES TO MITIGATE COUNTERINTELLIGENCE THREATS FROM PROLIFERATION AND USE OF FOREIGN COMMERCIAL SPYWARE.—Section 1102A(b)(1) of the National Security Act of 1947 (50 U.S.C. 3232a) is amended by inserting “for five years” after “annually thereafter”.

(7) BEST PRACTICES TO PROTECT PRIVACY, CIVIL LIBERTIES, AND CIVIL RIGHTS OF CHINESE AMERICANS.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by striking section 1110.

(b) INTELLIGENCE AUTHORIZATION ACTS.—

(1) EXPANSION OF SECURITY CLEARANCES FOR CERTAIN CONTRACTORS.—Section 6715 of the Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263; 136 Stat. 3572) is amended—

- (A) by striking subsection (c); and
- (B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) TRENDS IN TECHNOLOGIES OF STRATEGIC IMPORTANCE TO UNITED STATES.—Section 833 of the Intelligence Authorization Act for Fiscal Year 2022 (division X of Public Law 117–103; 136 Stat. 1035) is repealed.

(3) COOPERATIVE ACTIONS TO DETECT AND COUNTER FOREIGN INFLUENCE OPERATIONS.—Section 5323 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116–92; 50 U.S.C. 3369) is amended—

- (A) by striking subsections (d), (e), and (f); and
- (B) by redesignating subsections (g) and (h) as subsections (d) and (e), respectively.

(4) ASSESSMENT OF HOMELAND SECURITY VULNERABILITIES ASSOCIATED WITH CERTAIN RETIRED AND FORMER PERSONNEL OF THE INTELLIGENCE COMMUNITY.—Section 5717 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116–92; 50 U.S.C. 3334c) is repealed.

(5) NATIONAL SECURITY EFFECTS OF GLOBAL WATER INSECURITY AND EMERGING INFECTIOUS DISEASE AND PANDEMICS.—Section 6722 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116–92; 50 U.S.C. 3024 note) is repealed.

(6) COUNTER ACTIVE MEASURES BY RUSSIA, CHINA, IRAN, NORTH KOREA, OR OTHER NATION STATE TO EXERT COVERT INFLUENCE.—Section 501 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 50 U.S.C. 3001 note) is amended by striking subsection (h).

(c) OTHER PROVISIONS OF LAW.—

(1) STRIKES 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 by striking “2027” and inserting “2026”.

(2) MONITORING MINERAL INVESTMENTS UNDER BELT AND ROAD INITIATIVE OF PEOPLE’S REPUBLIC OF CHINA.—Section 7003 of the Energy Act of 2020 (division Z of Public Law 116–260; 50 U.S.C. 3372) is repealed.

(3) PROPOSAL TO MODIFY OR INTRODUCE NEW AIRCRAFT OR SENSORS FOR FLIGHT BY THE RUSSIAN FEDERATION UNDER OPEN SKIES TREATY.—Section 1242 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3563) is repealed.

(4) EFFORTS OF STATE SPONSORS OF TERRORISM, OTHER FOREIGN COUNTRIES, OR ENTITIES TO ILLICITLY ACQUIRE SATELLITES AND RELATED ITEMS.—Section 1261 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 22 U.S.C. 2278 note) is amended by striking subsection (e).

(5) COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.—Section 108 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114; 22 U.S.C. 6038) is repealed.

SEC. 906. NOTIFICATION OF MATERIAL CHANGES TO POLICIES OR PROCEDURES GOVERNING TERRORIST WATCHLIST AND TRANSNATIONAL ORGANIZED CRIME WATCHLIST.

(a) NOTIFICATION OF MATERIAL CHANGES.—

(1) NOTIFICATION REQUIRED.—The Director of the Federal Bureau of Investigation shall submit to the appropriate congressional committees notice of any material change to a policy or procedure relating to the terrorist watchlist or the transnational organized crime watchlist, including any change to the policy or procedure for adding or removing a person from either watchlist. Each notification under this subsection shall include a summary of the material changes to such policy or procedure.

(2) TIMING OF NOTIFICATION.—Each notification required under paragraph (1) shall be submitted not later than 30 days after the date on which a material change described in paragraph (1) takes effect.

(b) REQUESTS BY APPROPRIATE COMMITTEES.—Not later than 30 days after receiving a request from an appropriate congressional committee, the Director of the Federal Bureau of Investigation shall submit to such committee all guidance in effect as of the date of the request that applies to or governs the use of the terrorist watchlist or the transnational organized crime watchlist.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) TERRORIST WATCHLIST.—The term “terrorist watchlist” means the Terrorist Screening Dataset or any successor or similar watchlist.

(3) TRANSNATIONAL ORGANIZED CRIME WATCHLIST.—The term “transnational organized crime watchlist” means the watchlist maintained under the Transnational Organized Crime Actor Detection Program or any successor or similar watchlist.

SEC. 907. ANNUAL REPORT ON UNITED STATES PERSONS ON THE TERRORIST WATCH LIST.

(a) REPORT.—Not later than January 31, 2026, and annually thereafter for two years, the Director of the Federal Bureau of Investigation shall submit to the appropriate congressional committees a report on known or presumed United States persons who are included on the terrorist watchlist.

(b) CONTENTS.—Each report required under subsection (a) shall include, with respect to the preceding calendar year, the following information:

(1) The total number of persons who were included on the terrorist watchlist as of January 1 and the total number of such persons included as of December 31.

(2) The total number of known or presumed United States persons who were included on the terrorist watchlist as of January 1 and the total number of such persons included as of December 31, including with respect to each of those dates—

(A) the number of known or presumed United States persons who were included on a no fly list;

(B) the number of known or presumed United States persons who were included on a selectee list for additional screening;

(C) the number of known or presumed United States persons who were included on the terrorist watchlist as an exception to a reasonable suspicion standard and who are not subject to additional screening, but who are in-

cluded on the list to support specific screening functions of the Federal Government;

(D) the name of each terrorist organization with which the known or presumed United States persons are suspected of being affiliated and the number of such persons who are suspected of affiliating with each such terrorist organization; and

(E) an identification of each Federal agency that nominated the United States persons to the terrorist watchlist and the number of such persons nominated by each Federal agency.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) TERRORIST WATCHLIST.—The term “terrorist watchlist” means the Terrorist Screening Dataset or any successor or similar watchlist.

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

SEC. 908. PLAN ON USE OF PROPOSED WEB OF BIOLOGICAL DATA.

(a) PLAN.—The Secretary of Energy, in coordination with the heads of the elements of the intelligence community, shall develop a plan on the use by the intelligence community of the proposed web of biological data as described in recommendation 4.1a of the report titled “Charting the Future of Biotechnology” published by the National Security Commission on Emerging Biotechnology in April 2025 pursuant to section 1091 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1929).

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the congressional intelligence committees a briefing on the plan under subsection (a).

PURPOSE

The purpose of H.R. 5167, the Intelligence Authorization Act for Fiscal Year 2026 (the Act), is to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2026.

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. 5167.

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.

BRIEFING ON OIL AND CHEMICAL TRANSACTIONS BETWEEN IRAN AND THE PEOPLE'S REPUBLIC OF CHINA

The Committee directs the Assistant Secretary of the Department of Treasury's Office of Intelligence and Analysis, in collaboration with the Commander of the Office of Naval Intelligence, to provide a briefing to the congressional intelligence committees not later than March 31, 2026 on oil and certain chemical transactions between the People's Republic of China and Iran. The briefing shall include: (1) an analysis of PRC purchases of Iranian oil since 2020, including an analysis of the use of transshipment points and shell companies as methods to insulate the PRC from sanctions; and (2) an analysis of significant financial transactions by PRC entities involving the sale, supply, or transfer to Iran of chemical precursors and other sensitive materials, including material that may support the Iranian Revolutionary Guard Corps' ballistic missile program.

DEPARTMENT OF STATE BUREAU OF INTELLIGENCE AND RESEARCH STAFFING LEVELS

The Committee directs the Assistant Secretary of State for Intelligence and Research to provide a briefing to the congressional intelligence committees not later than January 30, 2026, on the staffing levels at each Bureau of Intelligence and Research (INR) office. The briefing shall include the following information: (1) the number of civilian full-time equivalents (FTEs) and contractors employed within each INR office as of October 1, 2024 and October 1, 2025; (2) the number of civilian FTE billets for each INR office as of October 1, 2024 and October 1, 2025; (3) the number of civilian FTEs

who opted into voluntary workforce shaping programs in Fiscal Year 2025, categorized in each of the following: Deferred Resignation Program, Voluntary Early Retirement Authority, and Voluntary Separation Incentive Payments; (4) the number of contractors who left INR in Fiscal Year 2025 due to contract terminations; and, (5) for civilian FTEs terminated as a result of a Reduction in Force, the stated rationale for each termination, how the determination to terminate each individual was made, and the billet to which they were assigned prior to termination. The briefing shall be provided at the appropriate classification level and shall protect personally identifiable information.

INTELLIGENCE ASSESSMENT ON HONG KONG SPECIAL ADMINISTRATIVE REGION'S ROLE AS SANCTIONS EVASION, ILLICIT FINANCE, AND TECHNOLOGY TRANSSHIPMENT HUB

The Committee directs the Assistant Secretary of the Department of Treasury's Office of Intelligence and Analysis to submit an intelligence assessment to the congressional intelligence committees not later than March 31, 2026 on the Hong Kong Special Administrative Region's role as a sanctions evasion, illicit finance, and technology transshipment hub used to assist Russia, Iran, and North Korea. The assessment shall assess: (1) the role of Hong Kong in facilitating the transfer of dual-use components and facilitating trade and financial transactions that violate U.S. sanctions; (2) the role of the PRC's June 30, 2020 National Security Law in limiting the ability of PRC financial institutions to adhere to global standards for anti-money laundering and know-your-customer procedures; and (3) the level of cooperation by Hong Kong authorities with respect to the enforcement of U.S. export controls and sanctions regimes.

BRIEFING ON DEPARTMENT OF DEFENSE SENIOR INTELLIGENCE OVERSIGHT OFFICIAL

The Committee recognizes the continuing need for independent oversight of all Department of Defense intelligence, intelligence-related, and sensitive activities. Section 921 of the National Defense Authorization Act for Fiscal Year 2025 (Public Law 181-159) codified the role of the Senior Intelligence Oversight Official (SIOO) with the responsibility to conduct independent oversight of all intelligence, counterintelligence, and intelligence-related activities of the Department of Defense. Section 921 also directed the Department to review and update Department of Defense Directive 5148.13 to conform with this change. An SIOO with awareness and oversight responsibilities across the spectrum of intelligence-related, and sensitive activities is critical to enabling success and managing risk to the Department's most impactful programs. Therefore, the Committee directs the Secretary of Defense to provide a briefing to the congressional intelligence committees not later than February 18, 2026, on how the Department is implementing the requirements of Section 921, to include providing the SIOO with access to all information necessary to carry out the responsibilities and functions of the role and steps the Department has taken to prevent the bifurcation of this oversight function. The

briefing shall also include an update on the status of the review of Department of Defense Directive 5148.13.

INTELLIGENCE ASSESSMENT ON DPRK ADVANCEMENTS FROM PARTICIPATION IN RUSSIA-UKRAINE CONFLICT

The Committee directs the Director of the Defense Intelligence Agency to submit an intelligence assessment to the congressional intelligence committees not later than March 31, 2026 on how the Democratic People's Republic of Korea has advanced its military capabilities through its participation in the Russia-Ukraine conflict. The assessment shall include a description of the DPRK's offensive and defensive military posture and capabilities; what lessons the DPRK has learned, and how it has improved or changed its tactics, techniques and procedures; how these developments could impact the DPRK's behavior in a potential conflict with the Republic of Korea; and any weapons or technology proliferation from Russia and Russia's partners to the DPRK.

INTELLIGENCE ASSESSMENT ON THE INTELLIGENCE RELATIONSHIP BETWEEN THE PEOPLE'S REPUBLIC OF CHINA AND PAKISTAN

The Committee directs the Director of the Central Intelligence Agency to submit an intelligence assessment to the congressional intelligence committees not later than March 31, 2026 on the intelligence relationship between the People's Republic of China and Pakistan, including an assessment of intelligence sharing during India-Pakistan crises and a description of how increased cooperation between Pakistan and the PRC could impact escalation dynamics in South Asia.

COMMITTEE CONSIDERATION

On September 10, 2025, the Permanent Select Committee on Intelligence met in open session and marked up the bill, H.R. 5167, Intelligence Authorization Act for Fiscal Year 2026, and favorably reported the amendment in the nature of substitute, by unanimous consent, a quorum being present.

COMMITTEE VOTES

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 25 ayes to 0 noes: Voting aye: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P., Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: None

Following closed discussion, the Committee returned to open session and considered amendments. In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee's consideration of H.R. 5167:

1. Amendment #1 to H.R. 5167 Amendment in the Nature of Substitute (ANS), offered by Mr. Fitzpatrick, passed by a voice vote.

2. Amendment #2 to H.R. 5167 ANS, offered by Ms. Houlahan, failed by a recorded vote of 12 ayes and 14 noes. Voting aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Gomez, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P.

3. Amendment #3 to H.R. 5167 ANS, offered by Mr. Perry, passed by a voice vote.

4. Amendment #4 to H.R. 5167 ANS, offered by Mr. Krishnamoorthi, failed by a recorded vote of 12 ayes and 14 noes. Voting aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Gomez, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P.

5. Amendment #5 to H.R. 5167 ANS, offered by Ms. Houlahan, failed by a recorded vote of 12 ayes and 14 noes. Voting aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Gomez, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P.

6. Amendment #6 to H.R. 5167 ANS, offered by Mr. Gomez, J., failed by a recorded vote of 12 ayes and 14 noes. Voting aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Gomez, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P.

7. Amendment #7 to H.R. 5167 ANS, offered by Mr. Crow, failed by a recorded vote of 12 ayes and 14 noes. Voting aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Gomez, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P.

8. Amendment #8 to H.R. 5167 ANS, offered by Mr. Himes, failed by a recorded vote of 12 ayes and 14 noes. Voting aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Gomez, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P.

9. Amendment #10 to H.R. 5167 Annex, offered by Mr. Quigley, failed by a recorded vote of 12 ayes and 14 noes. Voting

ing aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Plaskett, S., Gottheimer, J., Gomez, J., Houlahan, C., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P.

10. Amendment #13 to H.R. 5167 Annex, offered by Mr. Castro, failed by a recorded vote of 9 ayes and 17 noes. Voting aye: Himes, J., Carson, A., Castro, J., Krishnamoorthi, R., Crow, J., Bera, A., Gomez, J., Quigley, M., Cohen, S. Voting no: Crawford, E., Kelly, T., Stefanik, E., Fitzpatrick, B., Scott, A., Hill, F., Crenshaw, D., Perry, S., Jackson, R., Wagner, A., Cline, B., Steube, G., Tenney, C., Fallon, P., Plaskett, S., Gottheimer, J., Houlahan, C.

11. Finally, the Committee adopted by voice vote H.R. 5167, the amendment in the nature of a substitute offered by Chairman Crawford, and the bill as amended was approved and ordered to be reported to the House by unanimous consent.

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. Particularly, on March 26, 2025, the Committee held an open and closed hearing Titled “Annual Worldwide Threats” which is a comprehensive review of the statutorily required annual threat assessment from the intelligence community.

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. 5167 are to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2026. 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. 5167 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 September 12, 2025, 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.

SECTION-BY-SECTION ANALYSIS

The following is a section-by-section summary of H.R. 5167, the Intelligence Authorization Act for Fiscal Year 2026 (the Act).

TITLE I—INTELLIGENCE ACTIVITIES

Section 101. Authorization of Appropriations

Section 101 specifies that the Act authorizes appropriations for intelligence and intelligence-related activities of the intelligence community for Fiscal Year 2026.

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 2026 are contained in the classified Schedule of Authorizations, which shall be made available to the Committees on Appropriations of the Senate and the House of Representatives and to the President.

Section 103. Intelligence Community Management Account

Section 103 authorizes appropriations for the Intelligence Community Management Account of the Director of National Intelligence for Fiscal Year 2026.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Section 201. Authorization of Appropriations

Section 201 authorizes appropriations for the Central Intelligence Agency Retirement and Disability Fund for Fiscal Year 2026.

TITLE III—COUNTERINTELLIGENCE REFORM

Section 301. Short title

Section 301 may be cited as the “Strategic Enhancement of Counterintelligence and Unifying Reform Efforts Act” or “SECURE Act”.

Section 302. Establishment, functions, and authorities of the National Counterintelligence Center

Section 302 amends the definition of counterintelligence, adding the terms “deter, disrupt, investigate, exploit.” This section also establishes the National Counterintelligence Center with the mission to “to direct, coordinate, and carry out counterintelligence activities.” This section also establishes the position and duties of the Director of the National Counterintelligence Center to lead all counterintelligence efforts of the Federal government and establishes the National Counterintelligence Task Force and a National Counterintelligence Program. This section also directs the Director of National Intelligence to transfer all counterintelligence functions and personnel to the National Counterintelligence Center.

Section 303. Transition provisions

Section 303 redesignates the National Counterintelligence and Security Center as the “National Counterintelligence Center” with a presidentially appointed and Senate-confirmed Director. This section also directs the Office of the Director of National Intelligence to submit an assessment within one year of enactment of this Act to the congressional intelligence committees on whether certain security functions should be transferred to the Director of the National Counterintelligence Center or to another official. This section also requires the Director of National Intelligence to brief the congressional intelligence committees on the status of this assessment within 180 days of enactment of this Act.

Section 304. Conforming amendments

Section 304 makes amendments to the National Security Act of 1947, the Counterintelligence Enhancement Act of 2002, and Intelligence Authorization Acts of 2024, 2020, 2019, 2018, and 2004 to conform and be consistent with the provisions set forth in this Act.

TITLE IV—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 401. Restriction on conduct of intelligence activities

Section 401 provides that the authorization of appropriations by this Act does not constitute authority for unauthorized conduct of any intelligence activity.

Section 402. Increase in employee compensation and benefits authorized by law

Section 402 provides that appropriations authorized by this Act for salary, pay, retirement, and other benefits may be increased as authorized by law.

Section 403. Intelligence acquisition enhancement

Section 403 authorizes the Director of the National Reconnaissance Office to exercise acquisition transaction authority up to \$500,000,000. This section also requires the Director to notify the congressional intelligence committees 14 days before such transaction is entered into and certify that such a transaction is essential to meet critical national security objectives.

Section 404. Senior officials for biotechnology

Section 404 requires the heads of specified elements of the intelligence community to designate a senior official to serve as the official responsible for activities relating to biotechnology, and to provide notice to the congressional intelligence committees not later than 15 days after making such designation.

Section 405. Prohibition on Use of DeepSeek on Intelligence Community systems

Section 405 requires the Director of National Intelligence to develop standards and guidelines that require the removal of the DeepSeek application (or any successor application or service developed or provided by High Flyer or any successor entity) from national security systems operated by an element of the intelligence community, a contractor to an element of the intelligence community, or another entity on behalf of an element of the intelligence community. This section also provides that the standards and guidelines shall include an exception for “national security purposes” and “research activities,” as well as risk mitigation standards and guidelines applicable to such exceptions.

Section 406. Knowledge management system for international cartels and other transnational criminal organizations

Section 406 directs the Director of National Intelligence, in consultation with the Attorney General, to establish a single inter-agency knowledge management system program of record to serve as the reporting program for counter-cartel, counter-Foreign Terrorist Organizations, and counternarcotics missions. This section

also directs the Director to serve as the Executive Agent of this program of record. This section also requires the Director and the Attorney General to brief the congressional intelligence committees on a semiannual basis through 2028 on the implementation of this program of record.

Section 407. Notice of impact of diplomatic and consular post closings on intelligence activities

Section 407 requires the Director of National Intelligence, within 30 days of the closure of a diplomatic or consular post, to submit to the congressional intelligence committees a notice describing any impact on the activities or interests of the intelligence community, providing a plan to mitigate any adverse impacts, and describing whether and to what extent intelligence community leaders were consulted in the decision-making process leading to the closure and registered any concerns with or objections to such closure.

Section 408. Harmonizing policies on the use of classified data in training or refining artificial intelligence models

Section 408 requires the President, not later than 180 days after enactment of this Act, to issue or update policies that apply to the entire intelligence community with respect to the use of classified information for the purpose of training or refining artificial intelligence models for use by an element of the intelligence community. This section further provides that such policies shall seek to maximize the amount of data that can be used for training or refining artificial intelligence models, consistent with the need to protect such information from unauthorized use and in accordance with existing laws.

Section 409. Accelerating review of artificial intelligence capabilities for deployment

Section 409 requires the Director of National Intelligence, in consultation with the heads of the other elements of the intelligence community, to issue guidance within 90 days of enactment of this Act to prioritize the completion of reviews of authorizations to operate artificial intelligence capabilities being evaluated for intelligence community usage. This section also directs the heads of the intelligence community elements to notify the congressional intelligence committees of any review of an authorization to operate artificial intelligence capabilities that exceeds 60 days.

Section 410. Enhancing intelligence community technology adoption metrics

Section 410 requires the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the National Geospatial-Intelligence Agency, the Director of the National Reconnaissance Office, and the Director of the Defense Intelligence Agency, not later than 270 days after enactment, to each develop and implement a process that makes use of a single set of metrics and methodologies to assess the adoption, integration, and operational impact of emerging technologies, including artificial intelligence. This section also requires each Director, not later than one year after enactment

of this Act, to submit to the congressional intelligence committees a briefing on the implementation of this section.

Section 411. AI security playbook

Section 411 directs the Director of the National Security Agency to develop strategies to protect certain artificial intelligence technology from adversaries by engaging with artificial intelligence developers, leveraging industry expertise, and coordinating within the Federal government. This section also directs the Director to submit an initial report to the congressional intelligence committees within 180 days of enactment of this Act, and a final report, including a publicly available version, within one year of enactment of this Act.

TITLE V—MATTERS RELATING TO THE ELEMENTS OF THE
INTELLIGENCE COMMUNITY

SUBTITLE A—CENTRAL INTELLIGENCE AGENCY

Section 501. Guidance on novel and significant expenditures for purposes of notification under the Central Intelligence Agency Act of 1949

Section 501 amends Section 8(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) to require the Director of the Central Intelligence Agency, not later than 180 days after enactment, to issue written guidance to ensure the timely identification and reporting of novel and significant expenditures in accordance with Section 8(c). This section further requires the Director to brief the appropriate congressional committees within 60 days of the Director initially issuing or materially revising such guidance.

Section 502. Improvements to security of Central Intelligence Agency installations

Section 502 authorizes the CIA to protect its personnel and installations from on-the-ground threats and provides CIA with authority to protect certain facilities from unmanned aircraft systems. This section also requires the CIA to coordinate with and notify the Department of Transportation and Federal Aviation Administration to ensure no disruption to other aircraft. The authorities in this section shall be carried out consistent with the Foreign Intelligence Surveillance Act of 1978. This section also requires CIA to notify the congressional intelligence committees, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation of activities to counter unmanned aircraft systems.

SUBTITLE B—ELEMENT OF THE DEPARTMENT OF DEFENSE

Section 511. Requirement to avoid duplication in purchase of commercially available information for the Defense Intelligence Enterprise

Section 511 prohibits any Department of Defense intelligence component from purchasing commercially available information until it determines that such information is not already available for use by such component from another defense intelligence component. This section also details exception criteria where= the

Under Secretary of Defense for Intelligence and Security may authorize defense intelligence components to purchase such commercially available information when otherwise prohibited by this section.

Section 512. Oversight and deconfliction of vendor support to clandestine activities

Section 512 requires the Secretary of Defense to establish, maintain, and continuously update a secure capability to facilitate oversight, deconfliction, and risk assessments of all commercial vendor support to the Department of Defense for clandestine activities. This section also authorizes the Secretary to exclude information concerning a commercial vendor due to operational, counterintelligence, or other national security concerns under certain circumstances and with notice to Congress.

Section 513. Disestablishment of advisory boards for National Geospatial-Intelligence Agency and National Reconnaissance Office

Section 513 disestablishes the advisory boards for the National Geospatial-Intelligence Agency and the National Reconnaissance Office 30 days after the date of the enactment of this Act.

Section 514. Expansion of commercial imagery and data procurement

Section 514 authorizes the Director of the National Reconnaissance Office to use funds authorized for commercial remote sensing to procure and deliver commercial imagery and data to address emerging needs not necessarily contained within existing, static requirements. The provision also authorizes such funds to be used to make material improvements to commercial remote sensing capabilities.

SUBTITLE C—OTHER ELEMENTS

Section 521. Notice of counterintelligence assessments and investigations by the Federal Bureau of Investigation of candidates for holders of Federal office

Section 521 requires the Director of the Federal Bureau of Investigation to notify congressional leadership, the chairs and ranking members of the congressional intelligence committees, and the chairs and ranking members of the Committees on the Judiciary for the U.S. House of Representatives and the U.S. Senate within five days of commencing an assessment or investigation of (1) a candidate for Federal Office, (2) a holder of a Federal office, or (3) a congressional employee. The notice must provide a summary of the relevant facts associated with the counterintelligence assessment or investigation and the identity of the person who is the subject of such assessment or investigation. This section includes an exception whereby the Director is not required to provide notice to an individual if that individual is a target of the counterintelligence assessment or investigation covered by the notice.

Section 522. Requirement for Department of Energy employees to report travel to countries of risk

Section 522 requires the Director of the Office of Intelligence and Counterintelligence within the Department of Energy to develop and implement requirements for all personnel of the Department of Energy to report to the Office any personal or official travel to a country of risk—the People’s Republic of China, Russia, Iran, and North Korea—or any other country the Director considers appropriate prior to beginning such travel; at the request of personnel of the Office, to receive briefings with respect to travel to such a country prior to beginning such travel; at the request of personnel of the Office, to participate in debriefings after travel to such a country; and to prohibit bringing an electronic device provided by the Department of Energy or that can access Department of Energy non-public systems or data to such a country unless approved by the Director. This section also requires the Director, not later than 90 days after enactment of this Act, to brief the congressional intelligence committees on the implementation of this section.

TITLE VI—OPEN-SOURCE INTELLIGENCE MATTERS

Section 601. Definitions

Section 601 defines the term “open-source intelligence” as intelligence derived exclusively from publicly available information or commercially available information.

This section also defines commercially available information as information that is of a type customarily made available or obtainable, sold, leased, or licensed to members of the general public or to non-governmental entities for purposes other than governmental purposes; or intended for exclusive government use; and knowingly and voluntarily provided by, procured from, or made accessible by a nongovernmental entity.

This section also defines the term “publicly available information” as information that is published or broadcast for public consumption; is available on request to the public, including information available by subscription or purchase; is accessible by the public; could be seen or heard by any casual observer or member of the public; is made available at a meeting open to the public; or is observed by visiting any place or at tending any event that is open to the public.

Section 602. Efficient use of open-source intelligence

Section 602 requires the Director of National Intelligence to direct the intelligence community to make efficient and effective use of open-source intelligence. This section also requires the Director, in consultation with the heads of the intelligence community elements, to designate one or more individuals within the intelligence community to be responsible for the implementation, standardization, and harmonization of the collection and use of open-source intelligence, addressing aspects such as training, tradecraft, technology innovation, data acquisition, collection management and requirements, and collaboration.

Section 603. Oversight of acquisition of commercially available information

Section 603 requires the Director of National Intelligence to designate an individual within the intelligence community to oversee the acquisition and management of commercially available information by intelligence community elements, ensuring deconfliction, preventing duplication, maximizing interoperability, and coordinating efforts within the intelligence community. This section also requires the designated official to brief the congressional intelligence committees no later than May 30, 2027 and annually for two years thereafter on the progress of acquisition of commercially available information.

Section 604. Budget matters relating to open-source intelligence activities

Section 604 prohibits heads of intelligence community elements from transferring or reprogramming funding for open-source intelligence activities without the prior approval of the Director of National Intelligence, unless such amounts are below the threshold set by the Director. This section also requires the Director to evaluate open-source intelligence activities of the intelligence community.

Section 605. Budget materials for open-source information, publicly available information, and commercially available information

Section 605 establishes a line-item in the National Intelligence Program budget justification materials submitted to Congress for expenditures related specifically to open-source intelligence, in fiscal years 2027 through 2029, and any additional fiscal years thereafter as the Director of National Intelligence deems appropriate.

Section 606. Standardization of training on collection of publicly available information and commercially available information

Section 606 requires a designee of the Director of National Intelligence to establish an intelligence community-recognized training curriculum on the collection of publicly available information and commercially available information for intelligence purposes. The personnel of each element of the intelligence community whose duties include the collection of such information are required to satisfactorily complete this training.

Section 607. Requirement to purge incidentally collected publicly available information or commercially available information relating to United States persons

Section 607 requires the heads of each element of the intelligence community to purge publicly available information and commercially available information relating to a United States person that is incidentally collected by such element. This section shall not be interpreted to limit authorities set forth in the Foreign Intelligence Surveillance Act, Foreign Intelligence Surveillance Amendments Act of 2008, and Executive Order 12333.

Section 608. Update to intelligence community directives relating to open-source intelligence

Section 608 requires the Director of National Intelligence to update Intelligence Community Directives 203, 206 and 208 within 180 days of enactment of this Act to ensure the effective and efficient use of open-source intelligence collection and analysis consistent with the provisions set forth in this Act.

Section 609. Audits of expenditures for publicly available information and commercially available information

Section 609 requires the chief financial officers of each intelligence community element and each Department of Defense component funded under the Military Intelligence Program to conduct an annual audit and submit to the congressional intelligence committees an accounting of all expenditures within the National Security Program and Military Intelligence Program on publicly available information, commercially available information, and any other open-source information for intelligence purposes. This section also requires the Chief Financial Officer of the Intelligence Community and the Under Secretary of Defense (Comptroller) to brief the congressional intelligence committees annually on all such audits through fiscal year 2029.

Section 610. Quarterly briefings on procurement of commercially available information

Section 610 requires the heads of each element of the intelligence community to brief the congressional intelligence committees on a quarterly basis for fiscal years 2026 and 2027 on the obligation of National Intelligence Program and Military Intelligence Program funds for the procurement of commercially available information, specifically bulk data, application programming interfaces, and software licenses.

Section 611. Study on engagement with other agencies with respect to open-source intelligence requirements

Section 611 requires the Director of National Intelligence to conduct a study to determine the most effective way to support the open-source intelligence requirements of other departments and agencies of the Federal Government which are not part of the intelligence community. This section also requires the head of each element of the intelligence community to designate an individual to liaise with other departments and agencies within the Federal government to assist those departments and agencies with obtaining the appropriate open-source intelligence resources. This section also requires the Director to brief the congressional intelligence committees on the findings of this study.

TITLE VII—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

Section 701. Unclassified appraisals of employees of the Defense Intelligence Agency

Section 701 requires the Director of the Defense Intelligence Agency to ensure that each performance appraisal for an Agency employee includes unclassified narrative input and unclassified rating scores from each person providing narrative input or rating

scores for the employee's appraisal, and that this unclassified narrative input and unclassified rating scores are provided to the employee in unclassified form. This section also requires the completion of a performance appraisal of any Agency employee who terminates employment and who has not received a performance appraisal that was completed in accordance with the requirements of this section during the one and a half year period ending on the date of termination, and requires this appraisal to be completed not later than 30 days after the termination date. Finally, this section provides that the Agency may waive these requirements for any employee whose affiliation with the Agency is classified.

Section 702. Prohibition on requiring political or ideological activism within the intelligence community

Section 702 ensures that employees, contractors, and applicants for employment with the intelligence community are not required to engage in political or ideological activism as a condition to obtain a positive personnel action, such as an appointment, promotion, reassignment, pay raise, or education or training benefit. This section also provides an exception for requirements where an individual may need to engage in political or ideological activism for the purpose of maintaining cover.

Section 703. Merit-based employment decisions

Section 703 ensures that any personnel action, such as an appointment, promotion, reassignment, pay raise, or education or training benefit, taken by any element of the intelligence community is not based on, and does not take into consideration, any unlawful discriminatory factor. This section also requires, not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community to review the policies and procedures that apply to personnel decisions within such element to ensure that merit-based criteria are applied to all personnel decisions.

Section 704. Equal treatment in recruitment and training of intelligence community personnel

Section 704 ensures equal treatment under the law by striking the requirement that the Director of National Intelligence prescribe policies requiring elements of the intelligence community to engage in specific "recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds."

Section 705. Treatment of certain agency service as active-duty service for purposes of benefits administered by Secretary of Veterans Affairs

Section 705 amends the Central Intelligence Agency Retirement Act (50 U.S.C. 2151 et seq.) to treat certain Central Intelligence Agency employment of military veterans as qualifying active-duty military service to allow for treatment and care of injuries or illness incurred or aggravated by service in the Agency as that of a qualifying veteran serving on active military duty for benefits administered by the Secretary of Veterans Affairs.

TITLE VIII—MATTERS RELATING TO FOREIGN COUNTRIES

Section 801. Net assessments of the People's Republic of China

Section 801 requires the Director of National Intelligence to conduct and regularly update net assessments of the economic, technological, financial, trade, industrial, and diplomatic power of the People's Republic of China in comparison to the United States. This section further requires the Director to use open-source information for the portion of the assessment relating to the United States and all-source information for the portion relating to the PRC. This section also requires the Director to make these net assessments accessible to other federal departments and agencies and to the congressional intelligence committees. Finally, this section requires the Director, within 180 days of enactment, to submit the first required assessment to the congressional intelligence committees.

Section 802. National Intelligence Management Council mission manager for the People's Republic of China

Section 802 requires the Director of National Intelligence, not later than 180 days after enactment, to appoint a member of the National Intelligence Management Council as the National Intelligence Manager for matters relating to the People's Republic of China. This section also provides for the waiver of this requirement if the Director submits to the congressional intelligence committees a certification that the appointment would not advance the national security interests of the United States. This section sunsets this waivable requirement on December 31, 2030.

Section 803. National Intelligence Estimate of advancements in biotechnology by the People's Republic of China

Section 803 requires the Director of National Intelligence, acting through the National Intelligence Council, not later than one year after enactment, to submit to the congressional intelligence committees a National Intelligence Estimate on advancements by the People's Republic of China in biotechnology and any other significant technology or science sector the Director considers related.

Section 804. Extension of intelligence community coordinator for Russian atrocities accountability

Section 804 amends Section 6512 of the Intelligence Authorization Act for Fiscal Year 2023 (P.L. 117–263), which required the Director of National Intelligence to designate a senior official of the Office of the Director of National Intelligence to serve as the Intelligence Community coordinator for Russian atrocities accountability and sunset this requirement four years after the date of enactment. This section extends the sunset to December 31, 2028, and adds “the forcible transfer and deportation of Ukrainian children” to the list of items that the Coordinator will oversee.

Section 805. Study on collection and analysis by intelligence community of foreign atrocities

Section 805 requires the Director of the Central Intelligence Agency, acting through the Center for the Study of Intelligence, not later than two years after the date of enactment, to submit to the congressional intelligence committees a study describing the histor-

ical approach by the intelligence community to collect, analyze, and disseminate relevant intelligence regarding the risk of and commission of atrocities worldwide since 2010.

Section 806. Intelligence Support for Ukraine

Section 806 directs relevant elements of the intelligence community to provide intelligence support to the Government of Ukraine sufficient to support and enable to defend and regain territory from the Russian Federation, unless the Director of National Intelligence determines there is a compelling interest to not provide such support. If intelligence support is interrupted, the applicable element of the intelligence community will notify the congressional intelligence committees not later than 7 days after such interruption.

TITLE IX—REPORTS AND OTHER MATTERS

Section 901. Modifications to access to restricted data under the Atomic Energy Act of 1954

Section 901 amends Section 145(b) of the Atomic Energy Act of 1954 adding an exception to which it “shall not apply to the President, the Vice President, Members of Congress, or a justice or judge of the United States,” eliminating the requirement for a thorough investigation for access to restricted data for those constitutional officers listed.

This section also directs that, not later than 90 days after the date of this Act, the Secretary of Energy, in coordination with the Director of National Intelligence, or officer acting as the Security Executive Agent, shall maintain a current list of each individual who holds a position listed above, verify that each individual is authorized to access Restricted Data by virtue of holding such position, in a manner that does not require more personally identifying information than required to verify access to classified information by the Director of National Intelligence.

This section further directs the Secretary of Energy to notify the congressional intelligence committees within 120 days of enactment of this Act of the status of implementing this provision.

Section 902. Revisions to congressional notification of intelligence collection adjustments

Section 902 requires the Director of the National Security Agency, not later than 30 days after the date on which the Director determines that a covered intelligence collection or sharing adjustment has occurred, to provide a summary of such adjustment to the appropriate congressional committees. Section 902 defines a “covered intelligence collection or sharing adjustment” as an action or inaction by the Agency that results in a significant change to either: the quantity of intelligence collected by the Agency with respect to a foreign country, foreign organization, or senior leader of a foreign country or foreign organization; or the policies or practices of the Agency with respect to the sharing of intelligence with a foreign country, organization of foreign countries, or organization of countries of which the United States is a member.

Section 903. Annual submission of Intelligence Community Drug Control Program Budget proposal

Section 903 requires the Director of National Intelligence to annually develop a consolidated Intelligence Community Drug Control Program Budget and to submit a summary of that budget to the congressional intelligence committees not later than 30 days after the Director submits the annual budget justification materials to Congress. This section further requires the summary to include: a certification by the Director that the budget is designed to implement the responsibilities of the intelligence community in support of the counter-drug efforts of the United States, as reflected in the National Drug Control Strategy and the National Interdiction Command and Control Plan; the key counternarcotics-related accomplishments of the intelligence community during the fiscal year in which the summary is submitted and the previous fiscal year; the total amounts requested for the National Intelligence Program for counternarcotics for the fiscal year covered by the summary and for the previous fiscal year, disaggregated by each element of the intelligence community at the expenditure center, project, and sub-project levels.

Section 904. Repeal of annual report on financial intelligence on terrorist assets

Section 904 repeals the annual reporting requirement on financial intelligence on terrorist assets (50 U.S. Code § 3055).

Section 905. Repeal of outdated or unnecessary reporting requirements

Section 905 repeals certain reports required to be provided to Congress by the Office of the Director of National Intelligence.

Section 906. Notification of material changes to policies or procedures governing terrorist watchlist and transnational organized crime watchlist

Section 906 requires the Director of the Federal Bureau of Investigation to submit to the appropriate congressional committees notice of any material change to a policy or procedure relating to the terrorist watchlist or the transnational organized crime watchlist. This section further requires that each notification be submitted to the appropriate congressional committees within 30 days of the material change and to include a summary of such change. Finally, this section requires the Director, not later than 30 days after receiving a request from an appropriate congressional committee, to submit to such committee all guidance in effect that applies to or governs the use of the terrorist watchlist or the transnational organized crime watchlist.

Section 907. Annual report on United States persons on the terrorist watchlist

Section 907 requires the Director of the Federal Bureau of Investigation, not later than January 31 of each year for the next three years, to submit to the appropriate congressional committees a report on the number of known or presumed United States persons on the terrorist watchlist administered by the FBI's Threat Screening Center. This section also requires the report to include the

number of U.S. persons on the no fly list, on the selectee list, or included on the watchlist as an exception to the reasonable suspicion standard. This section further requires the report to provide the number of watchlisted U.S. persons affiliated with each terrorist organization and the number of watchlisted U.S. persons nominated by each federal agency.

Section 908. Plan on use of proposed web of biological data

Section 908 directs the Secretary of Energy, in coordination with the heads of the elements of the intelligence community, to develop a plan on intelligence community use of the proposed “Web of Biological Data” as described in recommendation 4.1a of the report titled “Charting the Future of Biotechnology,” published by the National Security Commission on Emerging Biotechnology in April 2025. This section also requires the Secretary to brief the congressional intelligence committees on such plan not later than 180 days after the date of the enactment of this Act.

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):

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NATIONAL SECURITY ACT OF 1947

* * * * *

DEFINITIONS

SEC. 3. As used in this Act:

- (1) The term “intelligence” includes foreign intelligence and counterintelligence.
- (2) The term “foreign intelligence” means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.
- (3) The term “counterintelligence” means information gathered, and activities conducted, to *deter, disrupt, investigate, exploit, or* protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.
- (4) The term “intelligence community” includes the following:
 - (A) The Office of the Director of National Intelligence.

- (B) The Central Intelligence Agency.
- (C) The National Security Agency.
- (D) The Defense Intelligence Agency.
- (E) The National Geospatial-Intelligence Agency.
- (F) The National Reconnaissance Office.

(G) Other offices within the Department of Defense for the collection of national intelligence through reconnaissance programs.

(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Space Force, the Coast Guard, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of Energy.

(I) The Bureau of Intelligence and Research of the Department of State.

(J) The Office of Intelligence and Analysis of the Department of the Treasury.

(K) The Office of Intelligence and Analysis of the Department of Homeland Security.

(L) Such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

(5) The terms “national intelligence” and “intelligence related to national security” refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

(B) that involves—

(i) threats to the United States, its people, property, or interests;

(ii) the development, proliferation, or use of weapons of mass destruction; or

(iii) any other matter bearing on United States national or homeland security.

(6) The term “National Intelligence Program” refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director of National Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(7) The term “congressional intelligence committees” means—

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

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

TITLE I—COORDINATION FOR NATIONAL SECURITY

SEC. 101. NATIONAL SECURITY COUNCIL.

(a) NATIONAL SECURITY COUNCIL.—There is a council known as the National Security Council (in this section referred to as the “Council”).

(b) FUNCTIONS.—Consistent with the direction of the President, the functions of the Council shall be to—

(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President;

(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security; and

(4) coordinate, without assuming operational authority, the United States Government response to malign foreign influence operations and campaigns.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, the Director of the Office of Pandemic Preparedness and Response Policy and such other officers of the United States Government as the President may designate.

(2) ATTENDANCE AND PARTICIPATION IN MEETINGS.—The President may designate such other officers of the United States Government as the President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, the Chairman of the Joint Chiefs of Staff, [and the National Cyber Director] *the National Cyber Director, and the Director of the National Counterintelligence Center*, to attend and participate in meetings of the Council.

(d) PRESIDING OFFICERS.—At meetings of the Council, the President shall preside or, in the absence of the President, a member of the Council designated by the President shall preside.

(e) STAFF.—

(1) IN GENERAL.—The Council shall have a staff headed by a civilian executive secretary appointed by the President.

(2) STAFF.—Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the President in connection with performance of the functions of the Council.

(3) NUMBER OF PROFESSIONAL STAFF.—The professional staff for which this subsection provides shall not exceed 200 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving substantially in support or administrative positions.

(f) SPECIAL ADVISOR TO THE PRESIDENT ON INTERNATIONAL RELIGIOUS FREEDOM.—It is the sense of Congress that there should be within the staff of the Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.

(g) COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—

(1) IN GENERAL.—The President shall designate an employee of the National Security Council to be responsible for the coordination of the interagency process for combating malign foreign influence operations and campaigns.

(2) CONGRESSIONAL BRIEFING.—

(A) IN GENERAL.—Not less frequently than twice each year, the employee designated under this subsection, or the employee's designee, shall provide to the congressional committees specified in subparagraph (B) a briefing on the responsibilities and activities of the employee designated under this subsection.

(B) COMMITTEES SPECIFIED.—The congressional committees specified in this subparagraph are the following:

(i) The Committees on Armed Services, Foreign Affairs, and Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) The Committees on Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

(h) DEFINITION OF MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—In this section, the term “malign foreign influence operations and campaigns” means the coordinated, direct or indirect application of national diplomatic, informational, military, economic, business, corruption, educational, and other capabilities by hostile foreign powers to affect attitudes, behaviors, decisions, or outcomes within the United States.

* * * * *

RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

- (A) to the President;
- (B) to the heads of departments and agencies of the executive branch;
- (C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;
- (D) to the Senate and House of Representatives and the committees thereof; and
- (E) to such other persons as the Director of National Intelligence determines to be appropriate.

(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.

(b) ACCESS TO INTELLIGENCE.—Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.

(c) BUDGET AUTHORITIES.—(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—

(A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;

(B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and

(C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.

(2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.

(3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budget

for the Military Intelligence Program or any successor program or programs.

(B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.

(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.

(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.

(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which shall include audits and evaluations.

(D) Consistent with subparagraph (C), the Director of National Intelligence shall ensure that the programs and activities that are part of the National Intelligence Program, including those of the Federal Bureau of Investigation, are structured and executed in a manner that enables budget traceability.

(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.

(d) ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN TRANSFER AND REPROGRAMMING OF FUNDS.—(1)(A) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the Director of National Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Military Intelligence Program or any successor program or programs.

(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program—

(A) to another such program;

(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.

(3) The Director of National Intelligence may only transfer or reprogram funds referred to in paragraph (1)(A)—

(A) with the approval of the Director of the Office of Management and Budget; and

(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

(4) The amounts available for transfer or reprogramming in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

(5)(A) A transfer or reprogramming of funds may be made under this subsection only if—

(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

(I) that is less than \$150,000,000, and

(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

(v) the transfer or reprogramming does not terminate an acquisition program.

(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency) to the deputy of such officer.

(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

(7) Any transfer or reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this subsection.

(8) In addition to other applicable requirements under this subsection, the head of an element of the intelligence community may not transfer, reprogram, or otherwise reduce amounts made available for open-source intelligence activities without the prior approval of the Director of National Intelligence, unless such amounts are less than any threshold established by the Director under paragraph (1)(A) with respect to requiring prior approval by the Director for transfers and reprogrammings.

(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] *National Counterintelligence 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] *National Counterintelligence 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—*

(A) *conduct regular oversight of the open-source intelligence activities of the elements of the intelligence community and evaluate the effectiveness of such activities; and*

(B) *ensure that the budget information provided under subsection (c)(2) includes information with respect to such activities.*

[(10)] (11) 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)] (12) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

(g) INTELLIGENCE INFORMATION SHARING.—(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—

(A) establish uniform security standards and procedures;

(B) establish common information technology standards, protocols, and interfaces;

(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;

(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;

(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program; and

(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part

2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

- (i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and
 - (ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.
- (2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).
- (3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.
- (4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.
- (h) ANALYSIS.—To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—
- (1) implement policies and procedures—
 - (A) to require sound analytic methods and tradecraft, independent of political considerations, throughout the elements of the intelligence community;
 - (B) to ensure that analysis is based upon all sources available; and
 - (C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;
 - (2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;
 - (3) ensure that substantial differences in analytic judgment are fully considered, brought to the attention of policymakers, and documented in analytic products; and
 - (4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.
- (i) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) The Director of National Intelligence shall protect, and shall estab-

lish and enforce policies to protect, intelligence sources and methods from unauthorized disclosure.

(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement requirements for the intelligence community for the following purposes:

(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

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

(4)(A) Each head of an element of the intelligence community shall ensure that any congressionally mandated report submitted to Congress by the head, other than such a report submitted solely to the congressional intelligence committees, shall be consistent with the protection of intelligence sources and methods in accordance with the policies established by the Director under paragraph (1), regardless of whether the provision of law mandating the report explicitly requires such protection.

(B) Nothing in this paragraph shall be construed to alter any congressional leadership's or congressional committee's jurisdiction or access to information from any element of the intelligence community under the rules of either chamber of Congress.

(j) UNIFORM PROCEDURES FOR CLASSIFIED INFORMATION.—The Director of National Intelligence, subject to the direction of the President, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies;

(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security;

(5) ensure that the background of each employee or officer of an element of the intelligence community, each contractor to an element of the intelligence community, and each individual employee of such a contractor who has been determined to be eligible for access to classified information is monitored on a continual basis under standards developed by the Director, including with respect to the frequency of evaluation, during the period of eligibility of such employee or officer of an element

of the intelligence community, such contractor, or such individual employee to such a contractor to determine whether such employee or officer of an element of the intelligence community, such contractor, and such individual employee of such a contractor continues to meet the requirements for eligibility for access to classified information; and

(6) develop procedures to require information sharing between elements of the intelligence community concerning 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 in-

cludes the written authorization referred to in subparagraph (B)(ii); and

(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).

(5) Any authority provided to the Director of National Intelligence or the head of an element of the intelligence community pursuant to this subsection to make an expenditure referred to in subsection (a) of section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) is subject to the notification requirement under subsection (c) **of such section** *of such section, including the guidance issued under paragraph (2) of such subsection (c).* 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** *Subject to section 4022(a)(2) of such title and except as provided in clause (viii) of this subparagraph, the Director, or the head of an element of the intelligence community to whom the Director has delegated authority under subparagraph (B), may enter into transactions and agreements (other than contracts, cooperative agreements, and grants) of amounts not to exceed \$75,000,000 under this paragraph to carry out basic, applied, and advanced research projects and prototype projects in support of intelligence activities.*

(iii) For purposes of this paragraph, the limitations specified in section 4022(a)(2) of such title shall apply to the intelligence

community in lieu of the Department of Defense, and the Director shall—

- (I) identify appropriate officials who can make the determinations required in subparagraph (B)(i) of such section for the intelligence community; and
- (II) brief the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives in lieu of the congressional defense committees, as specified in subparagraph (B)(ii) of such section.
- (iv) For purposes of this paragraph, the limitation in section 4022(a)(3) of such title shall not apply to elements of the intelligence community.
- (v) In carrying out this paragraph, section 4022(d)(1) of such title shall be applied by substituting “Director of National Intelligence” for “Secretary of Defense”.
- (vi) For purposes of this paragraph, the limitations in section 4022(d)(2) of such title shall not apply to elements of the intelligence community.
- (vii) In addition to the follow-on production contract criteria in section 4022(f)(2) of such title, the following additional criteria shall apply:

- (I) The authorizing official of the relevant element of the intelligence community determines that Government users of the proposed production product or production service have been consulted.

- (II) In the case of a proposed production product that is software, there are mechanisms in place for Government users to provide ongoing feedback to participants to the follow-on production contract.

- (III) In the case of a proposed production product that is software, there are mechanisms in place to promote the interoperability and accessibility with and between Government and commercial software providers, including by the promotion of open application programming interfaces and requirement of appropriate software documentation.

- (IV) The award follows a documented market analysis as mandated by the Federal Acquisition Regulations surveying available and comparable products.

- (V) In the case of a proposed production product that is software, the follow-on production contract includes a requirement that, for the duration of such contract (or such other period of time as may be agreed to as a term of such contract)—

- (aa) the participants provide the most up-to-date version of the product that is available in the commercial marketplace and is consistent with security requirements;

- (bb) there are mechanisms in place for the participants to provide timely updates to the production product; and

- (cc) the authority specified in section 4022(f)(5) of such title shall be exercised by the Director in lieu of the Secretary of Defense.

(viii) *The Director of the National Reconnaissance Office, if delegated the authority under subparagraph (B), may exercise the authority under clause (ii) by substituting “\$500,000,000” for “\$75,000,000” if the Director of the National Reconnaissance Office submits to the congressional intelligence committees notice of an agreement or transaction of an amount that exceeds \$75,000,000 not later than 14 days before the agreement or transaction is entered into and certifies that the agreement or transaction is essential to meet critical national security objectives.*

(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 Priorities Framework of the Office of the Director of National Intelligence (or any successor mechanism established for the prioritization of such programs and activities).

(3) Not later than 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)).

(F) 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 community, and, if so, shall submit a report on such impact to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Each such report shall—

(A) describe the operational impact of the investment on the intelligence community, 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.

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.

- (6) The General Counsel.
- (7) The Civil Liberties Protection Officer.
- (8) The Director of Science and Technology.
- (9) The Director of the [National Counterintelligence and Security Center] *National Counterintelligence Center*.
- (10) The Chief Information Officer of the Intelligence Community.
- (11) The Inspector General of the Intelligence Community.
- (12) The Director of the National Counterterrorism Center.
- (13) The Director of the National Counter Proliferation Center.
- (14) The Chief Financial Officer of the Intelligence Community.
- (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.

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[DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER]

[SEC. 103F. (a) DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—The Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C.

3382) is a component of the Office of the Director of National Intelligence.

[(b) DUTIES.—The Director of the National Counterintelligence and Security Center shall perform the duties provided in the Counterintelligence Enhancement Act of 2002 and such other duties as may be prescribed by the Director of National Intelligence or specified by law.]

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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 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.

(g) **NATIONAL INTELLIGENCE MANAGER FOR THE PEOPLE'S REPUBLIC OF CHINA.**—

(1) **ESTABLISHMENT.**—*Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2026 and subject to paragraph (2), the Director of National Intelligence shall appoint a member of the National Intelligence Management Council as the National Intelligence Manager for matters relating to the People's Republic of China.*

(2) **WAIVER.**—

(A) **IN GENERAL.**—*The Director of National Intelligence may waive the requirement under paragraph (1) if the Director of National Intelligence submits to the congressional*

intelligence committees a certification that the appointment described in paragraph (1) would not advance the national security interests of the United States.

(B) PERIOD OF WAIVER.—A waiver under subparagraph (A) shall apply for the two-year period beginning on the date on which the Director of National Intelligence submits the certification described in such subparagraph. The Director may renew the period of applicability of a waiver by submitting additional certifications under such subparagraph.

(3) TERMINATION.—The requirements of this subsection shall terminate on December 31, 2030.

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SEC. 106A. DIRECTOR OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) **IN GENERAL.**—There is a Director of the National Reconnaissance Office.

(b) **APPOINTMENT.**—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) **FUNCTIONS AND DUTIES.**—The Director of the National Reconnaissance Office shall be the head of the National Reconnaissance Office and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.

[(d) **ADVISORY BOARD.**—

[(1) **ESTABLISHMENT.**—There is established in the National Reconnaissance Office an advisory board (in this section referred to as the “Board”).

[(2) **DUTIES.**—The Board shall—

[(A) study matters relating to the mission of the National Reconnaissance Office, including with respect to promoting innovation, competition, and resilience in space, overhead reconnaissance, acquisition, and other matters; and

[(B) advise and report directly to the Director with respect to such matters.

[(3) **MEMBERS.**—

[(A) **NUMBER AND APPOINTMENT.**—

[(i) **IN GENERAL.**—The Board shall be composed of up to 8 members appointed by the Director, in consultation with the Director of National Intelligence and the Secretary of Defense, from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office, and who do not present any actual or potential conflict of interest.

[(ii) **MEMBERSHIP STRUCTURE.**—The Director shall ensure that no more than 2 concurrently serving members of the Board qualify for membership on the Board based predominantly on a single qualification set forth under clause (i).

[(iii) **NOTIFICATION.**—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense

committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

[(B) TERMS.—Each member shall be appointed for a term of 2 years. Except as provided by subparagraph (C), a member may not serve more than three terms.

[(C) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

[(D) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

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

[(F) EXECUTIVE SECRETARY.—The Director may appoint an executive secretary, who shall be an employee of the National Reconnaissance Office, to support the Board.

[(4) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

[(5) CHARTER.—The Director shall establish a charter for the Board that includes the following:

[(A) Mandatory processes for identifying potential conflicts of interest, including the submission of initial and periodic financial disclosures by Board members.

[(B) The vetting of potential conflicts of interest by the designated agency ethics official, except that no individual waiver may be granted for a conflict of interest identified with respect to the Chair of the Board.

[(C) The establishment of a process and associated protections for any whistleblower alleging a violation of applicable conflict of interest law, Federal contracting law, or other provision of law.

[(6) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees a report on the activities and significant findings of the Board during the preceding year.

[(7) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

[(8) TERMINATION.—The Board shall terminate on August 31, 2027.]

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[ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES

[SEC. 114.

[(a) The Director of National Intelligence shall, on an annual basis, submit to Congress a report on the employment of covered persons within each element of the intelligence community for the preceding fiscal year and the preceding 5 fiscal years.

[(b) Each such report shall include data, disaggregated by category of covered person and by element of the intelligence community, on the following:

[(1) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.

[(2) Of all individuals employed in the element during the fiscal year involved at the levels referred to in subparagraphs (A) and (B), the percentage of covered persons employed at such levels:

[(A) Positions at levels 1 through 15 of the General Schedule.

[(B) Positions at levels above GS-15.

[(3) Of all individuals hired by the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

[(c) Each such report shall be submitted in unclassified form, but may contain a classified annex.

[(d) Nothing in this section shall be construed as providing for the substitution of any similar report required under another provision of law.

[(e) In this section the term “covered persons” means—

[(1) racial and ethnic minorities;

[(2) women; and

[(3) individuals with disabilities.]

* * * * *

[ANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS

[SEC. 118. (a) ANNUAL REPORT.—On an annual basis, the Secretary of the Treasury (acting through the head of the Office of Intelligence Support) shall submit a report to the appropriate congressional committees that fully informs the committees concerning operations against terrorist financial networks. Each such report shall include with respect to the preceding one-year period—

[(1) the total number of asset seizures, designations, and other actions against individuals or entities found to have engaged in financial support of terrorism;

[(2) the total number of physical searches of offices, residences, or financial records of individuals or entities suspected of having engaged in financial support for terrorist activity; and

[(3) whether the financial intelligence information seized in these cases has been shared on a full and timely basis with the all departments, agencies, and other entities of the United States Government involved in intelligence activities participating in the Foreign Terrorist Asset Tracking Center.

[(b) IMMEDIATE NOTIFICATION FOR EMERGENCY DESIGNATION.—In the case of a designation of an individual or entity, or the assets of an individual or entity, as having been found to have engaged in terrorist activities, the Secretary of the Treasury shall report such designation within 24 hours of such a designation to the appropriate congressional committees.

[(c) SUBMITTAL DATE OF REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of the reports required to be

submitted under subsection (a) to the congressional intelligence committees, the submittal dates for such reports shall be as provided in section 507.

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

[(1) The Permanent Select Committee on Intelligence, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Financial Services of the House of Representatives.

[(2) The Select Committee on Intelligence, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate.]

* * * * *

SEC. 119C. FOREIGN MALIGN INFLUENCE CENTER.

(a) ESTABLISHMENT.—There is within the Office of the Director of National Intelligence a Foreign Malign Influence Center (in this section referred to as the “Center”).

(b) FUNCTIONS AND COMPOSITION.—The Center shall—

(1) be comprised of analysts from all elements of the intelligence community, including elements with diplomatic and law enforcement functions;

(2) have access to all intelligence and other reporting possessed or acquired by the United States Government pertaining to foreign malign influence;

(3) serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to foreign malign influence; and

(4) provide to employees and officers of the Federal Government in policy-making positions and Congress comprehensive assessments, and indications and warnings, of foreign malign influence.

(c) DIRECTOR.—

(1) APPOINTMENT.—There is a Director of the Center, who shall be the head of the Center, and who shall be appointed by the Director of National Intelligence.

(2) ROLE.—The Director of the Center shall—

(A) report directly to the Director of National Intelligence;

(B) carry out the functions under subsection (b); and

(C) at the request of the President or the Director of National Intelligence, develop and provide recommendations for potential responses by the United States to foreign malign influence.

[(d) ANNUAL REPORTS.—

[(1) IN GENERAL.—In addition to the matters submitted pursuant to subsection (b)(4), at the direction of the Director of National Intelligence, but not less than once each year, the Director of the Center shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on foreign malign influence.

[(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include, with respect to the period covered by the report, a discussion of the following:

[(A) The most significant activities of the Center.

[(B) Any recommendations the Director determines necessary for legislative or other actions to improve the ability of the Center to carry out its functions, including recommendations regarding the protection of privacy and civil liberties.]

[(e)] (d) DEFINITIONS.—In this section:

(1) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means the following:

(A) The Russian Federation.

(B) The Islamic Republic of Iran.

(C) The Democratic People’s Republic of Korea.

(D) The People’s Republic of China.

(E) Any other foreign country that the Director of the Center determines appropriate for purposes of this section.

(2) FOREIGN MALIGN INFLUENCE.—The term “foreign malign influence” means any hostile effort undertaken by, at the direction of, or on behalf of or with the substantial support of, the government of a covered foreign country with the objective of influencing, through overt or covert means—

(A) the political, military, economic, or other policies or activities of the United States Government or State or local governments, including any election within the United States; or

(B) the public opinion within the United States.

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SEC. 121. COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS FOR INTELLIGENCE COMMUNITY GRANT FUNDING.

(a) DISCLOSURE AS CONDITION FOR RECEIPT OF GRANT.—The head of an element of the intelligence community may not award a grant to a person or entity unless the person or entity has certified to the head of the element that the person or entity has disclosed to the head of the element any material financial or material in-kind support that the person or entity knows, or should have known, derives from the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or the Republic of Cuba, during the 5-year period ending on the date of the person or entity’s application for the grant.

(b) PROCESS FOR REVIEW OF GRANT APPLICANTS PRIOR TO AWARD.—

(1) IN GENERAL.—The head of an element of the intelligence community may not award a grant to a person or entity who submitted a certification under subsection (a) until such certification is received by the head of an element of the intelligence community and submitted to the Director of National Intelligence pursuant to the process set forth in paragraph (2).

(2) PROCESS.—

(A) IN GENERAL.—The Director of National Intelligence, in coordination with such heads of elements of the intelligence community as the Director considers appropriate,

shall establish a process to review the awarding of a grant to an applicant who submitted a certification under subsection (a).

(B) **ELEMENTS.**—The process established under subparagraph (A) shall include the following:

(i) The immediate transmission of a copy of each applicant's certification made under subsection (a) to the Director of National Intelligence.

(ii) The review of the certification and any accompanying disclosures submitted under subsection (a) as soon as practicable.

(iii) Authorization for the heads of the elements of the intelligence community to take such actions as may be necessary, including denial or revocation of a grant, to ensure a grant does not pose an unacceptable risk of—

(I) misappropriation of United States intellectual property, research and development, and innovation efforts; or

(II) other counterintelligence threats.

[(c) **ANNUAL REPORT REQUIRED.**—Not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023 and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees an annual report identifying the following for the 1-year period covered by the report:

[(1) The number of applications for grants received by each element of the intelligence community.

[(2) The number of such applications that were reviewed using the process established under subsection (b)(2), disaggregated by element of the intelligence community.

[(3) The number of such applications that were denied and the number of grants that were revoked, pursuant to the process established under subsection (b)(2), disaggregated by element of the intelligence community.]

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SEC. 123. DESIGNATION OF SENIOR OFFICIALS FOR BIOTECHNOLOGY.

(a) **DESIGNATION.**—*The head of each element of the intelligence community specified in subsection (b) shall designate a senior official of such element to serve as the official responsible for the activities of such element relating to biotechnology.*

(b) **SPECIFIED ELEMENTS.**—*The elements of the intelligence community specified in this subsection are the following:*

(1) *The Office of the Director of National Intelligence.*

(2) *The Central Intelligence Agency.*

(3) *The National Security Agency.*

(4) *The Defense Intelligence Agency.*

(5) *The intelligence elements of the Federal Bureau of Investigation.*

(6) *The Office of Intelligence and Counterintelligence of the Department of Energy.*

(7) *The Bureau of Intelligence and Research of the Department of State.*

(8) *The Office of Intelligence and Analysis of the Department of Homeland Security.*

(c) *NOTICE TO CONGRESS.*—Not later than 15 days after designating a senior official under this section, the head of the element of the intelligence community designating such official shall submit to the congressional intelligence committees notice of the designation.

SEC. 124. EFFICIENT USE OF OPEN-SOURCE INTELLIGENCE.

(a) *EFFICIENT USE REQUIRED.*—The Director of National Intelligence shall ensure that the intelligence community makes efficient and effective use of open-source intelligence.

(b) *DESIGNATION OF RESPONSIBLE OFFICIALS.*—

(1) *IN GENERAL.*—In carrying out subsection (a), the Director of National Intelligence, in consultation with the heads of the other elements of the intelligence community, shall designate an official of the intelligence community who shall be responsible for the implementation, standardization, and harmonization of the collection and use of open-source intelligence for each of the following areas:

(A) Training, tradecraft, and professionalization.

(B) Technology innovation and tool development.

(C) Data acquisition, cataloging, and sharing.

(D) Collection management and requirements.

(E) Partnerships and collaborations with entities that are not elements of the intelligence community, including with respect to the dissemination of open-source intelligence products and tools to departments and agencies of the Federal Government that are not elements of the intelligence community.

(F) Standards and governance.

(2) *AUTHORITY TO SELECT SINGLE OFFICIAL FOR MULTIPLE AREAS.*—The Director of National Intelligence may designate a single official to be responsible for more than one of the areas identified in subparagraphs (A) through (F) of paragraph (1).

(c) *ADDITIONAL REQUIREMENTS FOR EFFICIENT USE.*—In carrying out subsection (a), the Director of National Intelligence shall, to the extent practicable—

(1) minimize the duplication of open-source intelligence activities and open-source funding allocations among elements of the intelligence community; and

(2) ensure that all open-source intelligence efforts undertaken by elements of the intelligence community are appropriately coordinated, documented, and disclosed to the other elements of the intelligence community.

(d) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to affect the applicability of any law or regulation relating to the privacy or civil liberties of United States persons or data pertaining to United States persons.

(e) *OPEN-SOURCE INTELLIGENCE DEFINED.*—The term “open-source intelligence” has the meaning given that term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

SEC. 125. OVERSIGHT OF ACQUISITION OF COMMERCIALY AVAILABLE INFORMATION.

(a) *DESIGNATION.*—The Director of National Intelligence shall designate an official within the intelligence community to oversee the acquisition and management of commercially available information by the elements of the intelligence community.

(b) *DUTIES.*—The official designated under subsection (a) shall—

(1) ensure there is deconfliction of the acquisition of commercially available information;

(2) prevent unnecessary duplicative acquisitions;

(3) maximize interoperability and data sharing and minimize acquisitions costs;

(4) coordinate information requirements between elements of the intelligence community and vendors providing commercially available information to ensure clear and concise specifications that outline the necessary features, quality standards, performance indicators, delivery timelines, and any other essential details;

(5) document such requirements in formats common to the elements of the intelligence community to ensure a shared understanding of the information being requested;

(6) establish an evaluation methodology to manage procurement metrics; and

(7) carry out such additional duties relating to the acquisition and management of commercially available information by the elements of the intelligence community as the Director of National Intelligence considers appropriate.

(c) *ANNUAL REVIEW.*—Not later than May 31, 2027, and annually thereafter for two years, the official designated under subsection (a) shall provide to the congressional intelligence committees a briefing on the acquisition of commercially available information.

(d) *COMMERCIALY AVAILABLE INFORMATION DEFINED.*—The term “commercially available information” has the meaning given that term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

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TITLE III—MISCELLANEOUS

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**TITLE IV—NATIONAL
COUNTERINTELLIGENCE CENTER**

Subtitle A—Organization

SEC. 401. ESTABLISHMENT; DIRECTOR.

(a) *ESTABLISHMENT.*—There is within the Office of the Director of National Intelligence a National Counterintelligence Center.

(b) *DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE CENTER.*—

(1) *APPOINTMENT.*—There is a Director of the National Counterintelligence Center, who shall be the head of the National

Counterintelligence Center and who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) *PRINCIPAL ADVISOR FOR COUNTERINTELLIGENCE.*—*The Director of the National Counterintelligence Center shall serve as the principal advisor to the President and the Director of National Intelligence with respect to counterintelligence matters.*

(3) *REPORTING.*—*The Director of the National Counterintelligence Center shall report to the Director of National Intelligence.*

SEC. 402. PERSONNEL.

Subject to the authority, direction, and control of the Director of National Intelligence, the Director of the National Counterintelligence Center may exercise the authorities of the Director of National Intelligence under subsections (l) and (m) of section 102A with respect to personnel of the National Counterintelligence Center.

SEC. 403. NATIONAL COUNTERINTELLIGENCE TASK FORCE.

(a) *ESTABLISHMENT.*—*The Director of the National Counterintelligence Center shall establish a task force to be known as the “National Counterintelligence Task Force” (in this section referred to as the “Task Force”).*

(b) *MEMBERSHIP.*—*The Task Force shall be composed of the following:*

(1) *The Director of the National Counterintelligence Center, who shall serve as chair of the Task Force.*

(2) *A designee of the head of each element of the intelligence community.*

(3) *A designee of any other department or agency of the Federal Government that the Director of the National Counterintelligence Center and the head of such department or agency considers appropriate.*

(4) *Such other persons as the Director of the National Counterintelligence Center considers appropriate.*

(c) *DUTIES.*—*The Task Force shall carry out such duties as are assigned to the Task Force by the Director.*

Subtitle B—Mission, Duties, and Authorities

SEC. 411. MISSION.

The mission of the National Counterintelligence Center shall be to direct, coordinate, and carry out counterintelligence activities.

SEC. 412. DUTIES.

(a) *IN GENERAL.*—*The Director of the National Counterintelligence Center shall lead and direct all efforts of the Federal Government with respect to—*

(1) *countering, denying, disrupting, and degrading intelligence operations by foreign entities;*

(2) *deceiving, exploiting, and shaping the intelligence gathering plans, intentions, operations, and perceived effectiveness of foreign entities;*

(3) *coordinating, deconflicting, authorizing, and directing the execution of counterintelligence activities by the intelligence community;*

(4) *strategic operational planning for counterintelligence activities;*

(5) *countering foreign influence operations;*

(6) *countering foreign denial and deception activities;*

(7) *assessing foreign intelligence capabilities and addressing counterintelligence collection gaps and strategic threats;*

(8) *mitigating counterintelligence risks and vulnerabilities;*

(9) *analyzing and producing counterintelligence products;*

(10) *evaluating technical counterintelligence capabilities and resources;*

(11) *evaluating and establishing interagency processes and methods to resolve counterintelligence anomalies;*

(12) *assessing integration shortfalls and leading efforts to maximize the integration of data and expertise to address foreign intelligence threats and improve counterintelligence;*

(13) *advocating for and providing education and training relating to counterintelligence and countering foreign influence operations; and*

(14) *such other matters relating to counterintelligence as the Director of National Intelligence may direct.*

(b) **ADDITIONAL SPECIFIC DUTIES.**—*In addition to the duties described in subsection (a), the Director of the National Counterintelligence Center shall—*

(1) *establish and prioritize requirements for the collection, analysis, and dissemination of counterintelligence information by the intelligence community;*

(2) *evaluate the effectiveness of the elements of the intelligence community in using funds available under the National Counterintelligence Program to carry out counterintelligence activities and achieve counterintelligence goals;*

(3) *engage international partners to conduct information sharing and joint operations and enhance capabilities with respect to counterintelligence;*

(4) *establish doctrine, certification, and tradecraft standards and requirements for execution of offensive counterintelligence activities;*

(5) *carry out damage assessments under section 415;*

(6) *establish a polygraph program for counterintelligence purposes, including to support damage assessments under section 415 and other departments and agencies of the Federal Government;*

(7) *establish a centralized system for the intelligence community for the storage of and access to information on foreign intelligence threat actors;*

(8) *support departments and agencies of the Federal Government that are not elements of the intelligence community with counterintelligence matters and resources;*

(9) *conduct outreach on counterintelligence matters to State, local, and tribal governments and public- and private-sector organizations and establish an information-sharing framework to allow Federal, State, local, and tribal governments and public- and private-sector organizations to share information on suspected foreign intelligence threats; and*

(10) establish procedures, policies, and information-sharing frameworks for watchlisting, screening, vetting, and suspicious activity reporting for counterintelligence purposes.

SEC. 413. AUTHORITY TO DIRECT AND CARRY OUT COUNTERINTELLIGENCE ACTIVITIES.

(a) **AUTHORITY OF DIRECTOR.**—In carrying out the mission and duties of the National Counterintelligence Center, the Director of the National Counterintelligence Center may—

- (1) carry out a counterintelligence activity;
- (2) direct the head of an element of the intelligence community to carry out a counterintelligence activity;
- (3) direct the head of an element of the intelligence community to receive the concurrence of the Director before such element carries out a counterintelligence activity;
- (4) access all counterintelligence information, including investigative and operational information, in the possession of an element of the intelligence community;
- (5) direct the head of department or agency of the Federal Government to provide the Director with information the Director considers necessary to carry out a damage assessment under section 415 or in any other circumstance where the Director determines a damage assessment is appropriate;
- (6) direct the head of an element of the intelligence community to embed within such element an individual designated by the Director to serve as a liaison between such element and the Director with respect to counterintelligence activities;
- (7) delegate authority to carry out a counterintelligence activity to the head of an element of the intelligence community; and
- (8) transfer funds made available to the National Counterintelligence Center to another department or agency of the Federal Government to support counterintelligence activities of that department or agency.

(b) **DUTIES OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.**—The head of each element of the intelligence community—

- (1) shall carry out each counterintelligence activity that the Director of the National Counterintelligence Center directs the head of such element to carry out;
- (2) may not carry out a counterintelligence activity with respect to which the Director of the National Counterintelligence Center directs the head of such element to receive the concurrence of the Director before such element carries out such counterintelligence activity until the head of such element receives such concurrence;
- (3) provide access to all counterintelligence information in the possession of such element that is requested by the Director of the National Counterintelligence Center;
- (4) provide information as the Director of the National Counterintelligence Center considers necessary to carry out a damage assessment under section 415 or in any other circumstance where the Director determines a damage assessment is appropriate;
- (5) embed within such element an individual designated by the Director to serve as a liaison between such element and the Director with respect to counterintelligence activities; and

(6) promptly notify the Director of the National Counterintelligence Center of—

(A) each counterintelligence investigation initiated by the head of such element; and

(B) any intended or pending arrest of a person in a counterintelligence investigation.

(c) *CLARIFICATION OF PROSECUTORIAL DISCRETION.*—Nothing in this section shall be construed to affect the authority of the Attorney General to prosecute a violation of Federal criminal law.

SEC. 414. COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.

[(1)] (a) *COORDINATION.*—Except as provided in [paragraph (5)] subsection (e), the head of each department or agency within the executive branch shall ensure that—

[(A)] (1) the Federal Bureau of Investigation and the Director of the National Counterintelligence Center is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

[(B)] (2) following a report made pursuant to [subparagraph (A)] paragraph (1), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

[(C)] (3) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the Federal Bureau of Investigation is given complete and timely access to the employees and records of the department or agency concerned for purposes of such investigative activities.

[(2)] (b) *ESPIONAGE INFORMATION.*—[Except as provided in paragraph (5)] Except as provided in subsection (e), the Director of the Federal Bureau of Investigation shall ensure that espionage information obtained by the Federal Bureau of Investigation pertaining to the personnel, operations, or information of departments or agencies of the executive branch, is provided through appropriate channels in a timely manner to the department or agency concerned, and that such departments or agencies are consulted in a timely manner with respect to espionage investigations undertaken by the Federal Bureau of Investigation which involve the personnel, operations, or information of such department or agency.

[(3)] (c) *IMPACT ASSESSMENT.*—[(A)] (1) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

[(B)] (2) The head of the department or agency concerned shall—

[(i)] (A) use an assessment under [subparagraph (A)] paragraph (1) as an aid in determining whether, and under what circumstances, the subject of an [investigation under paragraph (1)] investigation under subsection (a) should be left in place for investigative purposes; and

[(ii)] (B) notify in writing the Director of the Federal Bureau of Investigation of such determination.

[(C)] (3) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.

[(4)] (d) *NOTIFICATION OF FULL ESPIONAGE INVESTIGATION.*—

[(A)] (1) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

[(B)] (2) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under [subparagraph (A)] *paragraph (1)* of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.

[(5)] (e) *WAIVER.*—Where essential to meet extraordinary circumstances affecting vital national security interests of the United States, the President may on a case-by-case basis waive the requirements of [paragraph (1), (2), or (3)] *subsection (a), (b), or (c)*, as they apply to the head of a particular department or agency, or the Director of the Federal Bureau of Investigation. Such waiver shall be in writing and shall fully state the justification for such waiver. Within thirty days, the President shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that such waiver has been issued, and at that time or as soon as national security considerations permit, provide these committees with a complete explanation of the circumstances which necessitated such waiver.

[(6)] (f) *RULE OF CONSTRUCTION.*—Nothing in this section may be construed to alter the existing jurisdictional arrangements between the Federal Bureau of Investigation and the Department of Defense with respect to investigations of persons subject to the Uniform Code of Military Justice, nor to impose additional reporting requirements upon the Department of Defense with respect to such investigations beyond those required by existing law and executive branch policy.

[(7)] (g) *DEFINITIONS.*—As used in this section, the terms “foreign power” and “agent of a foreign power” have the same meanings as set forth in subsections (a) and (b) of section 101, respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. [1105A.] 415. NOTICE AND DAMAGE ASSESSMENT WITH RESPECT TO SIGNIFICANT UNAUTHORIZED DISCLOSURE OR COMPROMISE OF CLASSIFIED NATIONAL INTELLIGENCE.

(a) *NOTIFICATION AND DAMAGE ASSESSMENT REQUIREMENTS.*—

(1) *REQUIREMENTS.*—If the [Director of National Intelligence] *Director of the National Counterintelligence Center* becomes aware of an actual or potential significant unauthorized disclosure or compromise of classified national intelligence—

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

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

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

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

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

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

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

(b) DAMAGE ASSESSMENT REPORTING REQUIREMENTS.—

(1) RECURRING REPORTING REQUIREMENT.—Not later than 30 days after the date of the initiation of a damage assessment pursuant to subsection (a)(1)(B), and every 90 days thereafter until the completion of the damage assessment or upon the request of the congressional intelligence committees, the [Director of National Intelligence] *Director of the National Counterintelligence Center* shall—

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

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

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

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

(d) REQUIREMENTS FOR FEDERAL AGENCIES.—

(1) IN GENERAL.—*The head of each department or agency of the Federal Government shall—*

(A) not later than 7 days after the head of such department or agency becomes aware of any actual or potential significant unauthorized disclosure or compromise of classified national intelligence, notify the Director of the National Counterintelligence Center of such disclosure or compromise; and

(B) not later than 30 days after the date on which the Director of the National Counterintelligence Center submits a request to the head of such department or agency for information the Director considers necessary to carry out a damage assessment pursuant to this section, provide the Director of the National Counterintelligence Center such information.

(2) NOTICE OF NONCOMPLIANCE.—*Not later than 30 days after the date on which the Director of the National Counterintelligence Center determines the head of a department or agency of the Federal Government has violated the requirements of paragraph (1), the Director shall notify the congressional intelligence committees and the Inspector General of the Intelligence Community of the violation.*

(3) NOTICE OF DETERMINATION THAT ONLY SINGLE ELEMENT IS IMPACTED.—*Not later than 30 days after the head of a department or agency of the Federal Government determines that an actual or potential significant unauthorized disclosure or compromise of classified national intelligence impacts only that department or agency, the head of such department or agency shall provide to the Director of the National Counterintelligence Center notice of that determination.*

(e) SEMIANNUAL REPORTS ON IMPLEMENTATION.—*On January 31 and July 31 of each year, the Director of the National Counterintelligence Center shall submit to the congressional intelligence committees a report on actual or potential significant unauthorized disclosures or compromises of classified national intelligence. Each report shall include, with respect to the half-year period ending on the December 31 or June 30 preceding the submission of the report, respectively—*

(1) an identification of any actual or potential unauthorized disclosures or compromises that occurred during the period covered by the report;

(2) the status of any action or dispensation with respect to each unauthorized disclosure or compromise—

(A) identified in accordance with paragraph (1); or

- (B) for which notice and a description of the final resolution has not been provided to the congressional intelligence committees in a report required by this subsection; and
- (3) a description of any determinations by the Director that an unauthorized disclosure or compromise of classified national intelligence was not significant for purposes of subsection (a)(1).

Subtitle C—National Counterintelligence Program

SEC. 421. NATIONAL COUNTERINTELLIGENCE PROGRAM.

(a) *ESTABLISHMENT.*—There is established within the National Intelligence Program a National Counterintelligence Program consisting of—

- (1) all strategic counterintelligence activities, programs, and projects of the National Intelligence Program; and
- (2) the activities, programs, and projects of the National Counterintelligence Center.

(b) *BUDGET.*—The Director of the National Counterintelligence Center, in consultation with the heads of the elements of the intelligence community, shall develop and determine an annual budget for the National Counterintelligence Program.

Subtitle D—Strategies, Reports, and Oversight

SEC. 431. NATIONAL COUNTERINTELLIGENCE OUTLOOK AND LONG-TERM STRATEGY REPORT.

Not less than once every five years, the Director of the National Counterintelligence Center shall submit to the congressional intelligence committees a national counterintelligence outlook and long-term strategy report. Such report shall include—

- (1) an overall forecast of the counterintelligence outlook and long-term strategy for the United States;
- (2) an explanation of the strategic context of the outlook and strategy;
- (3) an explanation of key drivers and trends of the outlook and strategy;
- (4) projected counterintelligence capabilities of the United States and of adversary foreign entities;
- (5) an identification of any risks or uncertainties with respect to the outlook and strategy;
- (6) an identification of metrics or indicators with respect to the outlook and strategy; and
- (7) any recommendations of the Director for policy changes to meet future counterintelligence challenges.

SEC. 432. NATIONAL COUNTERINTELLIGENCE STRATEGY.

Not less than once every three years, the Director of the National Counterintelligence Center shall submit to the congressional intelligence committees a strategy to be known as the “National Counterintelligence Strategy”. Each National Counterintelligence Strategy shall—

- (1) align the counterintelligence activities of the intelligence community toward the strategic priorities of the United States;
- (2) include a plan for implementing the strategy not later than one year after the date of the submission of the strategy; and
- (3) include a plan for measuring the execution, performance, and effectiveness of the strategy during the two-year period beginning on the date on which the strategy is implemented.

SEC. 433. NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT.

Not less than once every three years, the Director of the National Counterintelligence Center, in consultation with the heads of appropriate department and agencies of the Federal Government and private-sector entities, shall submit to the congressional intelligence committees a strategic planning assessment of the counterintelligence requirements of the United States to be known as the "National Threat Identification and Prioritization Assessment".

SEC. 434. ACTIVITIES OF THE NATIONAL COUNTERINTELLIGENCE TASK FORCE.

(a) **ANNUAL REPORT.**—Not later than December 31 of each year, the Director of the National Counterintelligence Center, acting through the National Counterintelligence Task Force, shall submit to the congressional intelligence committees a report describing the activities of the Task Force during the preceding fiscal year. Such report shall include—

- (1) a description of counterintelligence campaigns conducted during the period covered by the report; and
- (2) a description of the efforts of the Task Force to coordinate counterintelligence campaigns throughout the Federal Government and the results of such efforts.

(b) **QUARTERLY BRIEFING.**—The Director of the National Counterintelligence Center, acting through the National Counterintelligence Task Force, shall provide to the congressional intelligence committees a quarterly briefing on the activities of the Task Force during the preceding quarter.

(c) **NOTICE OF SIGNIFICANT VULNERABILITIES OR OUTCOMES.**—Not later than 30 days after the Director of the National Counterintelligence Center, acting through the National Counterintelligence Task Force, identifies a significant counterintelligence vulnerability or a significant outcome of a counterintelligence activity, the Director shall submit to the congressional intelligence committees notice and a description of such vulnerability or such outcome.

TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

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SPECIFICITY OF NATIONAL INTELLIGENCE PROGRAM BUDGET AMOUNTS FOR COUNTERTERRORISM, COUNTERPROLIFERATION, COUNTERNARCOTICS, AND COUNTERINTELLIGENCE; INTELLIGENCE COMMUNITY DRUG CONTROL PROGRAM BUDGET

SEC. 506. (a) IN GENERAL.—The budget justification materials submitted to Congress in support of the budget of the President for a fiscal year that is submitted to Congress under section 1105(a)

of title 31, United States Code, shall set forth separately the aggregate amount requested for that fiscal year for the National Intelligence Program for each of the following:

- (1) Counterterrorism.
- (2) Counterproliferation.
- (3) Counternarcotics.
- (4) **【Counterintelligence】** *The National Counterintelligence Program.*

(5) *With respect to fiscal years 2027 through 2029 and any additional fiscal years the Director of National Intelligence considers appropriate, the acquisition or use for intelligence purposes of publicly available information (as defined in section 601 of the Intelligence Authorization Act for Fiscal Year 2026), commercially available information (as defined in such section), or any other open-source information.*

(b) **ADDITIONAL INFORMATION WITH RESPECT TO PUBLICLY AVAILABLE INFORMATION, COMMERCIALY AVAILABLE INFORMATION, AND OTHER OPEN-SOURCE INFORMATION.**—*The budget justification materials required by paragraph (5) of subsection (a) shall include—*

(1) *a summary of the primary activities and investments that the amount requested is intended to support;*

(2) *a disaggregation of such amount requested by program, budget category, expenditure center or subproject, and any other appropriate classification, as determined by the Director of National Intelligence;*

(3) *a comparison of the amount requested for each program for the fiscal year that is the subject of such materials and the amount made available for such program during the preceding fiscal year;*

(4) *the number of full-time equivalent civilian and military personnel assigned to open-source intelligence duties by program and across the intelligence community; and*

(5) *such other information as the Director of National Intelligence considers appropriate.*

(c) **INTELLIGENCE COMMUNITY DRUG CONTROL PROGRAM BUDGET.**—(1) *The Director of National Intelligence shall annually develop a consolidated Intelligence Community Drug Control Program Budget.*

(2) *Not later than 30 days after the date on which the Director of National Intelligence submits to the congressional intelligence committees the classified intelligence budget justification materials for a fiscal year under section 506J, the Director shall submit to such committees a summary of the consolidated Intelligence Community Drug Control Program Budget for that fiscal year. To the extent practicable, the Director shall organize such summary in a similar manner as the National Drug Control Program budget under section 704(c) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(c)).*

(3) *Each summary under paragraph (2) shall include the following:*

(A) *A certification by the Director stating that the consolidated Intelligence Community Drug Control Program Budget is designed to implement the responsibilities of the intelligence community in support of the counter-drug efforts of the United States, as reflected in the National Drug Control Strategy*

under section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705) and the National Interdiction Command and Control Plan under section 711(a)(4) of such Act (21 U.S.C. 1710(a)(4)).

(B) A description of the key accomplishments of the intelligence community with respect to counternarcotics during the fiscal year in which the summary is submitted and the previous fiscal year.

(C) The total amounts requested for the National Intelligence Program for counternarcotics for the fiscal year covered by the summary and for the previous fiscal year.

(D) Each of the total amounts under subparagraph (C), disaggregated by each element of the intelligence community at the expenditure center, project, and subproject levels.

(E) Any other information the Director determines appropriate to provide the congressional intelligence committees with a consolidated, comprehensive, and detailed understanding of the amounts, activities, and purposes of the amounts requested for the National Intelligence Program for counternarcotics for the fiscal year covered by the summary.

(4) Each head of an element of the intelligence community shall timely provide to the Director of National Intelligence the information the Director requires to develop each summary under paragraph (2).

[(b)] *(d) ELECTION OF CLASSIFIED OR UNCLASSIFIED FORM.—[Amounts set forth under subsection (a)] Information required under this section may be set forth in unclassified form or classified form, at the election of the Director of National Intelligence.*

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DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMIANNUAL REPORTS TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES

SEC. 507. (a) ANNUAL REPORTS.—The date for the submittal to the congressional intelligence committees of the following annual reports shall be the date each year provided in subsection (c)(1):

(1) The annual report of the Inspectors General of the intelligence community on proposed resources and activities of their offices required by section 416(h) of title 5, United States Code.

(2) The annual report on certifications for immunity in interdiction of aircraft engaged in illicit drug trafficking required by section 1012(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291–4(c)(2)).

(3) The annual report on activities under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) required by section 806(a) of that Act (50 U.S.C. 1906(a)).

(4) The annual report on hiring and retention of minority employees in the intelligence community required by section 114(a).

[(5)] The annual report on financial intelligence on terrorist assets required by section 118.]

[(6)] (5) An annual report submitted under section 119C(d)(1).

(b) SEMIANNUAL REPORTS.—The dates for the submittal to the congressional intelligence committees of the following semiannual reports shall be the dates each year provided in subsection (c)(2):

(1) The semiannual reports on decisions not to prosecute certain violations of law under the Classified Information Procedures Act (18 U.S.C. App.) as required by section 13 of that Act.

(2) The semiannual reports on the disclosure of information and consumer reports to the Federal Bureau of Investigation for counterintelligence purposes required by section 624(h)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)(2)).

(3) The semiannual provision of information on requests for financial information for foreign counterintelligence purposes required by section 1114(a)(5)(C) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C)).

(c) SUBMITTAL DATES FOR REPORTS.—(1) Except as provided in subsection (d), each annual report listed in subsection (a) shall be submitted not later than February 1.

(2) Except as provided in subsection (d), each semiannual report listed in subsection (b) shall be submitted not later than February 1 and August 1.

(d) POSTPONEMENT OF SUBMITTAL.—(1) Subject to paragraph (3), the date for the submittal of—

(A) an annual report listed in subsection (a) may be postponed until March 1; and

(B) a semiannual report listed in subsection (b) may be postponed until March 1 or September 1, as the case may be, if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

(2)(A) Notwithstanding any other provision of law and subject to paragraph (3), the date for the submittal to the congressional intelligence committees of any report described in subparagraph (B) may be postponed by not more than 30 days from the date otherwise specified in the provision of law for the submittal of such report if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

(B) A report described in this subparagraph is any report on intelligence or intelligence-related activities of the United States Government that is submitted under a provision of law requiring the submittal of only a single report.

(3)(A) The date for the submittal of a report whose submittal is postponed under paragraph (1) or (2) may be postponed beyond the time provided for the submittal of such report under such paragraph if the official required to submit such report submits to the congressional intelligence committees a written certification that preparation and submittal of such report at such time will impede the work of officers or employees of the intelligence community in a manner that will be detrimental to the national security of the United States.

(B) A certification with respect to a report under subparagraph (A) shall include a proposed submittal date for such report, and such report shall be submitted not later than that date.

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SEC. 517. NOTICE OF IMPACT OF DIPLOMATIC AND CONSULAR POST CLOSINGS ON INTELLIGENCE ACTIVITIES.

(a) *NOTICE REQUIRED.*—Not later than 30 days after a covered closure of a diplomatic or consular post, the Director of National Intelligence, in consultation with the heads of the other appropriate elements of the intelligence community as determined by the Director, shall submit to the congressional intelligence committees a notice describing the impact of the closure on the activities of the intelligence community. Such notice shall include—

(1) a description of the impact, if any, of the closure on the activities or interests of the intelligence community;

(2) a plan to mitigate any adverse impacts to such elements caused by such closure; and

(3) a description of whether, and the extent to which, the Director and the heads of the other appropriate elements of the intelligence community—

(A) were consulted in the decision-making process with respect to such closure; and

(B) registered any concerns with or objections to such closure.

(b) *COVERED CLOSURE OF A DIPLOMATIC OR CONSULAR POST DEFINED.*—In this section, the term “covered closure of a diplomatic or consular post” means the closure of a United States diplomatic or consular post abroad that—

(1) is anticipated to last for 60 days or longer; or

(2) has lasted for 60 days or longer.

SEC. 518. NOTICE OF COUNTERINTELLIGENCE ASSESSMENTS AND INVESTIGATIONS OF FEDERAL CANDIDATES OR OFFICE-HOLDERS.

(a) *NOTICE.*—

(1) *NOTICE REQUIRED.*—Except as provided in paragraph (3), the Director of the Federal Bureau of Investigation shall submit to congressional leadership, the congressional intelligence committees, and the chairmen and ranking minority members of the Committees on the Judiciary of the House of Representatives and the Senate notice of each counterintelligence assessment or investigation of an individual who is—

(A) a candidate for Federal office;

(B) a holder of Federal office; or

(C) a covered congressional employee.

(2) *CONTENTS.*—The notice required under paragraph (1) shall include—

(A) a summary of the relevant facts associated with the counterintelligence assessment or investigation; and

(B) the identity of such individual.

(3) *EXCEPTION.*—The Director may refrain from providing a notice under paragraph (1) to an individual who is otherwise a recipient of notices under such paragraph if that individual is a target of the counterintelligence assessment or investigation covered by the notice.

(b) *TIMING.*—The Director shall submit each notice under subsection (a) not later than 5 days after the date of the commencement of the counterintelligence assessment or investigation that is the subject of such notice. With respect to counterintelligence assessments or investigations that commenced before the date of the enact-

ment of this section and are ongoing as of such date of enactment, the Director shall submit each notice under subsection (a) not later than 5 days after such date of enactment.

(c) **IDENTIFICATION OF COVERED CONGRESSIONAL EMPLOYEES.**—

(1) **LISTS.**—The Director may use the lists provided under paragraph (2) to determine whether an individual is a covered congressional employee.

(2) **PROVISION OF LISTS.**—The Secretary of the Senate and the Clerk of the House of Representatives shall, not less than semi-annually, each provide to the head of each element of the intelligence community a list of covered congressional employees of the Senate and the House of Representatives, respectively.

(3) **KNOWN CONGRESSIONAL EMPLOYEES.**—Notwithstanding the lack of inclusion of a person on a list provided under paragraph (2), if a person that is subject to a counterintelligence assessment or investigation is known to the Federal Bureau of Investigation to be a covered congressional employee at the time of such counterintelligence assessment or investigation, the Director shall carry out this section as required when the subject of a counterintelligence assessment or investigation is a covered congressional employee.

(d) **DEFINITIONS.**—In this section:

(1) **CANDIDATE; FEDERAL OFFICE.**—The terms “candidate” and “Federal office” have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(2) **COVERED CONGRESSIONAL EMPLOYEE.**—The term “covered congressional employee” means an employee or officer of—

(A) the Senate or the House of Representatives;

(B) a Senator or a Representative in, or Delegate or Resident Commissioner to, Congress; or

(C) a committee of the Senate or House of Representatives, or a joint committee of the Senate and House of Representatives.

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TITLE X—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

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SUBTITLE C—ADDITIONAL EDUCATION PROVISIONS

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SEC. 1025. AUTHORIZATION OF SUPPORT BY DIRECTOR OF NATIONAL INTELLIGENCE FOR CERTAIN WORKFORCE ACTIVITIES.

(a) **AUTHORIZATION.**—The Director may, with or without reimbursement, obligate or expend amounts authorized to be appropriated or otherwise made available for the Office of the Director of National Intelligence for covered workforce activities for the purpose of supporting a covered workforce activity of an element of the intelligence community.

(b) **NOTIFICATION.**—Not later than 30 days after the date on which the Director exercises the authority in subsection (a), the Director shall submit to the congressional intelligence committees

and the Committees on Appropriations of the House of Representatives and the Senate written notification of such exercise.

(c) COVERED WORKFORCE ACTIVITY DEFINED.—In this section, the term “covered workforce activity” means an activity relating [to—

](1) recruitment or retention of the intelligence community workforce; or]

[(2) diversity, equality, inclusion, or accessibility, with respect to such workforce.] *to the recruitment or retention of the intelligence community workforce.*

Subtitle D—National Intelligence University

* * * * *

SEC. 1033. REPORTING.

[(a) IN GENERAL.—Not less frequently than once each year, the Director of National Intelligence shall submit to the congressional intelligence committees a plan for employing professors, instructors, and lecturers at the National Intelligence University.

[(b) ELEMENTS.—Each plan submitted under subsection (a) shall include the following:

[(1) The total number of proposed personnel to be employed at the National Intelligence University.

[(2) The total annual compensation to be provided the personnel described in paragraph (1).

[(3) Such other matters as the Director considers appropriate.

[(c) FORM OF SUBMITTAL.—Each plan submitted by the Director to the congressional intelligence committees under subsection (a) shall be submitted as part of another annual submission from the Director to the congressional intelligence committees.]

SEC. [1034.] 1033. CONTINUED APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE BOARD OF VISITORS.

The Federal Advisory Committee Act (5 U.S.C. App.) shall continue to apply to the Board of Visitors of the National Intelligence University on and after the transfer date.

§ [1035.] 1034. National Intelligence University acceptance of grants

(a) AUTHORITY.—The Director of National Intelligence may authorize the President of the National Intelligence University to accept qualifying research grants.

(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A qualifying research grant may be accepted under this section only from a Federal agency or from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(d) ADMINISTRATION OF GRANT FUNDS.—

(1) ESTABLISHMENT OF ACCOUNT.—The Director shall establish an account for administering funds received as qualifying research grants under this section.

(2) USE OF FUNDS.—The President of the University shall use the funds in the account established pursuant to paragraph (1) in accordance with applicable provisions of the regulations and the terms and conditions of the grants received.

(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the National Intelligence University may be used to pay expenses incurred by the University in applying for, and otherwise pursuing, the award of qualifying research grants.

(f) REGULATIONS.—The Director of National Intelligence shall prescribe regulations for the administration of this section.

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TITLE XI—ADDITIONAL MISCELLANEOUS PROVISIONS

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SEC. 1102A. Measures to mitigate counterintelligence threats from proliferation and use of foreign commercial spyware.

(a) DEFINITIONS.—In this section:

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

(A) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(2) COVERED ENTITY.—The term “covered entity” means any foreign company that either directly or indirectly develops, maintains, owns, operates, brokers, markets, sells, leases, licenses, or otherwise makes available spyware.

(3) FOREIGN COMMERCIAL SPYWARE.—The term “foreign commercial spyware” means spyware that is developed (solely or in partnership with a foreign company), maintained, sold, leased, licensed, marketed, sourced (in whole or in part), or otherwise provided, either directly or indirectly, by a foreign company.

(4) FOREIGN COMPANY.—The term “foreign company” means a company that is incorporated or domiciled outside of the United States, including any subsidiaries or affiliates wherever such subsidiaries or affiliates are domiciled or incorporated.

(5) SPYWARE.—The term “spyware” means a tool or set of tools that operate as an end-to-end system of software to provide an unauthorized user remote access to information stored on or transiting through an electronic device connected to the Internet and not owned or operated by the unauthorized user, including end-to-end systems that—

(A) allow an unauthorized user to remotely infect electronic devices with malicious software, including without any action required by the user of the device;

(B) can record telecommunications or other audio captured on a device not owned by the unauthorized user;

(C) undertake geolocation, collect cell site location information, or otherwise track the location of a device or person using the internal sensors of an electronic device not owned by the unauthorized user;

(D) allow an unauthorized user access to and the ability to retrieve information on the electronic device, including text messages, files, e-mails, transcripts of chats, contacts, photos, and browsing history; or

(E) any additional criteria described in publicly available documents published by the Director of National Intelligence, such as whether the end-to-end system is used outside the context of a codified lawful intercept system.

(b) ANNUAL ASSESSMENTS OF COUNTERINTELLIGENCE THREATS.—

(1) REQUIREMENT.—Not later than 90 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter *for five years*, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report with an accompanying classified annex containing an assessment of the counterintelligence threats and other risks to the national security of the United States posed by the proliferation of foreign commercial spyware. The assessment shall incorporate all credible data, including open-source information.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following, if known:

(A) A list of the most significant covered entities.

(B) A description of the foreign commercial spyware marketed by the covered entities identified under subparagraph (A) and an assessment by the intelligence community of the foreign commercial spyware.

(C) An assessment of the counterintelligence risk to the intelligence community or personnel of the intelligence community posed by foreign commercial spyware.

(D) For each covered entity identified in subparagraph (A), details of any subsidiaries, resellers, or other agents acting on behalf of the covered entity.

(E) Details of where each covered entity identified under subparagraphs (A) and (D) is domiciled.

(F) A description of how each covered entity identified under subparagraphs (A) and (D) is financed, where the covered entity acquired its capital, and the organizations and individuals having substantial investments or other equities in the covered entity.

(G) An assessment by the intelligence community of any relationship between each covered entity identified in subparagraphs (A) and (D) and any foreign government, in-

cluding any export controls and processes to which the covered entity is subject.

(H) A list of the foreign customers of each covered entity identified in subparagraphs (A) and (D), including the understanding by the intelligence community of the organizations and end-users within any foreign government.

(I) With respect to each foreign customer identified under subparagraph (H), an assessment by the intelligence community regarding how the foreign customer is using the spyware, including whether the foreign customer has targeted personnel of the intelligence community.

(J) With respect to the first report required under paragraph (1), a mitigation plan to reduce the exposure of personnel of the intelligence community to foreign commercial spyware.

(K) With respect to each report following the first report required under paragraph (1), details of steps taken by the intelligence community since the previous report to implement measures to reduce the exposure of personnel of the intelligence community to foreign commercial spyware.

(3) CLASSIFIED ANNEX.—In submitting the report under paragraph (1), the Director shall also include an accompanying but separate classified annex, providing a watchlist of companies selling, leasing, or otherwise providing foreign commercial spyware that the Director determines are engaged in activities that pose a counterintelligence risk to personnel of the intelligence community.

(4) FORM.—Each report under paragraph (1) shall be submitted in classified form.

(5) DISSEMINATION.—The Director of National Intelligence shall separately distribute each report under paragraph (1) and each annex under paragraph (3) to the President, the heads of all elements of the intelligence community, the Secretary of State, the Attorney General, the Secretary of Commerce, the Secretary of Homeland Security, the National Cyber Director, and the heads of any other departments or agencies the Director of National Intelligence determines appropriate.

(c) AUTHORITY TO PROHIBIT PURCHASE OR USE BY INTELLIGENCE COMMUNITY.—

(1) FOREIGN COMMERCIAL SPYWARE.—

(A) IN GENERAL.—The Director of National Intelligence may prohibit any element of the intelligence community from procuring, leasing, or otherwise acquiring on the commercial market, or extending or renewing a contract to procure, lease, or otherwise acquire, foreign commercial spyware.

(B) CONSIDERATIONS.—In determining whether and how to exercise the authority under subparagraph (A), the Director of National Intelligence shall consider—

(i) the assessment of the intelligence community of the counterintelligence threats or other risks to the United States posed by foreign commercial spyware;

(ii) the assessment of the intelligence community of whether the foreign commercial spyware has been used to target United States Government personnel;

(iii) whether the original owner or developer retains any of the physical property or intellectual property associated with the foreign commercial spyware;

(iv) whether the original owner or developer has verifiably destroyed all copies of the data collected by or associated with the foreign commercial spyware;

(v) whether the personnel of the original owner or developer retain any access to data collected by or associated with the foreign commercial spyware;

(vi) whether the use of the foreign commercial spyware requires the user to connect to an information system of the original owner or developer or information system of a foreign government; and

(vii) whether the foreign commercial spyware poses a counterintelligence risk to the United States or any other threat to the national security of the United States.

(2) COMPANY THAT HAS ACQUIRED FOREIGN COMMERCIAL SPYWARE.—

(A) AUTHORITY.—The Director of National Intelligence may prohibit any element of the intelligence community from entering into any contract or other agreement for any purpose with a company that has acquired, in whole or in part, any foreign commercial spyware.

(B) CONSIDERATIONS.—In considering whether and how to exercise the authority under subparagraph (A), the Director of National Intelligence shall consider—

(i) whether the original owner or developer of the foreign commercial spyware retains any of the physical property or intellectual property associated with the spyware;

(ii) whether the original owner or developer of the foreign commercial spyware has verifiably destroyed all data, and any copies thereof, collected by or associated with the spyware;

(iii) whether the personnel of the original owner or developer of the foreign commercial spyware retain any access to data collected by or associated with the foreign commercial spyware;

(iv) whether the use of the foreign commercial spyware requires the user to connect to an information system of the original owner or developer or information system of a foreign government; and

(v) whether the foreign commercial spyware poses a counterintelligence risk to the United States or any other threat to the national security of the United States.

(3) NOTIFICATIONS OF PROHIBITION.—Not later than 30 days after the date on which the Director of National Intelligence exercises the authority to issue a prohibition under subsection (c), the Director of National Intelligence shall notify the congressional intelligence committees of such exercise of authority. Such notice shall include—

(A) a description of the circumstances under which the prohibition was issued;

(B) an identification of the company or product covered by the prohibition;

(C) any information that contributed to the decision of the Director of National Intelligence to exercise the authority, including any information relating to counterintelligence or other risks to the national security of the United States posed by the company or product, as assessed by the intelligence community; and

(D) an identification of each element of the intelligence community to which the prohibition has been applied.

(4) WAIVER AUTHORITY.—

(A) IN GENERAL.—The head of an element of the intelligence community may request from the Director of National Intelligence the waiver of a prohibition made under paragraph (1) or (2).

(B) DIRECTOR OF NATIONAL INTELLIGENCE DETERMINATION.—The Director of National Intelligence, upon receiving the waiver request in subparagraph (A), may issue a waiver for a period not to exceed one year in response to the request from the head of an element of the intelligence community if such waiver is in the national security interest of the United States.

(C) NOTICE.—Not later than 30 days after approving a waiver request pursuant to subparagraph (B), the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a written notification. The notification shall include—

(i) an identification of the head of the element of the intelligence community that requested the waiver;

(ii) the details of the waiver request, including the national security interests of the United States;

(iii) the rationale and basis for the determination that the waiver is in the national security interests of the United States;

(iv) the considerations that informed the ultimate determination of the Director of National Intelligence to issue the waiver; and

(v) and any other considerations contributing to the determination, made by the Director of National Intelligence.

(D) WAIVER TERMINATION.—The Director of National Intelligence may revoke a previously granted waiver at any time. Upon revocation of a waiver, the Director of National Intelligence shall submit a written notification to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives not later than 30 days after making a revocation determination.

(5) TERMINATION OF PROHIBITION.—The Director of National Intelligence may terminate a prohibition made under paragraph (1) or (2) at any time. Upon termination of a prohibition,

the Director of National Intelligence shall submit a notification of the termination to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives not later than 30 days after terminating a prohibition, detailing the basis for the termination, including any United States national security interests that may be affected by such termination.

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SEC. 1107. ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.

(a) **REQUIREMENT.**—On an annual basis, consistent with the protection of intelligence sources and methods, the Director of the [National Counterintelligence and Security Center] *National Counterintelligence Center* shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the influence operations and campaigns in the United States conducted by the Chinese Communist Party.

(b) **CONTENTS.**—Each report under subsection (a) shall include the following:

(1) A description of the organization of the United Front Work Department of the People's Republic of China, or the successors of the United Front Work Department, and the links between the United Front Work Department and the Central Committee of the Chinese Communist Party.

(2) An assessment of the degree to which organizations that are associated with or receive funding from the United Front Work Department, particularly such entities operating in the United States, are formally tasked by the Chinese Communist Party or the Government of China.

(3) A description of the efforts by the United Front Work Department and subsidiary organizations of the United Front Work Department to target, coerce, and influence foreign populations, particularly those of ethnic Chinese descent.

(4) An assessment of attempts by the Chinese Embassy, consulates, and organizations affiliated with the Chinese Communist Party (including, at a minimum, the United Front Work Department) to influence the United States-based Chinese Student Scholar Associations.

(5) A description of the evolution of the role of the United Front Work Department under the leadership of the President of China.

(6) An assessment of the activities of the United Front Work Department designed to influence the opinions of elected leaders of the United States, or candidates for elections in the United States, with respect to issues of importance to the Chinese Communist Party.

(7) A listing of all known organizations affiliated with the United Front Work Department that are operating in the United States as of the date of the report.

(8) An identification of influence activities and operations employed by the Chinese Communist Party against the United

States science and technology sectors, specifically employees of the United States Government, researchers, scientists, and students in the science and technology sector in the United States.

(9) A listing of all known Chinese talent recruitment programs operating in the United States as of the date of the report.

(10) With respect to reports submitted after the first report, an assessment of the change in goals, tactics, techniques, and procedures of the influence operations and campaigns conducted by the Chinese Communist Party.

(c) COORDINATION.—In carrying out subsection (a), the Director shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and any other relevant head of an element of the intelligence community.

(d) FORM.—Each report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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SEC. 1107B. NET ASSESSMENTS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) *NET ASSESSMENTS REQUIRED.*—The Director of National Intelligence, acting jointly through the National Intelligence Council and the National Intelligence Management Council and in consultation with the heads of the other elements of the intelligence community, shall conduct and regularly update net assessments of the economic, technological, financial, trade, industrial, and diplomatic power of the People's Republic of China in comparison to the United States and the national security implications of the activities of the People's Republic of China in those areas.

(b) *SOURCE INFORMATION.*—In conducting and updating net assessments under subsection (a), the Director of National Intelligence shall use—

(1) open-source information with respect to the portion of the assessment relating to the United States; and

(2) all-source information with respect to the portion of the assessment relating to the People's Republic of China.

(c) *AVAILABILITY.*—The Director of National Intelligence shall, consistent with the protection of sources and methods, make net assessments required under this section readily available and accessible to other departments and agencies of the Federal Government and to the congressional intelligence committees.

SEC. 1108. ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE RUSSIAN FEDERATION.

(a) *REQUIREMENT.*—On an annual basis, the Director of the [National Counterintelligence and Security Center] *National Counterintelligence Center* shall submit to the congressional intelligence committees a report on the influence operations and campaigns in the United States conducted by the Russian Federation.

(b) *CONTENTS.*—Each report under subsection (a) shall include the following:

(1) A description and listing of the Russian organizations and persons involved in influence operations and campaigns operating in the United States as of the date of the report.

(2) An assessment of organizations that are associated with or receive funding from organizations and persons identified in paragraph (1), particularly such entities operating in the United States.

(3) A description of the efforts by the organizations and persons identified in paragraph (1) to target, coerce, and influence populations within the United States.

(4) An assessment of the activities of the organizations and persons identified in paragraph (1) designed to influence the opinions of elected leaders of the United States or candidates for election in the United States.

(5) With respect to reports submitted after the first report, an assessment of the change in goals, tactics, techniques, and procedures of the influence operations and campaigns conducted by the organizations and persons identified in paragraph (1).

(c) COORDINATION.—In carrying out subsection (a), the Director shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and any other relevant head of an element of the intelligence community.

(d) FORM.—Each report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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[SEC. 1110. REPORT ON BEST PRACTICES TO PROTECT PRIVACY, CIVIL LIBERTIES, AND CIVIL RIGHTS OF CHINESE AMERICANS.]

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

[(1) the People’s Republic of China appears to be specifically targeting the Chinese-American community for intelligence purposes;

[(2) such targeting carries a substantial risk that the loyalty of such Americans may be generally questioned and lead to unacceptable stereotyping, targeting, and racial profiling;

[(3) the United States Government has a duty to warn and protect all Americans including those of Chinese descent from these intelligence efforts by the People’s Republic of China;

[(4) the broad stereotyping, targeting, and racial profiling of Americans of Chinese descent is contrary to the values of the United States and reinforces the flawed narrative perpetuated by the People’s Republic of China that ethnically Chinese individuals worldwide have a duty to support the People’s Republic of China; and

[(5) the United States efforts to combat the People’s Republic of China’s intelligence activities should actively safeguard and promote the constitutional rights of all Chinese Americans.]

[(b) REPORT.—On an annual basis, the Director of National Intelligence, acting through the Office of Civil Liberties, Privacy, and Transparency, in coordination with the civil liberties and privacy officers of the elements of the intelligence community, shall submit a report to the congressional intelligence committees containing—

[(1) a review of how the policies, procedures, and practices of the intelligence community that govern the intelligence activities and operations targeting the People’s Republic of China

affect policies, procedures, and practices relating to the privacy, civil liberties, and civil rights of Americans of Chinese descent who may be targets of espionage and influence operations by China; and

[(2) recommendations to ensure that the privacy, civil liberties, and civil rights of Americans of Chinese descent are sufficiently protected.

[(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.]

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SEC. 1115. PROHIBITION ON USE OF DEEPSEEK ON INTELLIGENCE COMMUNITY SYSTEMS.

(a) *PROHIBITION.*—The Director of National Intelligence, in consultation with the other heads of the elements of the intelligence community, shall develop standards and guidelines for elements of the intelligence community that require the removal of any covered application from national security systems operated by an element of the intelligence community, a contractor to an element of the intelligence community, or another entity on behalf of an element of the intelligence community.

(b) *APPLICABILITY OF INFORMATION SECURITY REQUIREMENTS.*—The standards and guidelines developed under subsection (a) shall be consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code.

(c) *NATIONAL SECURITY AND RESEARCH EXCEPTIONS.*—The standards and guidelines developed under subsection (a) shall include—

(1) exceptions for national security purposes and research activities; and

(2) risk mitigation standards and guidelines that shall apply in the case of an exception described in paragraph (1).

(d) *DEFINITIONS.*—In this section:

(1) *COVERED APPLICATION.*—The term “covered application” means the DeepSeek application or any successor application or service developed or provided by High Flyer or any successor entity.

(2) *NATIONAL SECURITY SYSTEM.*—The term “national security system” has the meaning given the term in section 3552 of title 44, United States Code.

SEC. 1116. KNOWLEDGE MANAGEMENT SYSTEM FOR INTERNATIONAL CARTELS AND OTHER TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) *REQUIREMENT FOR KNOWLEDGE MANAGEMENT SYSTEM.*—The Director of National Intelligence, in consultation with the Attorney General, shall ensure that the intelligence community—

(1) makes use of the Transnational Organized Crime Identity Intelligence Platform or a successor knowledge management system to enable and enhance information management, information sharing, analysis, and collaboration across the intelligence community and between the intelligence community and Federal law enforcement agencies related to international cartels and other transnational criminal organizations; and

(2) provides all terrorism information (as defined in section 1016(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a))) to the National Counterterrorism

Center, including terrorism information related to international cartels and other transnational criminal organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or as a Specially Designated Global Terrorist under Executive Order 13224 (50 U.S.C. 1701 note) or any successor Executive order.

(b) PROCEDURES.—The Director of National Intelligence and the Attorney General shall each or jointly, as appropriate, issue procedures for collecting, storing, accessing, and disseminating data under the system described in subsection (a), including with respect to the organization of such data and security requirements for accessing such data. Such procedures shall be designed to encourage collaboration between elements of the intelligence community and between elements of the intelligence community and Federal law enforcement agencies with respect to international cartels and other transnational criminal organizations, including foreign terrorist organizations designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and persons or entities designated as a Specially Designated Global Terrorist under Executive Order 13224 (50 U.S.C. 1701 note) or any successor Executive order.

(c) INTELLIGENCE COMMUNITY INPUT.—The head of each element of the intelligence community shall—

(1) input all data described in subsection (a)(1) in the possession of such element into the system described in such subsection in accordance with the procedures established under subsection (b); and

(2) share all terrorism information described in subsection (a)(2) in the possession of such element with the National Counterterrorism Center.

(d) BRIEFINGS.—Not later than June 30 and December 31 of each year through 2028, the Director of National Intelligence and the Attorney General shall jointly provide to the congressional intelligence committees a briefing on the implementation of this section. Such briefing shall include—

(1) the opinions of the Director and the Attorney General as to the effectiveness of the knowledge management system required under subsection (a);

(2) a description of any challenges identified by the Director or the Attorney General with the knowledge management system required under subsection (a);

(3) an indication of the level of compliance of each element of the intelligence community with the requirements of this section; and

(4) an assessment of the level of participation in the knowledge management system of Federal law enforcement agencies.

SEC. 1117. STANDARDIZATION OF TRAINING ON COLLECTION OF PUBLICLY AVAILABLE INFORMATION AND COMMERCIALY AVAILABLE INFORMATION.

(a) ESTABLISHMENT OF TRAINING COURSE.—Not later than one year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2026, the official designated under section 125(a)(1) to be responsible for subparagraph (A) of such section, in consultation with the heads of the elements of the intelligence community, shall establish a training course on the collection of pub-

licly available information and commercially available information for intelligence purposes.

(b) **COMPLETION OF COURSE REQUIRED.**—

(1) **IN GENERAL.**—The head of each element of the intelligence community shall require all personnel of such element whose duties include collection of publicly available information or commercially available information for intelligence purposes to satisfactorily complete the training course established under subsection (a). The head of each such element shall require the completion of such course—

(A) with respect to personnel of such element who are serving as such personnel on the date on which such training course is established, not later than 180 days after such date; and

(B) with respect to individuals who begin service as personnel of such element after the date on which such training course is established, not later than 90 days after beginning such service.

(2) **COMPLETION TRANSFERRABLE.**—Subject to subsection (c), completion of the training course established under subsection (a) while serving in any element of the intelligence community shall satisfy the requirement under paragraph (1) with respect to service in any other element of the intelligence community or in the same element of the intelligence community after a break in service.

(c) **ADDITIONAL TRAINING.**—The head of each element of the intelligence community may require personnel of such element to complete training in collection or analysis of open-source intelligence that is in addition to the training course required under subsection (a) as the head of such element considers appropriate to support the mission of such element, including requiring recurring completion of such training course.

(d) **DEFINITIONS.**—In this section, the terms “commercially available information”, “open-source intelligence”, and “publicly available information” have the meaning given those terms in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

SEC. 1118. REQUIREMENT TO PURGE INCIDENTALLY COLLECTED PUBLICLY AVAILABLE INFORMATION OR COMMERCIALY AVAILABLE INFORMATION RELATING TO UNITED STATES PERSONS.

(a) **REQUIREMENT TO PURGE.**—The head of each element of the intelligence community shall purge from such element any publicly available information or commercially available information relating to a United States person that is incidentally collected by such element.

(b) **DEFINITIONS.**—In this section:

(1) **COMMERCIALY AVAILABLE INFORMATION.**—The term “commercially available information” has the meaning given the term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

(2) **PUBLICLY AVAILABLE INFORMATION.**—The term “publicly available information” has the meaning given the term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

(3) *UNITED STATES PERSON.*—The term “United States person” has the meaning given the term in section 105A.

TITLE XII—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

SEC. [1104.] 1201. 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 (b)(1), (e), and (h) of section 416 of title 5, United States Code;

(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 (b)(1), (e), and (h) of section 416 of title 5, United States Code;
 - (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 rea-

sonably 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.

SEC. [1106.] 1202. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

(a) **REQUEST FOR REVIEW.**—An individual with a claim described in subsection (b) may submit to the Inspector General of the Intelligence Community a request for a review of such claim by an external review panel convened under subsection (c).

(b) **CLAIMS AND INDIVIDUALS DESCRIBED.**—A claim described in this subsection is any—

(1) claim by an individual—

(A) that the individual has been subjected to a personnel action that is prohibited under section [1104] 1201; and

(B) who has exhausted the applicable review process for the claim pursuant to enforcement of such section; or

(2) claim by an individual—

(A) that he or she has been subjected to a reprisal prohibited by paragraph (1) of section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)); and

(B) who received a decision on an appeal regarding that claim under paragraph (4) of such section.

(c) **EXTERNAL REVIEW PANEL CONVENED.**—

(1) **DISCRETION TO CONVENE.**—Upon receipt of a request under subsection (a) regarding a claim, the Inspector General of the Intelligence Community may, at the discretion of the Inspector General, convene an external review panel under this subsection to review the claim.

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—An external review panel convened under this subsection shall be composed of three members as follows:

(i) The Inspector General of the Intelligence Community.

(ii) Except as provided in subparagraph (B), two members selected by the Inspector General as the Inspector General considers appropriate on a case-by-case basis from among inspectors general of the following:

- (I) The Department of Defense.
- (II) The Department of Energy.
- (III) The Department of Homeland Security.
- (IV) The Department of Justice.
- (V) The Department of State.
- (VI) The Department of the Treasury.
- (VII) The Central Intelligence Agency.
- (VIII) The Defense Intelligence Agency.
- (IX) The National Geospatial-Intelligence Agency.
- (X) The National Reconnaissance Office.
- (XI) The National Security Agency.

(B) LIMITATION.—An inspector general of an agency may not be selected to sit on the panel under subparagraph (A)(ii) to review any matter relating to a decision made by such agency.

(C) CHAIRPERSON.—

(i) IN GENERAL.—Except as provided in clause (ii), the chairperson of any panel convened under this subsection shall be the Inspector General of the Intelligence Community.

(ii) CONFLICTS OF INTEREST.—If the Inspector General of the Intelligence Community finds cause to recuse himself or herself from a panel convened under this subsection, the Inspector General of the Intelligence Community shall—

- (I) select a chairperson from inspectors general of the elements listed under subparagraph (A)(ii) whom the Inspector General of the Intelligence Community considers appropriate; and
- (II) notify the congressional intelligence committees of such selection.

(3) PERIOD OF REVIEW.—Each external review panel convened under this subsection to review a claim shall complete review of the claim no later than 270 days after the date on which the Inspector General convenes the external review panel.

(d) REMEDIES.—

(1) PANEL RECOMMENDATIONS.—If an external review panel convened under subsection (c) determines, pursuant to a review of a claim submitted by an individual under subsection (a), that the individual was the subject of a personnel action prohibited under section 1104 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)), the panel may recommend that the agency head take corrective action—

(A) in the case of an employee or former employee—

- (i) to return the employee or former employee, as nearly as practicable and reasonable, to the position

such employee or former employee would have held had the reprisal not occurred; or

(ii) reconsider the employee's or former employee's eligibility for access to classified information consistent with national security; or

(B) in any other case, such other action as the external review panel considers appropriate.

(2) AGENCY ACTION.—

(A) IN GENERAL.—Not later than 90 days after the date on which the head of an agency receives a recommendation from an external review panel under paragraph (1), the head shall—

(i) give full consideration to such recommendation; and

(ii) inform the panel and the Director of National Intelligence of what action the head has taken with respect to the recommendation.

(B) FAILURE TO INFORM.—The Director shall notify the President of any failures to comply with subparagraph (A)(ii).

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once each year, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees and the Director of National Intelligence a report on the activities under this section during the previous year.

(2) CONTENTS.—Subject to such limitations as the Inspector General of the Intelligence Community considers necessary to protect the privacy of an individual who has made a claim described in subsection (b), each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

(A) The determinations and recommendations made by the external review panels convened under this section.

(B) The responses of the heads of agencies that received recommendations from the external review panels.

SEC. 1203. PROHIBITION ON REQUIRING POLITICAL OR IDEOLOGICAL ACTIVISM WITHIN THE INTELLIGENCE COMMUNITY.

(a) *PROHIBITION.—The head of each element of the intelligence community shall ensure that—*

(1) a covered individual is not required to engage in political or ideological activism as a condition for obtaining a positive personnel action; and

(2) a covered individual is not awarded additional points or otherwise be determined to be more likely to obtain a positive personnel decision based on engaging in political or ideological activism.

(b) *EXCEPTION FOR MAINTENANCE OF COVER.—Subsection (a) shall not apply with respect to requirements that a covered individual engage in political or ideological activism for the purposes of maintaining the cover of such individual, as determined by the head of the element of the intelligence community that would take a positive personnel action.*

(c) *DEFINITIONS.—In this section:*

(1) *COVERED INDIVIDUAL.*—The term “covered individual” means—

(A) an applicant, employee, or former employee of an element of the intelligence community;

(B) an employee or former employee assigned or detailed to an element of the intelligence community;

(C) an employee or former employee of a contractor of an element of the intelligence community; or

(D) an individual contractor or former individual contractor of an element of the intelligence community.

(2) *POLITICAL OR IDEOLOGICAL ACTIVISM.*—The term “political or ideological activism” means affirmatively advocating for beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action, including through speech, attendance at events, or membership in organizations or groups.

(3) *POSITIVE PERSONNEL ACTION.*—The term “positive personnel action” means, with regard to a covered individual, any of the following:

(A) An appointment requested by the covered individual.

(B) A promotion requested by the covered individual.

(C) A decision not to subject the covered individual to disciplinary or corrective action.

(D) A detail, transfer, or reassignment, requested by the covered individual.

(E) A decision not to subject the covered individual to a demotion, suspension, or termination.

(F) A reinstatement or restoration requested by the covered individual.

(G) A recommendation or positive performance evaluation.

(H) A decision concerning pay, benefits, or awards requested by the covered individual.

(I) A decision not to order or recommend medical testing or examination, including psychiatric testing or examination, that the covered individual does not request.

(J) The implementation or enforcement against the covered individual of any nondisclosure policy, form, or agreement.

(K) The granting of the response requested by the covered individual with respect to any claim of retaliatory action or harassment.

(L) A decision not to subject the covered individual to an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing an individual for making a protected disclosure.

(M) A decision to provide education or training if such education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation.

(N) Any other significant change in duties, responsibilities, or working conditions, requested by the covered individual.

SEC. 1204. MERIT-BASED PERSONNEL DECISIONS.

(a) *REQUIREMENT.*—The head of each element of the intelligence community shall ensure that no personnel action (as defined in sec-

tion 1104(a)) by such element is taken with a motivating factor of any of the following:

(1) A desire to reverse the impacts of societal discrimination based on race, color, religion, sex, sexual orientation, transgender status, or national origin.

(2) A desire to provide role models to or aid in recruitment of individuals of the same race, color, religion, sex, sexual orientation, transgender status, or national origin.

(3) A belief or assumption that certain viewpoints or experiences can be ascribed to a person based on race, color, religion, sex, sexual orientation, transgender status, or national origin.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the head of an element of the intelligence community from taking into consideration linguistic ability, linguistic background, race, color, religion, sex, sexual orientation, transgender status, or national origin in those certain instances where such factor is a bona fide occupational qualification reasonably necessary for carrying out the job function, including maintenance of cover.

SEC. 1205. UNCLASSIFIED APPRAISALS OF EMPLOYEES OF THE DEFENSE INTELLIGENCE AGENCY.

(a) **UNCLASSIFIED APPRAISALS.**—The Director of the Defense Intelligence Agency shall ensure that—

(1) each performance appraisal of an employee of the Defense Intelligence Agency includes unclassified narrative input and unclassified rating scores for such employee from each person providing narrative input or rating scores for such appraisal; and

(2) such unclassified narrative input and unclassified rating scores are provided to such employee in unclassified form.

(b) **APPRAISALS FOR DEPARTING EMPLOYEES.**—

(1) **REQUIREMENT.**—The Director of the Defense Intelligence Agency shall require the completion of a performance appraisal of any employee who—

(A) terminates employment with the Defense Intelligence Agency; and

(B) has not received a performance appraisal that was completed in accordance with the requirements of subsection (a) during the one and a half year period that ends on the date of termination of such employment.

(2) **TIMING OF COMPLETION.**—A performance appraisal required under paragraph (1) shall be completed for an employee not later than 30 days after the date on which the employee terminates employment with the Defense Intelligence Agency.

(c) **WAIVER.**—The Director of the Defense Intelligence Agency may waive the requirements of subsections (a) and (b) with respect to any employee whose affiliation with the Defense Intelligence Agency is classified.

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**INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
2004**

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TITLE III—GENERAL PROVISIONS

* * * * *

Subtitle C—Counterintelligence

SEC. 341. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—(1) Title XI of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

* * * * *

[Omitted amendatory text.]

(2) The table of contents contained in the first section of such Act is amended in the items relating to title XI by adding at the end the following new item:

“Sec. 1102. Counterintelligence initiatives.”

(b) INTELLIGENCE AND NATIONAL SECURITY ASPECTS OF ESPIONAGE PROSECUTIONS.—The Attorney General, acting through the Assistant Attorney General for National Security, and in consultation with the Director of National Intelligence, acting through the **[National Counterintelligence and Security Center]** *National Counterintelligence Center*, shall establish policies and procedures to assist the Attorney General in the consideration of intelligence and national security-related equities in the development of charging documents and related pleadings in espionage prosecutions.

Subtitle D—Reports

* * * * *

SEC. 361. REPEAL AND MODIFICATION OF REPORT REQUIREMENTS RELATING TO INTELLIGENCE ACTIVITIES.

(a) ANNUAL EVALUATION OF PERFORMANCE AND RESPONSIVENESS OF INTELLIGENCE COMMUNITY.—Section 105 of the National Security Act of 1947 (50 U.S.C. 403–5) is amended by striking subsection (d).

(b) PERIODIC REPORTS ON DISCLOSURE OF INTELLIGENCE INFORMATION TO UNITED NATIONS.—Section 112(b) of the National Security Act of 1947 (50 U.S.C. 404g(b)(1)) is amended—

(1) in the subsection caption, by striking “PERIODIC” and inserting “ANNUAL”;

(2) in paragraph (1), by striking “semiannually” and inserting “annually”; and

(3) in paragraph (3), by striking “periodic” and inserting “the annual”.

(c) ANNUAL REPORT ON INTELLIGENCE COMMUNITY COOPERATION WITH COUNTERDRUG ACTIVITIES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(d) ANNUAL REPORT ON COVERT LEASES.—Section 114 of the National Security Act of 1947, as amended by this section, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(e) ANNUAL REPORT ON CERTAIN FOREIGN COMPANIES INVOLVED IN PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.—Section 827 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2430; 50 U.S.C. 404n–3) is repealed.

(f) ANNUAL REPORT ON INTELLIGENCE ACTIVITIES OF PEOPLE’S REPUBLIC OF CHINA.—Section 308 of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105–107; 111 Stat. 2253; 50 U.S.C. 402a note) is repealed.

(g) ANNUAL REPORT ON COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH FBI.—[Section 811(c)] *Section 811(e)* of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359; 50 U.S.C. 402a(c)) is amended—

(1) by striking paragraph (6); and

(2) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(h) ANNUAL REPORT ON POSTEMPLOYMENT ASSISTANCE FOR TERMINATED INTELLIGENCE EMPLOYEES.—Section 1611 of title 10, United States Code, is amended by striking subsection (e).

(i) ANNUAL REPORT ON ACTIVITIES OF FBI PERSONNEL OUTSIDE THE UNITED STATES.—Section 540C of title 28, United States Code, is repealed.

(j) ANNUAL REPORT ON EXCEPTIONS TO CONSUMER DISCLOSURE REQUIREMENTS FOR NATIONAL SECURITY INVESTIGATIONS.—Section 604(b)(4) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(4)) is amended—

(1) by striking subparagraphs (D) and (E); and

(2) by redesignating subparagraph (F) as subparagraph (D).

(k) REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.—Subsection (b)(1) of section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104–293; 50 U.S.C. 2366) is amended by striking “a semiannual” and inserting “an annual”.

(l) CONFORMING AMENDMENTS.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A), (C), (G), (I), (J), and (L);

(ii) by redesignating subparagraphs (B), (D), (E), (H), (K), (M), and (N) as subparagraphs (A), (C), (D), (G), (H), and (I), respectively;

(iii) by inserting after subparagraph (A), as so redesignated, the following new subparagraph (B):

“(B) The annual report on intelligence provided to the United Nations required by section 112(b)(1).”; and

(iv) by inserting after subparagraph (D), as so redesignated, the following new subparagraph (E):

“(E) The annual report on the acquisition of technology relating to weapons of mass destruction and advanced conventional

munitions required by section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104–293; 50 U.S.C. 2366).”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “section 114(b)” and inserting “section 114(a)”;

(ii) in subparagraph (B), by striking “section 114(d)” and inserting “section 114(c)”;

(iii) by striking subparagraphs (C), (E), and (F); and

(iv) by redesignating subparagraphs (D) and (G) as subparagraphs (C) and (D), respectively; and

(2) in subsection (b)—

(A) by striking paragraphs (1) and (4); and

(B) by redesignating paragraphs (2), (3), (5), (6), (7), and (8) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(m) CLERICAL AMENDMENTS.—

(1) NATIONAL SECURITY ACT OF 1947.—The table of contents for the National Security Act of 1947 is amended by striking the item relating to section 603.

(2) TITLE 28, UNITED STATES CODE.—The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by striking the item relating to section 540C.

(n) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2003.

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COUNTERINTELLIGENCE AND SECURITY ENHANCEMENTS ACT OF 1994

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TITLE VIII—COUNTERINTELLIGENCE AND SECURITY

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【SEC. 811. COORDINATION OF COUNTERINTELLIGENCE ACTIVITIES.

【(a) ESTABLISHMENT OF COUNTERINTELLIGENCE POLICY BOARD.—There is established within the executive branch of Government a National Counterintelligence Policy Board (in this section referred to as the “Board”). The Board shall report to the President through the National Security Council.

【(b) CHAIRPERSON.—The Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) shall serve as the chairperson of the Board.

【(c) MEMBERSHIP.—The membership of the National Counterintelligence Policy Board shall consist of the following:

【(1) The Director of the National Counterintelligence and Security Center.

【(2) Senior personnel of departments and elements of the United States Government, appointed by the head of the department or element concerned, as follows:

[(A) The Department of Justice, including the Federal Bureau of Investigation.

[(B) The Department of Defense, including the Joint Chiefs of Staff.

[(C) The Department of State.

[(D) The Department of Energy.

[(E) The Central Intelligence Agency.

[(F) Any other department, agency, or element of the United States Government specified by the President.

[(d) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—(1) The Board shall—

[(A) serve as the principal mechanism for—

[(i) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

[(ii) upon the direction of the President, resolving conflicts that arise between elements of the Government conducting such activities; and

[(B) act as an interagency working group to—

[(i) ensure the discussion and review of matters relating to the implementation of the Counterintelligence Enhancement Act of 2002; and

[(ii) provide advice to the Director of the National Counterintelligence and Security Center on priorities in the implementation of the National Counterintelligence Strategy produced pursuant to section 904(e)(2) of that Act (50 U.S.C. 3383(e)(2)).

[(2) The Board may, for purposes of carrying out its functions under this section, establish such interagency boards and working groups as the Board considers appropriate.

[(e) COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.—(1) Except as provided in paragraph (5), the head of each department or agency within the executive branch shall ensure that—

[(A) the Federal Bureau of Investigation is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

[(B) following a report made pursuant to subparagraph (A), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

[(C) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the Federal Bureau of Investigation is given complete and timely access to the employees and records of the department or agency concerned for purposes of such investigative activities.

[(2) Except as provided in paragraph (5), the Director of the Federal Bureau of Investigation shall ensure that espionage information obtained by the Federal Bureau of Investigation pertaining to the personnel, operations, or information of departments or agen-

cies of the executive branch, is provided through appropriate channels in a timely manner to the department or agency concerned, and that such departments or agencies are consulted in a timely manner with respect to espionage investigations undertaken by the Federal Bureau of Investigation which involve the personnel, operations, or information of such department or agency.

[(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

[(B) The head of the department or agency concerned shall—

[(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

[(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

[(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.

[(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

[(B) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.

[(5) Where essential to meet extraordinary circumstances affecting vital national security interests of the United States, the President may on a case-by-case basis waive the requirements of paragraph (1), (2), or (3), as they apply to the head of a particular department or agency, or the Director of the Federal Bureau of Investigation. Such waiver shall be in writing and shall fully state the justification for such waiver. Within thirty days, the President shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that such waiver has been issued, and at that time or as soon as national security considerations permit, provide these committees with a complete explanation of the circumstances which necessitated such waiver.

[(6) Nothing in this section may be construed to alter the existing jurisdictional arrangements between the Federal Bureau of Investigation and the Department of Defense with respect to investigations of persons subject to the Uniform Code of Military Justice, nor to impose additional reporting requirements upon the Department of Defense with respect to such investigations beyond those required by existing law and executive branch policy.

[(7) As used in this section, the terms “foreign power” and “agent of a foreign power” have the same meanings as set forth in subsections (a) and (b) of section 101, respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).]

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COUNTERINTELLIGENCE ENHANCEMENT ACT OF 2002

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TITLE IX—COUNTERINTELLIGENCE ACTIVITIES

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[SEC. 902. DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

[(a) ESTABLISHMENT.—There shall be a Director of the National Counterintelligence and Security Center (referred to in this section as the “Director”), who shall be appointed by the President, by and with the advice and consent of the Senate.

[(b) MISSION.—The mission of the Director shall be to serve as the head of national counterintelligence for the United States Government.

[(c) DUTIES.—Subject to the direction and control of the Director of National Intelligence, the duties of the Director are as follows:

[(1) To carry out the mission referred to in subsection (b).

[(2) To act as chairperson of the National Counterintelligence Policy Board established under section 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381).

[(3) To act as head of the National Counterintelligence and Security Center established under section 904.

[(4) To participate as an observer on such boards, committees, and entities of the executive branch as the Director of National Intelligence considers appropriate for the discharge of the mission and functions of the Director and the National Counterintelligence and Security Center under section 904.]

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[SEC. 904. NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

[(a) ESTABLISHMENT.—There shall be a National Counterintelligence and Security Center.

[(b) HEAD OF CENTER.—The Director of the National Counterintelligence and Security Center shall be the head of the National Counterintelligence and Security Center.

[(c) LOCATION OF CENTER.—The National Counterintelligence and Security Center shall be located in the Office of the Director of National Intelligence.

[(d) MISSION.—The mission of the National Counterintelligence and Security Center shall include organizing and leading strategic planning for counterintelligence activities of the United States Gov-

ernment by integrating instruments of national power as needed to counter foreign intelligence activities.

[(e) FUNCTIONS.—Subject to the direction and control of the Director of the National Counterintelligence and Security Center, the functions of the National Counterintelligence and Security Center shall be as follows:

[(1) NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT.—Subject to subsection (f), in consultation with appropriate department and agencies of the United States Government, and private sector entities, to produce a strategic planning assessment of the counterintelligence requirements of the United States to be known as the National Threat Identification and Prioritization Assessment.

[(2) NATIONAL COUNTERINTELLIGENCE STRATEGY.—

[(A) REQUIREMENT TO PRODUCE.—Subject to subsection (f), in consultation with appropriate department and agencies of the United States Government, and private sector entities, and based on the most current National Threat Identification and Prioritization Assessment under paragraph (1), to produce a strategy for the counterintelligence programs and activities of the United States Government to be known as the National Counterintelligence Strategy.

[(B) REVISION AND REQUIREMENT.—The National Counterintelligence Strategy shall be revised or updated at least once every three years and shall be aligned with the strategy and policies of the Director of National Intelligence.

[(3) IMPLEMENTATION OF NATIONAL COUNTERINTELLIGENCE STRATEGY.—To evaluate on an ongoing basis the implementation of the National Counterintelligence Strategy and to submit to the President periodic reports on such evaluation, including a discussion of any shortfalls in the implementation of the Strategy and recommendations for remedies for such shortfalls.

[(4) NATIONAL COUNTERINTELLIGENCE STRATEGIC ANALYSES.—As directed by the Director of National Intelligence and in consultation with appropriate elements of the departments and agencies of the United States Government, to oversee and coordinate the production of strategic analyses of counterintelligence matters, including the production of counterintelligence damage assessments and assessments of lessons learned from counterintelligence activities.

[(5) NATIONAL COUNTERINTELLIGENCE PROGRAM BUDGET.—At the direction of the Director of National Intelligence—

[(A) to coordinate the development of budgets and resource allocation plans for the counterintelligence programs and activities of the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and other appropriate elements of the United States Government;

[(B) to ensure that the budgets and resource allocation plans developed under subparagraph (A) address the objectives and priorities for counterintelligence under the National Counterintelligence Strategy; and

[(C) to submit to the National Security Council periodic reports on the activities undertaken by the Office under subparagraphs (A) and (B).

[(6) NATIONAL COUNTERINTELLIGENCE COLLECTION AND TARGETING COORDINATION.—To develop priorities for counterintelligence investigations and operations, and for collection of counterintelligence, for purposes of the National Counterintelligence Strategy, except that the National Counterintelligence and Security Center may not—

[(A) carry out any counterintelligence investigations or operations; or

[(B) establish its own contacts, or carry out its own activities, with foreign intelligence services.

[(7) NATIONAL COUNTERINTELLIGENCE OUTREACH, WATCH, AND WARNING.—

[(A) COUNTERINTELLIGENCE VULNERABILITY ASSESSMENTS AND SURVEYS.—To develop standards and criteria for counterintelligence risk assessments and surveys of the vulnerability of the United States to intelligence threats, including with respect to critical infrastructure and critical technologies, in order to identify the areas, programs, and activities that require protection from such threats.

[(B) OUTREACH.—To carry out and coordinate outreach programs and activities on counterintelligence to other elements of the United States Government, and the private sector, and to coordinate the dissemination to the public of warnings on intelligence threats to the United States.

[(C) RESEARCH AND DEVELOPMENT.—To ensure that research and development programs and activities of the United States Government, and the private sector, direct attention to the needs of the counterintelligence community for technologies, products, and services.

[(D) TRAINING AND PROFESSIONAL DEVELOPMENT.—To develop policies and standards for training and professional development of individuals engaged in counterintelligence activities and to manage the conduct of joint training exercises for such personnel.

[(E) VULNERABILITIES FROM FOREIGN COMMERCIAL SPYWARE.—

[(i) CONSULTATION.—In carrying out efforts to secure covered devices, to consult with the private sector of the United States and reputable third-party researchers to identify vulnerabilities from foreign commercial spyware (as defined in section 1102A(a) of the National Security Act of 1947) and maintain effective security measures for such devices.

[(ii) COVERED DEVICE DEFINED.—In this subparagraph, the term “covered device” means any electronic mobile device including smartphones, tablet computing devices, or laptop computing devices, that is issued by an element of the intelligence community for official use.

[(f) ADDITIONAL REQUIREMENTS REGARDING NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT AND NATIONAL COUNTERINTELLIGENCE STRATEGY.—(1) A National Threat Identi-

fication and Prioritization Assessment under subsection (e)(1), and any modification of such assessment, shall not go into effect until approved by the President.

[(2) A National Counterintelligence Strategy under subsection (e)(2), and any modification of such strategy, shall not go into effect until approved by the President.

[(3) The Director of the National Counterintelligence and Security Center shall submit to the congressional intelligence committees each National Threat Identification and Prioritization Assessment, or modification thereof, and each National Counterintelligence Strategy, or modification thereof, approved under this section.

[(4) In this subsection, the term “congressional intelligence committees” means—

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

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

[(g) PERSONNEL.—(1) Personnel of the National Counterintelligence and Security Center may consist of personnel employed by the Center or personnel on detail from any other department, agency, or element of the Federal Government. Any such detail may be on a reimbursable or nonreimbursable basis, at the election of the head of the agency detailing such personnel.

[(2) Notwithstanding section 104(d) or any other provision of law limiting the period of the detail of personnel on a nonreimbursable basis, the detail of an officer or employee of United States or a member of the Armed Forces under paragraph (1) on a nonreimbursable basis may be for any period in excess of one year that the Director of the National Counterintelligence and Security Center and the head of the department, agency, or element concerned consider appropriate.

[(h) TREATMENT OF ACTIVITIES UNDER CERTAIN ADMINISTRATIVE LAWS.—The files of the National Counterintelligence and Security Center shall be treated as operational files of the Central Intelligence Agency for purposes of section 701 of the National Security Act of 1947 (50 U.S.C. 3141) to the extent such files meet criteria under subsection (b) of that section for treatment of files as operational files of an element of the Agency.

[(i) OVERSIGHT BY CONGRESS.—The location of the National Counterintelligence and Security Center within the Office of the Director of National Intelligence shall not be construed as affecting access by Congress, or any committee of Congress, to—

[(1) any information, document, record, or paper in the possession of the Center; or

[(2) any personnel of the Center.

[(j) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Director of National Intelligence, the Secretary of Defense, the Secretary of State, the Attorney General, or the Director of the Federal Bureau of Investigation as provided or specified under the National Security Act of 1947 or under other provisions of law.]

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TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

Associate Administrator of the National Aeronautics and Space Administration.

Assistant Administrators, Agency for International Development (6).

Regional Assistant Administrators, Agency for International Development (4).

Assistant Secretaries of Agriculture (3).

Assistant Secretaries of Commerce (11).

Assistant Secretaries of Defense (19).

Assistant Secretaries of the Air Force (5).

Assistant Secretaries of the Army (5).

Assistant Secretaries of the Navy (4).

Assistant Secretaries of Health and Human Services (6).

Assistant Secretaries of the Interior (6).

Assistant Attorneys General (11).

Assistant Secretaries of Labor (10), one of whom shall be the Assistant Secretary of Labor for Veterans' Employment and Training.

Administrator, Wage and Hour Division, Department of Labor.

Assistant Secretaries of State (24) and 4 other State Department officials to be appointed by the President, by and with the advice and consent of the Senate.

Assistant Secretaries of the Treasury (10).

Members, United States International Trade Commission (5).

Assistant Secretaries of Education (10).

General Counsel, Department of Education.

Director of Civil Defense, Department of the Army.

Deputy Director of the Office of Emergency Planning.

Deputy Director of the Office of Science and Technology.

Deputy Director of the Peace Corps.
 Assistant Directors of the Office of Management and Budget
 (3).
 General Counsel of the Department of Agriculture.
 General Counsel of the Department of Commerce.
 General Counsel of the Department of Defense.
 General Counsel of the Department of Health and Human
 Services.
 Solicitor of the Department of the Interior.
 Solicitor of the Department of Labor.
 General Counsel of the National Labor Relations Board.
 General Counsel of the Department of the Treasury.
 First Vice President of the Export-Import Bank of Wash-
 ington.
 Members, Council of Economic Advisers.
 Members, Board of Directors of the Export-Import Bank of
 Washington.
 Members, Federal Communications Commission.
 Member, Board of Directors of the Federal Deposit Insurance
 Corporation.
 Directors, Federal Housing Finance Board.
 Members, Federal Energy Regulatory Commission.
 Members, Federal Trade Commission.
 Members, Surface Transportation Board.
 Members, National Labor Relations Board.
 Members, Securities and Exchange Commission.
 Members, Merit Systems Protection Board.
 Members, Federal Maritime Commission.
 Members, National Mediation Board.
 Members, Railroad Retirement Board.
 Director of Selective Service.
 Associate Director of the Federal Bureau of Investigation,
 Department of Justice.
 Members, Equal Employment Opportunity Commission (4).
 Director, Community Relations Service.
 Members, National Transportation Safety Board.
 General Counsel, Department of Transportation.
 Deputy Administrator, Federal Aviation Administration.
 Assistant Secretaries of Transportation (5).
 Deputy Federal Highway Administrator.
 Administrator of the Great Lakes St. Lawrence Seaway De-
 velopment Corporation.
 Assistant Secretary for Science, Smithsonian Institution.
 Assistant Secretary for History and Art, Smithsonian Insti-
 tution.
 Deputy Administrator of the Small Business Administration.
 Assistant Secretaries of Housing and Urban Development
 (8).
 General Counsel of the Department of Housing and Urban
 Development.
 Commissioner of Interama.
 Federal Insurance Administrator, Federal Emergency Man-
 agement Agency.
 Members, National Credit Union Administration Board (2).
 Members, Postal Regulatory Commission (4).

Members, Occupational Safety and Health Review Commission.

Deputy Under Secretaries of the Treasury (or Assistant Secretaries of the Treasury) (2).

Members, Consumer Product Safety Commission (4).

Members, Commodity Futures Trading Commission.

Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission.

Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.

Director of Nuclear Regulatory Research, Nuclear Regulatory Commission.

Executive Director for Operations, Nuclear Regulatory Commission.

President, Government National Mortgage Association, Department of Housing and Urban Development.

Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.

Director, Bureau of Prisons, Department of Justice.

Assistant Secretaries of Energy (8).

General Counsel of the Department of Energy.

Administrator, Economic Regulatory Administration, Department of Energy.

Administrator, Energy Information Administration, Department of Energy.

Director, Office of Indian Energy Policy and Programs, Department of Energy.

Director, Office of Science, Department of Energy.

Assistant Secretary of Labor for Mine Safety and Health.

Members, Federal Mine Safety and Health Review Commission.

President, National Consumer Cooperative Bank.

Chairman, Federal Labor Relations Authority.

Assistant Secretaries, Department of Homeland Security.

Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.

Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency.

General Counsel, Department of Homeland Security.

Officer for Civil Rights and Civil Liberties, Department of Homeland Security.

Chief Financial Officer, Department of Homeland Security.

Chief Information Officer, Department of Homeland Security.

Deputy Director, Institute for Scientific and Technological Cooperation.

Director of the National Institute of Justice.

Director of the Bureau of Justice Statistics.

Chief Counsel for Advocacy, Small Business Administration.

Assistant Administrator for Toxic Substances, Environmental Protection Agency.

Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

Assistant Administrators, Environmental Protection Agency (8).

Director of Operational Test and Evaluation, Department of Defense.

Director of Cost Assessment and Program Evaluation, Department of Defense.

Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State.

Ambassadors at Large.

Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Assistant Secretaries, Department of Veterans Affairs (7).

General Counsel, Department of Veterans Affairs.

Commissioner of Food and Drugs, Department of Health and Human Services

Chairman, Board of Veterans' Appeals.

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Director, United States Marshals Service.

Chairman, United States Parole Commission.

Director, Bureau of the Census, Department of Commerce.

Director of the Institute of Museum and Library Services.

Chief Financial Officer, Department of Agriculture.

Chief Financial Officer, Department of Commerce.

Chief Financial Officer, Department of Education.

Chief Financial Officer, Department of Energy.

Chief Financial Officer, Department of Health and Human Services.

Chief Financial Officer, Department of Housing and Urban Development.

Chief Financial Officer, Department of the Interior.

Chief Financial Officer, Department of Justice.

Chief Financial Officer, Department of Labor.

Chief Financial Officer, Department of State.

Chief Financial Officer, Department of Transportation.

Chief Financial Officer, Department of the Treasury.

Chief Financial Officer, Department of Veterans Affairs.

Chief Financial Officer, Environmental Protection Agency.

Chief Financial Officer, National Aeronautics and Space Administration.

Commissioner, Office of Navajo and Hopi Indian Relocation.

Deputy Under Secretary of Defense for Research and Engineering.

Deputy Under Secretary of Defense for Acquisition and Sustainment.

Deputy Under Secretary of Defense for Policy.

Deputy Under Secretary of Defense for Personnel and Readiness.

Deputy Under Secretary of Defense (Comptroller).

Deputy Under Secretary of Defense for Intelligence and Security.

General Counsel of the Department of the Army.

General Counsel of the Department of the Navy.

General Counsel of the Department of the Air Force.

Liaison for Community and Junior Colleges, Department of Education.

Director of the Office of Educational Technology.

Director of the International Broadcasting Bureau.

The Commissioner of Labor Statistics, Department of Labor.

Chief Information Officer, Department of Agriculture.

Chief Information Officer, Department of Commerce.

Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).

Chief Information Officer, Department of Education.

Chief Information Officer, Department of Energy.

Chief Information Officer, Department of Health and Human Services.

Chief Information Officer, Department of Housing and Urban Development.

Chief Information Officer, Department of the Interior.

Chief Information Officer, Department of Justice.

Chief Information Officer, Department of Labor.

Chief Information Officer, Department of State.

Chief Information Officer, Department of Transportation.

Chief Information Officer, Department of the Treasury.

Chief Information Officer, Department of Veterans Affairs.

Chief Information Officer, Environmental Protection Agency.

Chief Information Officer, National Aeronautics and Space Administration.

Chief Information Officer, Agency for International Development.

Chief Information Officer, Federal Emergency Management Agency.

Chief Information Officer, General Services Administration.

Chief Information Officer, National Science Foundation.

Chief Information Officer, Nuclear Regulatory Agency.

Chief Information Officer, Office of Personnel Management.

Chief Information Officer, Small Business Administration.

General Counsel of the Central Intelligence Agency.

Principal Deputy Administrator, National Nuclear Security Administration.

Additional Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

General Counsel of the Office of the Director of National Intelligence.

Chief Medical Officer, Department of Homeland Security.

Director of the [National Counterintelligence and Security Center] *National Counterintelligence Center*.

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TITLE 41, UNITED STATES CODE

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SUBTITLE I—FEDERAL PROCUREMENT POLICY

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CHAPTER 13—ACQUISITION COUNCILS

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SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

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§ 1322. Federal Acquisition Security Council establishment and membership

(a) **ESTABLISHMENT.**—There is established in the executive branch a Federal Acquisition Security Council.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The following agencies shall be represented on the Council:

(A) The Office of Management and Budget.

(B) The General Services Administration.

(C) The Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency.

(D) The Office of the Director of National Intelligence, including the ~~【National Counterintelligence and Security Center】~~ *National Counterintelligence Center*.

(E) The Department of Justice, including the Federal Bureau of Investigation.

(F) The Department of Defense, including the National Security Agency.

(G) The Department of Commerce, including the National Institute of Standards and Technology.

(H) Such other executive agencies as determined by the Chairperson of the Council.

(2) **LEAD REPRESENTATIVES.**—

(A) **DESIGNATION.**—

(i) **IN GENERAL.**—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

(ii) **REQUIREMENTS.**—The representative of an agency designated under clause (i) shall have expertise in supply chain risk management, acquisitions, or information and communications technology.

(B) **FUNCTIONS.**—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject mat-

ter experts of the agency, are aware of the business of the Council.

(c) CHAIRPERSON.—

(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council.

(2) FUNCTIONS.—The Chairperson shall perform functions that include—

(A) subject to subsection (d), developing a schedule for meetings of the Council;

(B) designating executive agencies to be represented on the Council under subsection (b)(1)(H);

(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees and leadership.

(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018 and not less frequently than quarterly thereafter.

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

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DIVISION G—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

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TITLE III—INTELLIGENCE COMMUNITY MATTERS

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Subtitle A—General Intelligence Community Matters

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SEC. 7318. INTELLIGENCE COMMUNITY COUNTERINTELLIGENCE OFFICE AT THE DEPARTMENT OF AGRICULTURE.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) REPEAL.—Section 415 of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117-103; 28 U.S.C. 532 note) is repealed.

(c) ESTABLISHMENT OF INTELLIGENCE COMMUNITY COUNTER-INTELLIGENCE OFFICE.—

(1) AGREEMENT WITH SECRETARY OF AGRICULTURE.—The Director of National Intelligence, acting through the Director of the [National Counterintelligence and Security Center] *National Counterintelligence 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] *National Counterintelligence 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.

(d) 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] *National Counterintelligence 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] *National Counterintelligence 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] *National Counterintelligence 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] *National Counterintelligence 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.

(e) 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.

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

(1) **ESTABLISHMENT.**—Not later than January 1, 2025, 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 congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the plan to establish the Intelligence Community Counterintelligence Office required under paragraph (1). Such report shall include the costs and schedule associated with establishing the Intelligence Community Counterintelligence Office.

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SEC. 7320. INCLUSION OF COUNTERNARCOTICS AS SPECIAL TOPIC IN CERTAIN BUDGET JUSTIFICATION MATERIALS.

(a) **INCLUSION OF COUNTERNARCOTICS AS SPECIAL TOPIC.**—For the purposes of the congressional budget justification book for the National Intelligence Program (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) for each of fiscal years 2025 through [2027] 2026, and for any subsequent fiscal year as the Director of National Intelligence determines appropriate, information with respect to the aggregate amount of funding requested for counternarcotics required to be included as part of the budget justification materials submitted to Congress under section 506(a)(3) of such Act shall be included as a provision relating to a special topic in such congressional budget justification book.

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

(1) a summary of the main activities and investments that such requested funding would support;

(2) a breakdown of such requested funding by program, budget category, intelligence discipline, and any other appropriate classification;

(3) a comparison of aggregate requested funding and aggregate enacted funding for counternarcotics for the current fiscal year and the previous fiscal year;

(4) the number of full-time equivalent civilian and military personnel assigned to the counternarcotics mission of the intelligence community; and

(5) such other information as the Director of National Intelligence determines appropriate.

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**DAMON PAUL NELSON AND MATTHEW YOUNG POLLARD
INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
YEARS 2018, 2019, AND 2020**

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**DIVISION E—INTELLIGENCE AUTHOR-
IZATIONS FOR FISCAL YEARS 2018,
2019, AND 2020**

* * * * *

SUBDIVISION 1

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**TITLE LIII—INTELLIGENCE
COMMUNITY MATTERS**

* * * * *

**Subtitle B—Office of the Director of
National Intelligence**

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**SEC. 5323. COOPERATIVE ACTIONS TO DETECT AND COUNTER FOR-
EIGN INFLUENCE OPERATIONS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Russian Federation, through military intelligence units, also known as the “GRU”, and Kremlin-linked troll organizations often referred to as the “Internet Research Agency”, deploy information warfare operations against the United States, its allies and partners, with the goal of advancing the strategic interests of the Russian Federation.

(2) One line of effort deployed as part of these information warfare operations is the weaponization of social media platforms with the goals of intensifying societal tensions, undermining trust in governmental institutions within the United States, its allies and partners in the West, and generally sowing division, fear, and confusion.

(3) These information warfare operations are a threat to the national security of the United States and that of the allies and partners of the United States. As former Director of National Intelligence Dan Coats stated, “These actions are persistent, they are pervasive and they are meant to undermine America’s democracy.”.

(4) These information warfare operations continue to evolve and increase in sophistication.

(5) Other foreign adversaries and hostile non-state actors are increasingly adopting similar tactics of deploying information warfare operations against the West, such as recent state-backed operations from China around the Hong Kong protests identified by social media companies.

(6) Technological advances, including artificial intelligence, will only make it more difficult in the future to detect fraudulent accounts, deceptive material posted on social media, and malign behavior on social media platforms.

(7) Because these information warfare operations are deployed within and across private social media platforms, the companies that own these platforms have a responsibility to detect and facilitate the removal or neutralization of foreign adversary networks operating clandestinely on their platforms.

(8) The social media companies are inherently technologically sophisticated and adept at rapidly analyzing large amounts of data and developing software-based solutions to diverse and ever-changing challenges on their platforms, which makes them well-equipped to address the threat occurring on their platforms.

(9) Independent analyses confirmed Kremlin-linked threat networks, based on data provided by several social media companies to the Select Committee on Intelligence of the Senate, thereby demonstrating that it is possible to discern both broad patterns of cross-platform information warfare operations and specific fraudulent behavior on social media platforms.

(10) General Paul Nakasone, Director of the National Security Agency, emphasized the importance of these independent analyses to the planning and conducting of military cyber operations to frustrate Kremlin-linked information warfare operations against the 2018 mid-term elections. General Nakasone stated that the reports “were very, very helpful in terms of being able to understand exactly what our adversary was trying to do to build dissent within our nation.”

(11) Institutionalizing ongoing robust, independent, and vigorous analysis of data related to foreign threat networks within and across social media platforms will help counter ongoing information warfare operations against the United States, its allies, and its partners.

(12) Archiving and disclosing to the public the results of these analyses by the social media companies and trusted third-party experts in a transparent manner will serve to demonstrate that the social media companies are detecting and removing foreign malign activities from their platforms while protecting the privacy of the people of the United States and will build public understanding of the scale and scope of these foreign threats to our democracy, since exposure is one of the most effective means to build resilience.

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

(1) the social media companies should cooperate among themselves and with independent organizations and researchers on a sustained and regular basis to share and analyze data and indicators relevant to foreign information warfare oper-

ations within and across their platforms in order to detect and counter foreign information warfare operations that threaten the national security of the United States and its allies and partners;

(2) information from law enforcement and the intelligence community is also important in assisting efforts by these social media companies to identify foreign information warfare operations;

(3) these analytic efforts should be organized in such a fashion as to meet the highest standards of ethics, confidentiality, and privacy protection of the people of the United States, while still allowing timely research access to relevant data;

(4) these analytic efforts should be undertaken as soon as possible to facilitate countering ongoing state or state-backed foreign information warfare operations and to aid in preparations for the United States Presidential and congressional elections in 2020 and beyond;

(5) the structure and operations of social media companies make them well positioned to work with independent organizations and researchers to address foreign adversary threat networks within and across their platforms, and these efforts could be conducted without direct Government involvement, direction, or regulation; and

(6) if the social media industry fails to take sufficient action to address foreign adversary threat networks operating within or across their platforms, Congress would have to consider additional safeguards for ensuring that this threat is effectively mitigated.

(c) REQUIREMENT TO FACILITATE ESTABLISHMENT OF SOCIAL MEDIA DATA AND THREAT ANALYSIS CENTER.—

(1) REQUIREMENT.—Not later than June 1, 2021, the Director of National Intelligence, in coordination with the Secretary of Defense, shall facilitate, by grant or contract or under an existing authority of the Director, the establishment of a Social Media Data and Threat Analysis Center with the functions described in paragraph (2) at an independent, nonprofit organization.

(2) FUNCTIONS.—The functions described in this paragraph are the following:

(A) Acting as a convening and sponsoring authority for cooperative social media data analysis of foreign threat networks involving social media companies and third-party experts, nongovernmental organizations, data journalists, Federally funded research and development centers, academic researchers, traditional media, and international counterparts, as appropriate.

(B) Facilitating analysis of foreign influence operation, within and across the individual social media platforms as well as hacking and leaking campaigns, and other tactics, and related unlawful activities that fund or subsidize such operations.

(C) Developing processes to share information from government entities on foreign influence operations with the individual social media companies to inform threat anal-

ysis, and working with the Office of the Director of National Intelligence as appropriate.

(D) Determining and making public criteria for identifying which companies, organizations, or researchers qualify for inclusion in the activities of the Center, and inviting entities that fit the criteria to join.

(E) Determining jointly with the social media companies what data and metadata related to indicators of foreign adversary threat networks from their platforms and business operations will be made available for access and analysis.

(F) Developing and making public the criteria and standards that must be met for companies, other organizations, and individual researchers to access and analyze data relating to foreign adversary threat networks within and across social media platforms and publish or otherwise use the results.

(G) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms and of the proprietary information of the social media companies.

(H) Developing technical, contractual, and procedural controls to prevent misuse of data, including any necessary auditing procedures, compliance checks, and review mechanisms.

(I) Developing and making public criteria and conditions under which the Center shall share information with the appropriate Government agencies regarding threats to national security from, or violations of the law involving, foreign activities on social media platforms.

(J) Hosting a searchable archive aggregating information related to foreign influence and disinformation operations to build a collective understanding of the threats and facilitate future examination consistent with privacy protections.

(K) Developing data standards to harmonize the sharing of information pursuant to this paragraph.

[(d) REPORTING AND NOTIFICATIONS.—The Director of the Center shall—

[(1) not later than August 1, 2021, submit to appropriate congressional committees a report on—

[(A) the estimated funding needs of the Center for fiscal year 2021 and for subsequent years;

[(B) such statutory protections from liability as the Director considers necessary for the Center, participating social media companies, and participating third-party analytical participants;

[(C) such statutory penalties as the Director considers necessary to ensure against misuse of data by researchers; and

[(D) such changes to the Center's mission to fully capture broader unlawful activities that intersect with, complement, or support information warfare tactics; and

[(2) not less frequently than once each year, submit to the Director of National Intelligence, the Secretary of Defense, and the appropriate congressional committees a report—

[(A) that assesses—

[(i) degree of cooperation and commitment from the social media companies to the mission of the Center; and

[(ii) effectiveness of the Center in detecting and facilitating the removal or neutralization of clandestine foreign information warfare operations from social media platforms; and

[(B) includes such recommendations for legislative or administrative action as the Center considers appropriate to carry out the functions of the Center.

[(e) PERIODIC REPORTING TO THE PUBLIC.—The Director of the Center shall—

[(1) once each quarter, make available to the public a report on key trends in foreign influence and disinformation operations, including any threats to campaigns and elections, to inform the public of the United States; and

[(2) as the Director considers necessary, provide more timely assessments relating to ongoing disinformation campaigns.

[(f) FOREIGN MALIGN INFLUENCE CAMPAIGNS ON SOCIAL MEDIA PLATFORMS TARGETING ELECTIONS FOR FEDERAL OFFICE.—

[(1) REPORTS.—

[(A) REQUIREMENT.—Not later than 90 days before the date of each regularly scheduled general election for Federal office, the Director of the Center shall submit to the appropriate congressional committees a report on foreign malign influence campaigns on and across social media platforms targeting such election.

[(B) MATTERS INCLUDED.—Each report under subparagraph (A) shall include an analysis of the following:

[(i) The patterns, tools, and techniques of foreign malign influence campaigns across all platforms on social media by a covered foreign country targeting a regularly scheduled general election for Federal office.

[(ii) Inauthentic accounts and “bot” networks across platforms, including the scale to which such accounts or networks exist, how platforms currently act to remove such accounts or networks, and what percentage of such accounts or networks have been removed during the period covered by the report.

[(iii) The estimated reach and impact of intentional or weaponized disinformation by inauthentic accounts and “bot” networks, including an analysis of amplification by users and algorithmic distribution.

[(iv) The trends of types of media that are being used for dissemination through foreign malign influence campaigns, including machine-manipulated media, and the intended targeted groups.

[(C) INITIAL REPORT.—Not later than August 1, 2021, the Director of the Center shall submit to the appropriate congressional committees a report under subparagraph (A)

addressing the regularly scheduled general election for Federal office occurring during 2020.

[(D) FORM.—Each report under this paragraph shall be submitted in an unclassified form, but may include a classified annex.

[(2) BRIEFINGS.—

[(A) REQUIREMENT.—Not later than 30 days after the date on which the Director submits to the appropriate congressional committees a report under paragraph (1), the Director of National Intelligence, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall provide to such committees a briefing assessing threats from foreign malign influence campaigns on social media from covered countries to the regularly scheduled general election for Federal office covered by the report.

[(B) MATTERS TO BE INCLUDED.—Each briefing under subparagraph (A) shall include the following:

[(i) The patterns, tools, and techniques of foreign malign influence campaigns across all platforms on social media by a covered foreign country targeting a regularly scheduled general election for Federal office.

[(ii) An assessment of the findings from the report for which the briefing is provided.

[(iii) The activities and methods used to mitigate the threats associated with such findings by the Department of Defense, the Department of Homeland Security, or other relevant departments or agencies of the Federal Government.

[(iv) The steps taken by departments or agencies of the Federal Government to cooperate with social media companies to mitigate the threats identified.]

[(g)] (d) FUNDING.—Of the amounts appropriated or otherwise made available to the National Intelligence Program (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in fiscal year 2021 and 2022, the Director of National Intelligence may use up to \$30,000,000 to carry out this section.

[(h)] (e) DEFINITIONS.—

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

(A) the congressional intelligence committees;

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives; and

(C) the Committee on Armed Services, the Committee on Appropriations, the Committee on Homeland Security and Government Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(2) COVERED FOREIGN COUNTRY AND FOREIGN MALIGN INFLUENCE.—The terms “covered foreign country” and “foreign malign influence” have the meanings given those terms in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

(3) MACHINE-MANIPULATED MEDIA.—The term “machine-manipulated media” has the meaning given that term in section 5724.

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TITLE LVII—REPORTS AND OTHER MATTERS

Subtitle A—Reports and Briefings

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[SEC. 5717. ASSESSMENT OF HOMELAND SECURITY VULNERABILITIES ASSOCIATED WITH CERTAIN RETIRED AND FORMER PERSONNEL OF THE INTELLIGENCE COMMUNITY.

[(a) ASSESSMENT REQUIRED.—Not later than the date that is 120 days after submission of the report required under section 5703, and annually thereafter, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and the Director of the Defense Counterintelligence and Security Agency, shall submit to the appropriate congressional committees an assessment of the homeland security vulnerabilities associated with retired and former personnel of the intelligence community providing covered intelligence assistance.

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

[(c) DEFINITIONS.—In this section:

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

[(A) the congressional intelligence committees;

[(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

[(C) the Committee on Homeland Security of the House of Representatives.

[(2) COVERED INTELLIGENCE ASSISTANCE.—The term “covered intelligence assistance” has the meaning given that term in section 5703.]

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SUBDIVISION 2

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TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

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SEC. 6306. SUPPLY CHAIN AND COUNTERINTELLIGENCE RISK MANAGEMENT TASK FORCE.

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

- (1) The congressional intelligence committees.
- (2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.
- (3) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) **REQUIREMENT TO ESTABLISH.**—The Director of National Intelligence shall establish a Supply Chain and Counterintelligence Risk Management Task Force to standardize information sharing between the intelligence community and the acquisition community of the United States Government with respect to the supply chain and counterintelligence risks.

(c) **MEMBERS.**—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall be composed of—

- (1) a representative of the Defense Security Service of the Department of Defense;
- (2) a representative of the General Services Administration;
- (3) a representative of the Office of Federal Procurement Policy of the Office of Management and Budget;
- (4) a representative of the Department of Homeland Security;
- (5) a representative of the Federal Bureau of Investigation;
- (6) the Director of the [National Counterintelligence and Security Center] *National Counterintelligence Center*; and
- (7) any other members the Director of National Intelligence determines appropriate.

(d) **SECURITY CLEARANCES.**—Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) **ANNUAL REPORT.**—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall submit to the appropriate congressional committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain, cybersecurity, and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

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TITLE LXV—ELECTION MATTERS

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SEC. 6508. DESIGNATION OF COUNTERINTELLIGENCE OFFICER TO LEAD ELECTION SECURITY MATTERS.

(a) **IN GENERAL.**—The Director of National Intelligence shall designate a national counterintelligence officer within the [National

Counterintelligence and Security Center] *National Counterintelligence Center* to lead, manage, and coordinate counterintelligence matters relating to election security.

(b) **ADDITIONAL RESPONSIBILITIES.**—The person designated under subsection (a) shall also lead, manage, and coordinate counterintelligence matters relating to risks posed by interference from foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) to the following:

- (1) The Federal Government election security supply chain.
- (2) Election voting systems and software.
- (3) Voter registration databases.
- (4) Critical infrastructure related to elections.
- (5) Such other Government goods and services as the Director of National Intelligence considers appropriate.

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TITLE LXVII—REPORTS AND OTHER MATTERS

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Subtitle B—Reports

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[SEC. 6722. REPORTS AND BRIEFINGS ON NATIONAL SECURITY EFFECTS OF GLOBAL WATER INSECURITY AND EMERGING INFECTIOUS DISEASE AND PANDEMICS.

[(a) GLOBAL WATER INSECURITY.—

[(1) REPORT.—

[(A) IN GENERAL.—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, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the implications of water insecurity on the national security interests of the United States, including consideration of social, economic, agricultural, and environmental factors.

[(B) ASSESSMENT SCOPE AND FOCUS.—The report submitted under subparagraph (A) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—

[(i) of strategic, economic, or humanitarian interest to the United States—

[(I) that are, as of the date of the report, at the greatest risk of instability, conflict, human insecurity, or mass displacement; or

[(II) where challenges relating to water insecurity are likely to emerge and become significant during the 5-year or the 20-year period beginning on the date of the report; and

[(ii) where challenges relating to water insecurity are likely to imperil the national security interests of the United States or allies of the United States.

[(C) CONSULTATION.—In researching the report required by subparagraph (A), the Director shall consult with—

[(i) such stakeholders within the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and

[(ii) such additional Federal agencies and persons in the private sector as the Director considers appropriate.

[(D) FORM.—The report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

[(2) QUINQUENNIAL BRIEFINGS.—Beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter, the Director shall provide to the committees specified in such paragraph a briefing that updates the matters contained in the report.

[(b) EMERGING INFECTIOUS DISEASE AND PANDEMICS.—

[(1) REPORT.—

[(A) IN GENERAL.—Not later than 120 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 anticipated geopolitical effects of emerging infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and pandemics, and their implications on the national security of the United States.

[(B) CONTENTS.—The report under subparagraph (A) shall include an assessment of—

[(i) the economic, social, political, and security risks, costs, and impacts of emerging infectious diseases on the United States and the international political and economic system;

[(ii) the economic, social, political, and security risks, costs, and impacts of a major transnational pandemic on the United States and the international political and economic system; and

[(iii) contributing trends and factors to the matters assessed under clauses (i) and (ii).

[(C) EXAMINATION OF RESPONSE CAPACITY.—In examining the risks, costs, and impacts of emerging infectious disease and a possible transnational pandemic under subparagraph (B), the Director of National Intelligence shall also examine in the report under subparagraph (A) the response capacity within affected countries and the international system. In considering response capacity, the Director shall include—

[(i) the ability of affected nations to effectively detect and manage emerging infectious diseases and a possible transnational pandemic;

[(ii) the role and capacity of international organizations and nongovernmental organizations to respond to emerging infectious disease and a possible pandemic, and their ability to coordinate with affected and donor nations; and

[(iii) the effectiveness of current international frameworks, agreements, and health systems to respond to emerging infectious diseases and a possible transnational pandemic.

[(2) ANNUAL BRIEFINGS.—Beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter, the Director shall provide to the congressional intelligence committees a briefing that updates the matters contained in the report required under paragraph (1).

[(3) FORM.—The report under paragraph (1) and the briefings under paragraph (2) may be classified.

[(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, 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 Energy and Commerce, and the Committee on Appropriations of the House of Representatives; and

[(C) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.]

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CENTRAL INTELLIGENCE AGENCY ACT OF 1949

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APPROPRIATIONS

SEC. 8. (a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including—

(1) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; health-service program as authorized by law (5 U.S.C. 150); payment of death benefits in cases in which the circumstances of the death of an employee of the Agency, a detailee of the Agency or other employee of another department or agency of the Federal Government assigned to the Agency, or an individual affiliated with the Agency (as determined by the Director), is not covered by section 11, other similar provisions of Federal law, or any regulation issued by the Director providing death benefits, but that the Director determines such payment appropriate; rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication and

printing machines, equipment and devices, and radio-receiving and radio-sending equipment and devices, including telegraph and teletype equipment; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, and aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary, and transportation in such equipment, to and from school, of children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; printing and binding; purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; payment of premiums or costs of surety bonds for officers or employees without regard to the provisions of 61 Stat. 646; 6 U.S.C. 14; payment of claims pursuant to 28 U.S.C.; acquisition of necessary land and the clearing of such land; construction of buildings and facilities without regard to 36 Stat. 699; 40 U.S.C. 259, 267; repair, rental, operation, and maintenance of buildings, utilities, facilities, and appurtenances; and

(2) supplies, equipment, and personnel and contractual services otherwise authorized by law and regulations, when approved by the Director.

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

(c) NOTIFICATION.—[Not later than] (1) *Not later than 30 days after the date on which the Director makes a novel and significant expenditure pursuant to subsection (a), the Director shall notify the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, 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 of such expenditure.*

(2)(A) *Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2026, the Director shall issue written guidance to ensure the timely identification and reporting of novel and significant expenditures in accordance with this subsection. Such guidance shall—*

(i) establish a definition of a novel and significant expenditure for purposes of this subsection;

(ii) define internal procedures to evaluate expenditures to determine if such expenditures are novel and significant using the definition established pursuant to clause (i); and

(iii) require timely congressional notification in accordance with this subsection.

(B) The Director shall regularly review and update the guidance issued under this paragraph as appropriate.

(C) Not later than 60 days after the date on which the initial guidance is issued under this paragraph and not later than 60 days after the date on which any material revisions to such guidance take effect, the Director shall provide a briefing to the committees specified in paragraph (1) with respect to such guidance or such material revisions.

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SECURITY PERSONNEL AT AGENCY INSTALLATIONS

SEC. 15. (a)(1) The Director may authorize Agency personnel within the United States to perform the same functions as officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code, with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers—

(A) within the Agency Headquarters **【Compound】 Installation** and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such **【Compound】 Installation**;

(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such **【Compound】 Installation** and property and extending outward 500 yards;

(C) within any other Agency installation and protected property;

(D) within an installation owned, or contracted to be occupied for a period of one year or longer, by the Office of the Director of National Intelligence; and

(E) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) or (D) and extending outward 500 yards.

(2) The performance of functions and exercise of powers under subparagraph (B) or (E) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A), (C), or (D) of paragraph (1).

(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed the maximum penalty authorized for a Class B misdemeanor under section 3559 of title 18, United States Code.

(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.

(d)(1) Notwithstanding any other provision of law, any Agency personnel designated by the Director under subsection (a), or designated by the Director to carry firearms under subparagraph (D) or (E) of section 5(a)(4), shall be considered for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, to be acting within the scope of their office or employment when such Agency personnel take reasonable action, which may include the use of force, to—

(A) protect an individual in the presence of such Agency personnel from a crime of violence;

(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(C) prevent the escape of any individual whom such Agency personnel reasonably believe to have committed a crime of violence in the presence of such Agency personnel.

(2) Paragraph (1) shall not affect the authorities of the Attorney General under section 2679 of title 28, United States Code.

(3) In this subsection, the term “crime of violence” has the meaning given that term in section 16 of title 18, United States Code.

SEC. 15A. AUTHORITY REGARDING UNMANNED AIRCRAFT SYSTEMS.

(a) *AUTHORITY TO INTERCEPT.*—Notwithstanding sections 32, 2511(f), or 3121(a) of title 18, United States Code, the Director may take, and may authorize personnel of the Agency with assigned duties under section 15 that include the security or protection of people, facilities, or assets within the United States to take, the actions described in subsection (b)(1) to mitigate a credible threat to safety or security posed by an unmanned aircraft system in the airspace above any specially designated property.

(b) *AUTHORIZED ACTIONS.*—

(1) *ACTIONS DESCRIBED TO ENSURE SAFETY AND SECURITY.*—The actions described in this paragraph are the following:

(A) *During the operation of the unmanned aircraft system, detect, identify, monitor, and track the unmanned aircraft system, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication, used to control the unmanned aircraft system.*

(B) *Warn the operator of the unmanned aircraft system, including by passive or active, and by direct or indirect, physical, electronic, radio, and electromagnetic means.*

(C) *Disrupt control of the unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft system by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system.*

(D) Seize or exercise control of the unmanned aircraft system.

(E) Seize or otherwise confiscate the unmanned aircraft system.

(F) Use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system.

(2) LIMITATION ON ACTIONS.—

(A) DURATION.—In carrying out subsection (a), the Director may take an action described in paragraph (1) only for the period necessary to mitigate the threat to safety or security identified in subsection (a).

(B) COMPLIANCE.—In carrying out subsection (a), the Director shall comply with the guidance developed under subsection (c).

(c) GUIDANCE.—

(1) DEVELOPMENT.—The Director shall develop guidance for carrying out actions described in subsection (b)(1) and conducting research, testing, training, and evaluation under subsection (e) in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration to ensure that any such use of a system does not adversely affect or interfere with the safety and efficiency of the national airspace system.

(2) CONTACT REQUIREMENT.—The guidance under paragraph (1) shall include a requirement that the Director contact the Administrator of the Federal Aviation Administration through the appropriate channel before carrying out an action described in subsection (b)(1) or conducting research, testing, training, and evaluation under subsection (e).

(3) UPDATES.—On an annual basis, the Director, in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall review the guidance developed under paragraph (1) and make any necessary updates.

(d) FORFEITURE.—Any unmanned aircraft system described in subsection (a) that is seized by the Director is subject to forfeiture to the United States.

(e) RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Director may, consistent with section 105(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(g)), other Federal laws, and Presidential directives, conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine the capability and utility of the equipment prior to the use of the equipment for any action described in subsection (b)(1).

(f) NOTIFICATIONS.—

(1) DEPARTMENT OF JUSTICE NOTIFICATION.—Not later than 15 days after the date on which the Director carries out an action described in subsection (b)(1), the Director shall notify the Attorney General of such action.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 90 days after the date on which the Director carries out an action described in subsection (b)(1), the Director shall submit to the appropriate congressional committees a notification of such action. Such notification shall include a description of—

(A) the action taken;

(B) options considered by the Director to mitigate any identified effects to the national airspace system relating to such action, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals; and

(C) whether any records or materials were transferred to the Attorney General pursuant to subparagraph (A) of subsection (g)(3), including the purpose of such transfer under subparagraph (B) of such subsection.

(g) **MAINTENANCE OF MATERIALS.**—

(1) **LIMIT.**—Except as provided by paragraph (3), in carrying out an action described in subsection (b)(1), the Director may maintain records containing or regarding the content and dialing, signaling, routing, and addressing information associated with wire communications, oral communications, electronic communications, and radio communications, and may maintain parts or the whole of an unmanned aircraft system, only if such maintenance—

(A) is for the purpose of mitigating the threat to safety or security of persons; and

(B) does not exceed the period the Director determines necessary or 30 days, whichever is shorter.

(2) **DESTRUCTION.**—Except as provided by paragraph (3), the Director shall destroy any records or materials maintained under paragraph (1) at the end of the period specified in paragraph (1).

(3) **EXCEPTION.**—

(A) **TRANSFER.**—If the Attorney General determines that the maintenance of records or parts or the whole of an unmanned aircraft system under paragraph (1) is necessary for a longer period than authorized under such paragraph for a purpose described in subparagraph (B) of this paragraph, the Director shall transfer the records or parts or the whole of an unmanned aircraft system, as the case may be, to the Attorney General. The Attorney General shall—

(i) maintain the records or parts or the whole of an unmanned aircraft system for such purpose; and

(ii) destroy the records or parts or the whole of an unmanned aircraft system once such purpose no longer applies.

(B) **PURPOSE DESCRIBED.**—A purpose described in this subparagraph is any of the following:

(i) The investigation or prosecution of a violation of law.

(ii) To comply with another provision of Federal law.

(iii) An obligation to preserve materials during the course of litigation.

(4) **CERTIFICATIONS.**—

(A) **AGENCY.**—Each time the Director carries out an action described in subsection (b)(1), the Director shall certify that the Director is in compliance with paragraphs (1) and (2) of this subsection. The Director may only delegate the authority to make such certification to—

(i) the General Counsel or the Principal Deputy General Counsel; or

(ii) the Director of Operations or the Deputy Director of Operations.

(B) DEPARTMENT OF JUSTICE.—Each time the Attorney General receives a transfer of records or parts or the whole of an unmanned aircraft system under paragraph (3), the Attorney General shall certify the date and purpose of the transfer and a description of the records or parts or the whole of an unmanned aircraft system.

(C) RETENTION.—Each certification made under subparagraph (A) or (B) shall be retained by the Director or the Attorney General, respectively, for a period of at least seven years.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as—

(1) affecting the authorities described in section 105(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(g));

(2) vesting in the Director any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration; or

(3) vesting in the Secretary or Administrator any authority of the Director.

(i) BUDGET.—The Director shall submit to the congressional intelligence committees, as a part of the budget requests of the Agency for each fiscal year after fiscal year 2026, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Agency. The funding display shall be in unclassified form, but may contain a classified annex.

(j) SPECIALLY DESIGNATED PROPERTIES.—

(1) LIST.—Specially designated properties covered by this section are properties listed in the classified annex accompanying the Intelligence Authorization Act for Fiscal Year 2026, or any subsequent Intelligence Authorization Act, that meet the criteria described in paragraph (3).

(2) PROPOSED MODIFICATIONS.—On an annual basis, the Director shall submit to the appropriate congressional committees proposed modifications to the list of specially designated properties under paragraph (1) based on properties that meet the criteria described in paragraph (3).

(3) CRITERIA DESCRIBED.—The criteria described in this paragraph are the following:

(A) The property consists of premises owned, leased, or controlled by the Agency or the Office of the Director of National Intelligence plus a designated perimeter adjacent to the premises.

(B) The property is identified by the Director, in coordination, with respect to potentially impacted airspace, with the Secretary of Transportation, through a risk-based assessment, as high-risk and a potential target for unlawful unmanned aircraft system-related activity.

(C) The property is located in the United States and is beneath airspace that is restricted by a temporary flight restriction, a determination under section 2209 of the FAA

Extension, Safety, and Security Act of 2016 (49 U.S.C. 44802 note), or any other similar restriction determined appropriate by the Secretary of Transportation.

(D) The property directly relates to one or more functions authorized to be performed by the Agency under this Act or the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

(4) ACCESS.—The chairmen and ranking minority members of the appropriate congressional committees specified in subsection (l)(1)(B) shall have access to the list of specially designated properties under paragraph (1), and each chairman and ranking minority member may designate one staff member of such committees who holds the appropriate security clearance to have such access.

(k) TERMINATION.—The authority to carry out this section shall terminate on December 31, 2029.

(l) DEFINITIONS.—In this section:

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

(A) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(B) The Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) RADIO COMMUNICATION.—The term “radio communication” has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(3) TITLE 18 TERMS.—The terms “electronic communication”, “intercept”, “oral communication”, and “wire communication” have the meanings given those terms in section 2510 of title 18, United States Code.

(4) UNITED STATES.—The term “United States” has the meaning given that term in section 5 of title 18, United States Code.

(5) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” has the meaning given the term in section 44801 of title 49, United States Code.

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TITLE 10, UNITED STATES CODE

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SUBTITLE A—GENERAL MILITARY LAW

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PART I—ORGANIZATION AND GENERAL MILITARY POWERS

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CHAPTER 21—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

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SUBCHAPTER I—GENERAL MATTERS

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§ 430e. Requirement to avoid duplication in purchase of commercially available information

(a) *REQUIREMENT FOR REVIEW PRIOR TO PURCHASE.*—Except as provided in subsection (b), a defense intelligence component may not purchase commercially available information until the head of such component determines the information intended to be purchased is not already available for use by such component from another defense intelligence component.

(b) *EXCEPTION.*—(1) The Under Secretary of Defense for Intelligence and Security may authorize a defense intelligence component to purchase information otherwise prohibited by subsection (a)—

(A) if the purchase is for the purpose of ensuring the quality and veracity of other information purchased or the performance of a vendor;

(B) to obtain a sample of information to determine whether the information would be duplicative of other information already available to the component;

(C) to maintain operational security of authorized activities of the Department of Defense; or

(D) if enforcing the prohibition would pose a significant harm to national security or intelligence activities.

(2) Not later than 30 days after the Under Secretary of Defense for Intelligence and Security authorizes the purchase of information pursuant to paragraph (1), the Under Secretary shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives notice of the authorization, including a description of the information authorized to be purchased and an identification of the exception in subparagraph (A), (B), (C), or (D) of paragraph (1) that the Under Secretary applied to authorize such purchase.

(c) *COMMERCIALLY AVAILABLE INFORMATION DEFINED.*—In this section, the term “commercially available information” has the meaning given that term in section 601 of the Intelligence Authorization Act for Fiscal Year 2026.

§ 430f. Oversight and deconfliction of vendor support to clandestine activities

(a) *OVERSIGHT CAPABILITY.*—The Secretary of Defense shall establish, maintain, and continuously update a secure capability to facilitate oversight, deconfliction, and risk assessments of all commercial vendor support to the Department of Defense for clandestine activities, including support provided by subcontractors.

(b) *EXCLUSIONS.*—Notwithstanding subsection (a), if the Secretary of Defense determines that information concerning a commercial vendor should not be made available for use by the capability re-

quired by subsection (a) due to operational, counterintelligence, or other national security concerns, the Secretary—

(1) may exclude such information from use by the capability required by subsection (a); and

(2) not later than 7 days after making a determination that such information should not be made available for use by such capability, shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives notice of the determination that includes—

(A) the type or category of vendor that is the subject of such information;

(B) with respect to such vendor, a synopsis of the contract and the scope of work involved; and

(C) the rationale for excluding such information from use by the capability.

(c) **DECONFLICTION.**—The Secretary of Defense shall ensure the capability required by subsection (a) is used to—

(1) deconflict the use of commercial vendors in support of clandestine activities of the Department of Defense; and

(2) assess operational risk and counterintelligence exposure attributable to the use of commercial vendors in support of clandestine activities of the Department of Defense.

(d) **CLANDESTINE ACTIVITY DEFINED.**—In this section, the term “clandestine activity” means any activity where it is intended that the role of the United States Government will not be apparent or acknowledged publicly.

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

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DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

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TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

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Subtitle D—Other Elements

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[SEC. 6432. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

[(a) ESTABLISHMENT.—There is established in the National Geospatial-Intelligence Agency an advisory board (in this section referred to as the “Board”).

[(b) DUTIES.—The Board shall—

[(1) study matters relating to the mission of the National Geospatial-Intelligence Agency, including with respect to integration of commercial capabilities, promoting innovation, advice on next generation tasking, collection, processing, exploitation, and dissemination capabilities, strengthening functional management, acquisition, and such other matters as the Director of the National Geospatial-Intelligence Agency considers appropriate; and

[(2) advise and report directly to the Director with respect to such matters.

[(c) MEMBERS.—

[(1) NUMBER AND APPOINTMENT.—

[(A) IN GENERAL.—The Board shall be composed of 6 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the Agency.

[(B) NOTIFICATION.—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

[(C) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director shall appoint the initial 6 members to the Board.

[(2) TERMS.—Each member shall be appointed for a term of 3 years.

[(3) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.

[(4) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

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

[(6) EXECUTIVE SECRETARY.—The Director may appoint an executive secretary, who shall be an employee of the Agency, to support the Board.

[(d) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

[(e) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities and significant findings of the Board during the preceding year.

[(f) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

[(g) TERMINATION.—The Board shall terminate on the date that is 5 years after the date of the first meeting of the Board.]

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TITLE LXV—MATTERS RELATING TO FOREIGN COUNTRIES

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Subtitle B—Miscellaneous Authorities, Requirements, and Limitations

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SEC. 6512. INTELLIGENCE COMMUNITY COORDINATOR FOR RUSSIAN ATROCITIES ACCOUNTABILITY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

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

(2) ATROCITY.—The term “atrocities” means a war crime, crime against humanity, or genocide.

(3) COMMIT.—The term “commit”, with respect to an atrocity, includes the planning, committing, aiding, and abetting of such atrocity.

(4) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(5) RUSSIAN ATROCITY.—The term “Russian atrocity” means an atrocity that is committed by an individual who is—

(A) a member of the armed forces, or the security or other defense services, of the Russian Federation;

(B) an employee of any other element of the Russian Government; or

(C) an agent or contractor of an individual specified in subparagraph (A) or (B).

(6) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039).

(b) INTELLIGENCE COMMUNITY COORDINATOR FOR RUSSIAN ATROCITIES ACCOUNTABILITY.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a senior official of the Office of the Director of National Intelligence to serve as the intelligence community coordinator for Russian atrocities accountability (in this section referred to as the “Coordinator”).

(2) DUTIES.—The Coordinator shall oversee the efforts of the intelligence community relating to the following:

(A) Identifying, and (as appropriate) disseminating within the United States Government, intelligence relating to the identification, location, or activities of foreign persons suspected of playing a role in committing Russian atrocities in Ukraine, *including with respect to the forcible transfer and deportation of Ukrainian children*.

(B) Identifying analytic and other intelligence needs and priorities of the intelligence community with respect to the commitment of such Russian atrocities.

(C) Addressing any gaps in intelligence collection relating to the commitment of such Russian atrocities and developing recommendations to address any gaps so identified, including by recommending the modification of the priorities of the intelligence community with respect to intelligence collection.

(D) Collaborating with appropriate counterparts across the intelligence community to ensure appropriate coordination on, and integration of the analysis of, the commitment of such Russian atrocities.

(E) Identifying intelligence and other information that may be relevant to preserve evidence of potential war crimes by Russia, consistent with the public commitments of the United States to support investigations into the conduct of Russia.

(F) Ensuring the Atrocities Early Warning Task Force and other relevant departments and agencies of the United States Government receive appropriate support from the intelligence community with respect to the collection, analysis, preservation, and, as appropriate, dissemination, of intelligence related to Russian atrocities in Ukraine.

(3) PLAN REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress—

(A) the name of the official designated as the Coordinator pursuant to paragraph (1); and

(B) the strategy of the intelligence community for the collection of intelligence related to Russian atrocities in Ukraine, including a detailed description of how the Coordinator shall support, and assist in facilitating the implementation of, such strategy.

(4) ANNUAL REPORT TO CONGRESS.—

(A) REPORTS REQUIRED.—Not later than May 1, 2023, and annually thereafter until May 1, ~~2026~~ 2028, the Director of National Intelligence shall submit to the appropriate committees of Congress a report detailing, for the year covered by the report—

(i) the analytical findings and activities of the intelligence community with respect to Russian atrocities in Ukraine; and

(ii) the recipients of information shared pursuant to this section for the purpose of ensuring accountability for such Russian atrocities, and the date of any such sharing.

(B) FORM.—Each report submitted under subparagraph (A) may be submitted in classified form, consistent with the protection of intelligence sources and methods.

(C) SUPPLEMENT.—The Director of National Intelligence may supplement an existing reporting requirement with the information required under subparagraph (A) on an annual basis to satisfy that requirement with prior notification of intent to do so to the appropriate committees of Congress.

(c) SUNSET.—This section shall cease to have effect on [the date that is 4 years after the date of the enactment of this Act.] *December 31, 2028. The Director and Coordinator shall carry out this section before such date regardless of any ceasefire or cessation of armed hostilities by Russia in Ukraine occurring before such date.*

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TITLE LXVII—MATTERS RELATING TO EMERGING TECHNOLOGIES

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Subtitle B—Improvements Relating to Procurement

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SEC. 6715. PLAN TO EXPAND SENSITIVE COMPARTMENTED INFORMATION FACILITY ACCESS BY CERTAIN CONTRACTORS; REPORTS ON EXPANSION OF SECURITY CLEARANCES FOR CERTAIN CONTRACTORS.

(a) PLAN; BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense and the heads of such other elements of the intelligence community as the Director of National Intelligence may determine appropriate, shall—

(A) develop a plan to expand access by contractors of small emerging technology companies to sensitive compartmented information facilities for the purpose of providing such contractors with a facility to securely perform work; and

(B) provide to the congressional intelligence committees, the Committee on Armed Services and the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a briefing on such plan.

(2) MATTERS.—The plan under paragraph (1) shall include the following:

(A) An overview of the existing sensitive compartmented information facilities, if any, that may be available for the purpose specified in paragraph (1).

(B) An assessment of the feasibility of building additional sensitive compartmented information facilities for such purpose.

(C) An assessment of the relative costs and benefits of repurposing existing, or building additional, sensitive compartmented information facilities for such purpose.

(D) The eligibility criteria for determining which contractors under this section may be granted access to sensitive compartmented information facilities for such purpose.

(E) An estimate of the maximum number of contractors that may be provided access to sensitive compartmented information facilities for such purpose, taking into account the matters specified in subparagraphs (A) and (B).

(F) Policies to ensure the efficient and narrow use of sensitive compartmented information facilities for such purpose, including a timeline for the length of such use by a contractor under this section and a detailed description of the process to terminate access to the sensitive compartmented information facility by such contractor upon—

(i) the expiration of the contract or agreement of the contractor; or

(ii) a determination that the contractor no longer has a need for such access to fulfill the terms of such contract or agreement.

(G) Pricing structures for the use of sensitive compartmented information facilities by contractors for the purpose specified in paragraph (1). Such pricing structures—

(i) may include free use (for the purpose of incentivizing future contracts), with the potential for pricing to increase dependent on the length of the contract or agreement, the size of the contractor, and the need for such use; and

(ii) shall ensure that the cumulative cost for a contractor to rent and independently certify a sensitive compartmented information facility for such purpose does not exceed the market average for the Director of National Intelligence or the Secretary of Defense to build, certify, and maintain a sensitive compartmented information facility.

(H) A security plan for vetting each contractor prior to the access of a sensitive compartmented information facility by the contractor for the purpose specified in paragraph (1), and an assessment of potential security concerns regarding such access.

(I) A proposed timeline for the expansion of access to sensitive compartmented information facilities in accordance with paragraph (1).

(J) Such other matters as the Director of National Intelligence or the Secretary of Defense considers relevant to such expansion.

(b) **ELIGIBILITY CRITERIA FOR CONTRACTORS.**—Unless the Director of National Intelligence determines the source of the financing of a contractor poses a national security risk, such source of financing may not be taken into consideration in making a determination

as to the eligibility of the contractor in accordance with subsection (a)(2)(D).

[(c) REPORTS ON EXPANSION OF SECURITY CLEARANCES FOR CERTAIN CONTRACTORS.—

[(1) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the extent to which security clearance requirements delay, limit, or otherwise disincentivize emerging technology companies from entering into contracts with the United States Government.

[(2) MATTERS.—Each report under paragraph (1) shall include the following:

[(A)] Statistics on the periods of time between the submission of applications for security clearances by employees of emerging technology companies and the grant of such security clearances, disaggregated by the size of the respective company.

[(B)] The number of security clearances granted to employees of small emerging technology companies during the period covered by the report.

[(C)] The number of applications for security clearances submitted by employees of emerging technology companies that have yet to be adjudicated as of the date on which the report is submitted.

[(D)] A projection, for the year following the date on which the report is submitted, of the number of security clearances necessary for employees of emerging technology companies to perform work on behalf of the intelligence community during such year, and an assessment of the capacity of the intelligence community to meet such demand.

[(E)] An identification of each occurrence, during the period covered by the report, in which an emerging technology company withdrew from or declined to accept a contract with the United States Government on the sole basis of delays, limitations, or other issues involving security clearances, and a description of the types of business the United States Government has lost as a result of such occurrences.

[(F)] Recommendations for expediting the grant of security clearances to employees of emerging technology companies, including with respect to any additional resources, authorities, or personnel that the Director of National Intelligence determines may be necessary for such expedition.

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

[(d)] (c) PROPOSAL CONCURRENT WITH BUDGET SUBMISSION.—At the time that the President submits to Congress the budget for fiscal year 2024 pursuant to section 1105 of title 31, United States Code, the Director of National Intelligence shall submit to the con-

gressional intelligence committees a proposal to improve the capacity of the workforce responsible for the investigation and adjudication of security clearances, with the goal of reducing the period of time specified in subsection (c)(2)(A) to fewer than 60 days. Such proposal shall include an identification of any resources the Director of National Intelligence determines necessary to expand the number of individuals authorized to conduct polygraphs on behalf of the intelligence community, including by furnishing necessary training to such individuals.

[(e)] (d) APPLICABILITY.—The plan, briefing, reports, and proposal required by this section shall apply only with respect to the intelligence community and the Department of Defense.

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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 plan and cost assessment for delineated and standardized counterintelligence training for all personnel who interact with classified and sensitive military technology and dual-use commercial technology in the Department; and

(B) a delineated and standardized training plan to train officers in the Office of Intelligence and Counterintelligence who

have counterintelligence responsibilities on counterintelligence skills and practices.

(4) *The Director shall develop and implement requirements for all personnel of the Department of Energy that—*

(A) *require such personnel to—*

(i) *report to the Office any personal or official travel to a country of risk (as defined in section 6432(a) of the Intelligence Authorization Act for Fiscal Year 2025 (42 U.S.C. 7144b note)) or any other country the Director considers appropriate prior to beginning such travel;*

(ii) *at the request of personnel of the Office, receive briefings with respect to travel to such a country prior to beginning such travel; and*

(iii) *at the request of personnel of the Office, participate in debriefings after travel to such a country; and*

(B) *prohibit bringing an electronic device provided by the Department of Energy or that can access Department of Energy non-public systems or data to such a country unless travel to such country with such electronic device is approved by the Director.*

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NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004

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TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

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Subtitle E—Additional Improvements of Intelligence Activities

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[SEC. 1052. OPEN-SOURCE INTELLIGENCE.

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

[(1) the Director of National Intelligence should establish an intelligence center for the purpose of coordinating the collection, analysis, production, and dissemination of open-source intelligence to elements of the intelligence community;

[(2) open-source intelligence is a valuable source that must be integrated into the intelligence cycle to ensure that United States policymakers are fully and completely informed; and

[(3) the intelligence center should ensure that each element of the intelligence community uses open-source intelligence consistent with the mission of such element.

[(b) REQUIREMENT FOR EFFICIENT USE BY INTELLIGENCE COMMUNITY OF OPEN-SOURCE INTELLIGENCE.—The Director of National Intelligence shall ensure that the intelligence community makes efficient and effective use of open-source information and analysis.

[(c) REPORT.—Not later than June 30, 2005, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the decision of the Director as to whether an open-source intelligence center will be established. If the Director decides not to establish an open-source intelligence center, such report shall also contain a description of how the intelligence community will use open-source intelligence and effectively integrate open-source intelligence into the national intelligence cycle.

[(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

- [(1) the Select Committee on Intelligence of the Senate; and
- [(2) the Permanent Select Committee on Intelligence of the House of Representatives.]

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CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT

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TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES’ RETIREMENT SYSTEM AND VETERANS AFFAIRS BENEFITS

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SEC. 308. TREATMENT OF CERTAIN AGENCY SERVICE AS ACTIVE-DUTY SERVICE FOR PURPOSES OF BENEFITS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) *ACTIVE-DUTY SERVICE.*—For purposes of the benefits administered by the Secretary of Veterans Affairs under title 38, United States Code, or any other provision of law, an injury or illness incurred or aggravated by the covered service of a qualifying veteran shall be treated as an injury or illness incurred or aggravated in line of duty in the active military, naval, air, or space service.

(b) *DEFINITIONS.*—In this section:

(1) *ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERVICE.*—The term “active military, naval, air, or space service” has the meaning given that term in section 101 of title 38, United States Code.

(2) *COVERED SERVICE.*—The term “covered service” means service performed by a qualifying veteran that meets the criteria specified in the classified annex accompanying the Intelligence Authorization Act for Fiscal Year 2026 or any subsequent Intelligence Authorization Act.

(3) *QUALIFYING VETERAN.*—The term “qualifying veteran” means an employee of the Agency who is a veteran (as defined in section 101 of title 38, United States Code).

ATOMIC ENERGY ACT OF 1954

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TITLE I—ATOMIC ENERGY

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CHAPTER 12. CONTROL OF INFORMATION

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SEC. 145. RESTRICTIONS.—

a. No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

b. **【Except】** (1) *Except* as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(2)(A) *Paragraph (1) shall not apply to the President, the Vice President, Members of Congress, or a justice or judge of the United States (as those terms are defined in section 451 of title 28, United States Code).*

(B) *Beginning not later than 90 days after the date of the Intelligence Authorization Act for Fiscal Year 2026, the Secretary of Energy, in coordination with the Director of National Intelligence, or such other officer of the United States acting as the Security Executive Agent pursuant to subsection (a) of section 803 of the National Security Act of 1947 (50 U.S.C. 3162a), shall—*

(i) *maintain an up-to-date list of each individual who holds a position described in subparagraph (A); and*

(ii) *verify that such individual is authorized to access Restricted Data by virtue of holding such a position—*

(I) *in coordination with the appropriate security official of the organization of the individual, including the Sergeants at Arms of the House of Representatives and the Senate with respect to Members of Congress; and*

(II) *in a manner that does not require more personally identifying information of the individual than the*

Director of National Intelligence requires to verify access by such individuals to classified information.

c. In lieu of the investigation and report to be made by the Civil Service Commission pursuant to subsection b. of this section, the Commission may accept an investigation and report on the character, associations, and loyalty of an individual made by another Government agency which conducts personnel security investigations, provided that a security clearance has been granted to such individual by another Government agency based on such investigation and report.

d. In the event an investigation made pursuant to subsection a. and b. of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

e.(1) If the President deems it to be in the national interest he may from time to time determine that investigations of any group or class which are required by subsections a., b., and c. of this section be made by the Federal Bureau of Investigation.

(2) In the case of an individual employed in a program known as a Special Access Program, any investigation required by subsections a., b., and c. of this section shall be made by the Federal Bureau of Investigation.

f.(1) Notwithstanding the provisions of subsections a., b., and c. of this section, but subject to subsection e. of this section, a majority of the members of the Commission may direct that an investigation required by such provisions on an individual described in paragraph (2) be carried out by the Federal Bureau of Investigation rather than by the Civil Service Commission.

(2) An individual described in this paragraph is an individual who is employed—

(A) in a program certified by a majority of the members of the Commission to be of a high degree of importance or sensitivity; or

(B) in any other specific position certified by a majority of the members of the Commission to be of a high degree of importance or sensitivity.

g. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations, the reports of which will be utilized by the Commission in making the determination, pursuant to subsections a., b., and c., of this section, that permitting a person access to restricted data will not endanger the common defense and security. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the restricted data to which access will be permitted.

h. Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145 b., to the extent

that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security.

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NATIONAL SECURITY AGENCY ACT OF 1959

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SEC. 22. CONGRESSIONAL NOTIFICATION OF INTELLIGENCE COLLECTION ADJUSTMENTS.

(a) NOTIFICATION.—Not later than 30 days after the date on which the Director of the National Security Agency determines **the occurrence of an intelligence collection adjustment** *that a covered intelligence collection or sharing adjustment has occurred*, 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 **notification of the intelligence collection adjustment** *summary of such adjustment and the cause of such adjustment*.

(b) DEFINITIONS.—In this section:

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

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

(2) COVERED INTELLIGENCE COLLECTION OR SHARING ADJUSTMENT.—The term “covered intelligence collection or sharing adjustment” means an action or inaction by the National Security Agency that results in a significant change to—

(A) the quantity of intelligence collected by the National Security Agency with respect to a foreign country, foreign organization, or senior leader of a foreign country or foreign organization; or

(B) policies or practices of the National Security Agency with respect to the sharing of intelligence with a foreign country, organization of foreign countries, or organization of countries of which the United States is a member.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

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DIVISION X—INTELLIGENCE AUTHORIZATION FOR FISCAL YEAR 2022

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TITLE VIII—REPORTS AND OTHER MATTERS

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Subtitle C—Other Matters

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[(SEC. 833. REPORT ON TRENDS IN TECHNOLOGIES OF STRATEGIC IM- PORTANCE TO UNITED STATES.

[(a) IN GENERAL.—Not less frequently than once every 2 years until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, shall submit to the congressional intelligence committees a report assessing commercial and foreign trends in technologies the Director considers of strategic importance to the national and economic security of the United States.

[(b) CONTENTS.—Each report under subsection (a) shall include the following:

[(1) A list of the top technology focus areas the Director determines to be of the greatest strategic importance to the United States.

[(2) A list of the top technology focus areas in which the Director determines foreign countries that are adversarial to the United States are poised to match or surpass the technological leadership of the United States.

[(c) FORM.—Each report under subsection (a)—

[(1) may be submitted in the form of a National Intelligence Estimate; and

[(2) shall be submitted in classified form, but may include an unclassified summary.]

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

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DIVISION N—INTELLIGENCE AUTHOR- IZATION ACT FOR FISCAL YEAR 2017

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TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

SEC. 501. COMMITTEE TO COUNTER ACTIVE MEASURES BY THE RUSSIAN FEDERATION, THE PEOPLE'S REPUBLIC OF CHINA, THE ISLAMIC REPUBLIC OF IRAN, THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, OR OTHER NATION STATE TO EXERT COVERT INFLUENCE OVER PEOPLES AND GOVERNMENTS.

(a) DEFINITIONS.—In this section:

(1) ACTIVE MEASURES BY RUSSIA TO EXERT COVERT INFLUENCE.—The term “active measures by Russia, China, Iran, North Korea, or other nation state to exert covert influence” means activities intended to influence a person or government that are carried out in coordination with, or at the behest of, political leaders or the security services of the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or other nation state and the role of the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or other nation state has been hidden or not acknowledged publicly, including the following:

- (A) Establishment or funding of a front group.
- (B) Covert broadcasting.
- (C) Media manipulation.
- (D) Disinformation and forgeries.
- (E) Funding agents of influence.
- (F) Incitement and offensive counterintelligence.
- (G) Assassinations.
- (H) Terrorist acts.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
- (C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(b) ESTABLISHMENT.—There is established within the executive branch an interagency committee to counter active measures by the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or other nation state to exert covert influence.

(c) MEMBERSHIP.—

(1) IN GENERAL.—

(A) APPOINTMENT.—Each head of an agency or department of the Government set out under subparagraph (B) shall appoint one member of the committee established by subsection (b) from among officials of such agency or department who occupy a position that is required to be appointed by the President, with the advice and consent of the Senate.

(B) HEAD OF AN AGENCY OR DEPARTMENT.—The head of an agency or department of the Government set out under this subparagraph are the following:

- (i) The Director of National Intelligence.

- (ii) The Secretary of State.
- (iii) The Secretary of Defense.
- (iv) The Secretary of the Treasury.
- (v) The Attorney General.
- (vi) The Secretary of Energy.
- (vii) The Director of the Federal Bureau of Investigation.
- (viii) The head of any other agency or department of the United States Government designated by the President for purposes of this section.

(d) MEETINGS.—The committee shall meet on a regular basis.

(e) DUTIES.—The duties of the committee established by subsection (b) shall be as follows:

(1) To counter active measures by Russia, China, Iran, North Korea, or other nation state to exert covert influence, including by exposing falsehoods, agents of influence, corruption, human rights abuses, terrorism, and assassinations carried out by the security services or political elites of the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or other nation state or their proxies.

(2) Such other duties as the President may designate for purposes of this section.

(f) STAFF.—The committee established by subsection (b) may employ such staff as the members of such committee consider appropriate.

(g) BUDGET REQUEST.—A request for funds required for the functioning of the committee established by subsection (b) may be included in each budget for a fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code.

[(h) ANNUAL REPORT.—

[(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, and consistent with the protection of intelligence sources and methods, the committee established by subsection (b) shall submit to the appropriate committees of Congress a report describing steps being taken by the committee to counter active measures by Russia, China, Iran, North Korea, or other nation state to exert covert influence.

[(2) CONTENT.—Each report required by paragraph (1) shall include the following:

[(A) A summary of the active measures by the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or other nation state to exert covert influence during the previous year, including significant incidents and notable trends.

[(B) A description of the key initiatives of the committee.

[(C) A description of the implementation of the committee's initiatives by the head of an agency or department of the Government set out under subsection (c)(1)(B).

[(D) An analysis of the impact of the committee's initiatives.

[(E) Recommendations for changes to the committee's initiatives from the previous year.

[(3) SEPARATE REPORTING REQUIREMENT.—The requirement to submit an annual report under paragraph (1) is in addition to any other reporting requirements with respect to Russia, China, Iran, North Korea, or other nation state.]

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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 XVII—REPORTS AND OTHER MATTERS

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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, and annually thereafter until [2027] 2026, 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.—Each 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; and

(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.—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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ENERGY ACT OF 2020

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DIVISION Z—ENERGY ACT OF 2020

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TITLE VII—CRITICAL MINERALS

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[SEC. 7003. MONITORING MINERAL INVESTMENTS UNDER BELT AND ROAD INITIATIVE OF PEOPLE'S REPUBLIC OF CHINA.

[(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence (referred to in this section as the “Director”), in consultation with the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, the Secretary of Defense, and the United States Trade Representative, shall submit to the appropriate congressional committees a report on investments in minerals under the Belt and Road Initiative of the People’s Republic of China that includes an assessment of—

[(1) notable past mineral investments;

[(2) whether and how such investments have increased the extent of control of minerals by the People’s Republic of China;

[(3) any efforts by the People’s Republic of China to counter or interfere with the goals of the Energy Resource Governance Initiative of the Department of State; and

[(4) the strategy of the People’s Republic of China with respect to mineral investments.

[(b) MONITORING MECHANISM.—In conjunction with each report required by subsection (a), the Director shall submit to the appropriate congressional committees a list of any minerals with respect to which—

[(1) the People’s Republic of China, directly or through the Belt and Road Initiative—

[(A) is increasing its concentration of extraction and processing;

[(B) is acquiring significant mining and processing facilities;

[(C) is maintaining or increasing export restrictions; or

[(D) has achieved substantial control of the supply of minerals used within an industry or related minerals;

[(2) there is a significant difference between domestic prices in the People's Republic of China as compared to prices on international markets; or

[(3) there is a significant increase or volatility in price as a result of the Belt and Road Initiative of the People's Republic of China.

[(c) CRITICAL MINERAL EVALUATION.—For any mineral included on the list required by subsection (b) that is not already designated as critical by the Secretary of the Interior pursuant to section 7002(c), the Director shall—

[(1) determine, in consultation with the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, the Secretary of Defense, and the United States Trade Representative, whether the mineral is strategic and critical to the defense or national security of the United States; and

[(2) make a recommendation to the Secretary of the Interior regarding the designation of the mineral under section 7002(c).

[(d) ANNUAL UPDATES.—The Director shall update the report required by subsection (a) and list required by subsection (b) not less frequently than annually.

[(e) FORM.—Each report or list required by this section shall be submitted in unclassified form but may include a classified annex.

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

[(1) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Finance, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

[(2) the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Ways and Means, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.]

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CARL LEVIN AND HOWARD P. 'BUCK' MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

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Subtitle C—Matters Relating to the Russian Federation

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[SEC. 1242. NOTIFICATION AND ASSESSMENT OF PROPOSAL TO MOD- IFY OR INTRODUCE NEW AIRCRAFT OR SENSORS FOR FLIGHT BY THE RUSSIAN FEDERATION UNDER OPEN SKIES TREATY.

[(a) NOTIFICATION.—Not later than 30 days after the date on which the Russian Federation submits to the States Parties to the Open Skies Treaty a proposal to modify or introduce a new aircraft or sensor for flight by the Russian Federation under the Open Skies Treaty, the President shall notify the appropriate committees of Congress of such proposal and the relevant details thereof.

[(b) ASSESSMENT.—

[(1) IN GENERAL.—Not later than 90 days prior to the date on which the United States intends to agree to a proposal described in subsection (a), the Director of National Intelligence, jointly with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and in consultation with the Secretary of State, shall submit to the appropriate committees of Congress an assessment of such proposal on the national security of the United States.

[(2) ADDITIONAL ELEMENTS.—The assessment required by paragraph (1) shall include a description of any plans of the United States to mitigate the effect of the proposal on the national security of the United States, including an analysis of the cost and effectiveness of any such plans. The assessment shall also include an assessment of the proposal by the commander of each combatant command potentially affected by the proposal, including an assessment of the potential effects of the proposal on operations and any potential vulnerabilities raised by the proposal.

[(3) FORM.—The assessment required by paragraph (1) may be submitted in classified or unclassified form as appropriate.

[(c) DEFINITIONS.—In this section:

[(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

[(A) the congressional defense committees;

[(B) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

[(C) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

[(2) OPEN SKIES TREATY.—The term “Open Skies Treaty” means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.]

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

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Subtitle E—Satellites and Related Items

SEC. 1261. REMOVAL OF SATELLITES AND RELATED ITEMS FROM THE UNITED STATES MUNITIONS LIST.

(a) REPEAL.—

(1) IN GENERAL.—Section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2174; 22 U.S.C. 2778 note) is amended by striking subsection (a).

(2) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking “(1) Subsection (a)” and all that follows through “(2) The amendments” and inserting “The amendments”.

(b) ADDITIONAL DETERMINATION AND REPORT.—Accompanying but separate from the submission to Congress of the first notification after the date of the enactment of this Act under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) relating to the removal of satellites and related items from the United States Munitions List, the President shall also submit to Congress—

(1) a determination by the President that the removal of such satellites and items from the United States Munitions List is in the national security interests of the United States; and

(2) a report identifying and analyzing any differences between—

(A) the recommendations and draft regulations for controlling the export, re-export, and transfer of such satellites and related items that were submitted in the report to Congress required by section 1248 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2546); and

(B) the final regulations under which the export, re-export, and transfer of such satellites and related items would continue to be controlled.

(c) PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (3), no satellites or related items that are made subject to the Export Administration Regulations (15 CFR part 730 et seq.) as a result of the enactment of subsection (a) of this section, whether or not enumerated on the Commerce Control List—

(A) may be exported, re-exported, or transferred, directly or indirectly, to—

(i) any government of a country described in paragraph (2); or

(ii) any entity or person in or acting for or on behalf of such government, entity, or person; or

(B) may be launched in a country described in paragraph (2) or as part of a launch vehicle owned, operated, or manufactured by the government of such country or any entity or person in or acting for or on behalf of such government, entity, or person.

(2) COUNTRIES DESCRIBED.—The countries referred to in paragraph (1) are the following:

(A) The People's Republic of China.

(B) North Korea.

(C) Any country that is a state sponsor of terrorism.

(3) WAIVER.—The President may waive the prohibition in paragraph (1) on a case-by-case basis if not later than 30 days before doing so the President—

(A) determines that it is in the national interest of the United States to do so; and

(B) notifies the appropriate congressional committees of such determination.

(d) PRESUMPTION OF DENIAL.—Any license or other authorization to export satellites and related items to a country with respect to which the United States maintains a comprehensive arms embargo shall be subject to a presumption of denial.

[(e) REPORT.—

[(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and once every two years thereafter, the Director of National Intelligence, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on efforts of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire satellites and related items.

[(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.]

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**SECTION 108 OF THE CUBAN LIBERTY AND
DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996**

**[SEC. 108. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA
FROM OTHER FOREIGN COUNTRIES.**

[(a) REPORTS REQUIRED.]—Not later than 90 days after the date of the enactment of this Act, and by January 1 of each year thereafter until the President submits a determination under section 203(c)(1), the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

[(b) CONTENTS OF REPORTS.]—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available:

[(1)] A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

[(2)] A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

[(3)] A description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

[(4)] A determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national.

[(5)] A determination of the amount of debt of the Cuban Government that is owed to each foreign country, including—

[(A)] the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

[(B)] the amount of debt owed the foreign country that has been exchanged, forgiven, or reduced in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

[(6)] A description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

[(7)] An identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

[(A)] a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Cuba and such countries,

[(B)] a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

[(C) the terms or conditions of any such agreement.]

