

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR  
2021

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OCTOBER 30, 2020.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7856]

The Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 7856) to authorize appropriations for fiscal year 2021 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 without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 7856, the Intelligence Authorization Act for Fiscal Year (FY) 2021 (the Act), is to authorize funding for the activities of the 17 elements comprising the U.S. Intelligence Community (the IC).

COMPLIANCE WITH CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND  
WITH UNCLASSIFIED AND CLASSIFIED COMMITTEE DIRECTION

Because most of the intelligence budget involves classified programs, the bulk of the Committee's explanatory and directive language for each fiscal year is found in the classified annex accompanying the bill. The classified annex also includes the classified schedule of authorizations as well as explanatory and directive language.

The classified schedule of authorizations is incorporated directly into the legislation by Section 102 of the bill. The Executive Branch shall strictly comply with all Committee direction and other guidance set forth in this report and in the classified annex.

The classified annex and classified schedule of authorizations shall be made available for review by all Members of the House of Representatives, on conditions set by the Committee at the time of its approval of H.R. 7856.

#### SCOPE OF COMMITTEE REVIEW

The bill authorizes U.S. intelligence and intelligence-related activities within the jurisdiction of the Committee, including the National Intelligence Program (NIP) and the Military Intelligence Program (MIP), the Homeland Security Intelligence Program (HSIP), and the Information Systems Security Program (ISSP). The NIP consists of all activities of the Office of the Director of National Intelligence (ODNI), as well as intelligence, counterintelligence and related activities conducted by: the Central Intelligence Agency; the Department of Defense, including the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and certain activities of the Departments of the Army, Navy, Air Force, and Marine Corps; the Department of Energy; the Department of Justice, including the Federal Bureau of Investigation and the Drug Enforcement Administration; the Department of Homeland Security, including the U.S. Coast Guard and intelligence elements of DHS; Department of State; and the Department of the Treasury. The Committee has exclusive or concurrent jurisdiction of these activities—and exclusive jurisdiction to study the sources and methods of the IC.

#### COMMITTEE VIEWS

H.R. 7856 ensures the IC has the resources needed to compete against the Nation's strategic adversaries—like a rising China and a revanchist Russia. It invests in next-generation technologies, like artificial intelligence and high-performance computing, and promotes educational partnerships with academic institutions to increase STEM talent and diversity throughout the national security community.

The Committee also has sought to focus IC and public attention on non-traditional threats, like climate change and global pandemics. In that regard the bill makes permanent the Office of the Director of National Intelligence's Climate Security Advisory Council, which assists elements of the IC that analyze the security impacts of climate change. H.R. 7856 also mandates an annual Worldwide Threat Briefing to Congress; requires a National Intelligence Estimate on the threat of global pandemics; makes permanent an annual requirement for the IC to report on emerging infectious diseases; and directs a study on creating an advisory council on global health threats. National security threats are increasingly diffuse, and we must take address what we are seeing every single day—from the devastating wildfires affecting the West, to hurricanes battering the Gulf coast, to the COVID-19 pandemic that has killed over 200,000 Americans.

H.R. 7856 also prioritizes the protection of civil liberties and human rights, at home and abroad. To that end, the bill imposes limitations and transparency requirements on intelligence support to domestic law enforcement responding to protests or civil disturbances. It requires a report on the People's Republic of China's intervention in Hong Kong. The legislation also reaffirms an unmet statutory requirement for the IC to produce an unclassified report on the murder of U.S. resident and journalist, Jamal Khashoggi; and discontinues intelligence support to the Saudi-led coalition's campaign in Yemen.

We conclude with some observations about our Minority colleagues' opposition to the bill. We believe the Committee's Minority members voted "no" because a handful of the IAA's provisions are intended to address abuses related to the Intelligence Community and election security, which were committed by or involved President Trump or his allies. Our counterparts in the Minority do not seriously dispute that such incidents took place. Yet legislating to prevent them from recurring, in their view and that of the Trump Administration, is a "partisan" act requiring firm opposition.

The provisions in question advance good-government principles about which, until now, Republicans and Democrats had agreed for years. Had we proposed such provisions during any other presidency, they almost certainly would have been endorsed without reservation by all the Committee's members, for inclusion in the IAA. We hope the Minority has a change of heart and decides to support H.R. 7856 during its consideration on the floor of the House.

#### COMMITTEE VIEWS REGARDING CHINA

China has used the past two decades to transform itself into a nation potentially capable of supplanting the United States as the leading power in the world. Its ascendance has been spectacular in scale and far less benign than initially expected. That has required special efforts by the U.S. Government and the U.S. Intelligence Community. Accordingly, the Committee in 2019 commenced a "deep dive", intended to examine the IC's China activities comprehensively. The Committee intends to issue a report containing its findings and recommendations before the end of the 116th Congress; in the meantime, H.R. 7856 contains provisions developed during the Committee's study.

These proposals in part respond to the speed and nature of China's rise—which caught the West off guard. During the 1990s and 2000s the consensus in the West was that, as China became more prosperous and developed, it would also eventually liberalize at home and play a constructive role in its relations abroad. Observers convinced themselves that, among other things, leadership in Beijing had learned the "right" lessons from the reaction to the Tiananmen Square crackdown in 1989—and therefore would chart a reformist course. Confidence in that view was central to the decisions to admit China to the World Trade Organization and to award the 2008 Summer Olympics to Beijing.

The last decade has shown those expectations to have been deeply misplaced. Belief in the inevitability of democratic liberalism blinded Western policymakers to the Chinese Communist Party's overriding objective: seizing more and more power. In the interim,

the People's Republic of China has increasingly sought to revise the international order in a way that furthers its own strategic interests and undermines those of the United States and other nations. Beijing has sought to expand its economic and political influence through its "One Belt, One Road" Initiative and the large-scale cooption of media outlets throughout the world. Militarily, China has embarked on a massive modernization drive—creating a "blue water" navy, investing heavily in hypersonic weapons, developing its own fifth-generation fighter, militarizing a series of atolls and islets in the South China Sea to strengthen its claims in the region, and building its first overseas military base in Djibouti.

Perhaps most consequential of all, China has invested—and continues to invest—great resources, technology, and political will into the creation of a post-modern authoritarian state. The country's people are monitored around the clock through their phones and an ever-growing network of surveillance cameras equipped with facial-recognition technology. Initially fueled by stolen U.S. technology and intellectual property, these advances are now increasingly driven by Chinese innovation. Beijing's expanding technological prowess will enable the Chinese Communist Party to improve its ability to watch, and therefore control, China's population. This "digital authoritarianism" has not only been deployed at home but has also been increasingly marketed to aspiring authoritarians abroad.

Its authoritarianism is hardly the only threat emanating from China. The emergence in 2019 of a novel coronavirus in Wuhan also demonstrated the profound dangers posed by a transnational health crisis originating within China's borders. By seeking to preserve its domestic political stability and international image—in lieu of fostering a transparent and effective approach to public health—China has placed the United States, our allies, and the world at risk. China's public response has been to obfuscate the Chinese Communist Party's role in the crisis, through the calculated promotion of fringe conspiracy theories and misinformation. The latter seek to shift blame to the United States, muddy the truth about the virus's origins, and promote the image of China as a responsible global leader. To date, the coronavirus has infected at least 31 million people and resulted in over 962,000 deaths worldwide, of which the United States has over 203,000.

The confluence of the widespread, if not yet fully understood, global impact of COVID-19, the prolonged, excessive allocation of American intelligence resources to counterterrorism, China's emergence as a global competitor, and other transnational events make this an urgent moment to assess the Nation's intelligence posture towards China; and to provide strategic guidance to the IC as it repositions itself to better understand China's domestic environment, capabilities, plans, and intentions.

To that end, the Committee undertook its "deep dive" which sought to comprehensively review the IC's posture vis-à-vis China. The Committee sought to assess the IC's ability to execute, with respect to China, its core mission of "collecting, analyzing, and delivering foreign intelligence and counterintelligence" to America's leaders so they can make sound decisions. In support of this charge, staff reviewed thousands of analytic assessments, spent hundreds of hours with IC officers, and visited facilities operated

by over a dozen IC elements. The goals of the Committee's review were to: (1) assess the IC's performance within the six phases of the so-called "intelligence cycle"; (2) provide recommendations to increase the quality of raw intelligence reports and finished analytic products; and (3) assess the adequacy of current IC resource levels.

The Committee's central finding is that the IC has not sufficiently adapted to a changing geopolitical and technological environment increasingly shaped by a rising China and the growing importance of interlocking non-military transnational threats, such as global health, economic security, and climate change. Absent a significant realignment of resources, the U.S. government and intelligence community will fail to achieve the outcomes required to enable continued U.S. competition with China on the global stage for decades to come, and to protect the U.S. health and security. This year's bill seeks to address some of those resource challenges.

#### COMMITTEE VIEWS REGARDING THE MIDDLE EAST AND SOUTH ASIA

Even as the United States prioritizes meeting the unique challenges posed by China and Russia, it continues to confront a range of national security challenges in the Middle East and South Asia. The IC will continue to play an important role in addressing them.

At the same time, efforts by two successive Administrations to end the conflicts in Iraq and Afghanistan have led the United States to seek deeper partnerships with various regional actors, especially the Kingdom of Saudi Arabia (KSA) and the United Arab Emirates (UAE). Notwithstanding greater U.S. engagement and offers of cooperation, both countries since 2017 have pursued policies that are at odds with U.S. regional objectives—which complicate efforts at greater intelligence and security cooperation. In fact, Riyadh and Abu Dhabi went so far as to participate in a blockade of Qatar, an important U.S. partner which hosts crucial U.S. military facilities and is supporting U.S. efforts to achieve a political settlement of the war in Afghanistan.

To this end, the bill includes several provisions drafted to address some of the diplomatic, military, and economic issues at the heart of the U.S.-KSA and U.S.-UAE relationships.

It directly addresses, for example, the disastrous Saudi-led military campaign in Yemen. Now in its fifth year, the war in Yemen has created new safe havens for international terrorists, provided new opportunities for Iranian meddling in the Gulf, and contributed to the creation of the worst man-made humanitarian catastrophe in the world. The Committee is concerned that the Administration's decision to bypass Congress in May 2019 and sell additional arms to both Saudi Arabia and the UAE will only exacerbate this crisis and undercut U.S. security interests. Moreover, the Committee is disturbed by the findings of the State Department Office of the Inspector General, issued in August 2020, that the Administration authorized weapons sales to Saudi Arabia and the UAE without conducting a required assessment of the potential for these sales to contribute to civilian harm. This failure compounds the Committee's longstanding concern that the Administration is ignoring and withholding from Congress credible evidence that the Saudi-led Coalition has engaged in repeated violations of the law

of armed conflict, including by bombing civilians and civilian objects in Yemen.

Accordingly, the bill as approved by the Committee insists that the Intelligence Community share this information with the American people and Congress, so as to fully inform future decision-making on arms sales and ongoing Congressional investigations of whether executive branch officials violated any relevant laws and procedures when authorizing such sales to Saudi Arabia and the UAE. In addition, the bill requires that the United States cease intelligence sharing with Saudi Arabia for the purpose of supporting the Saudi-led coalition's campaign against the Houthis in Yemen.

The past year also saw a resumption of Saudi-linked terrorist attacks on American citizens, when in December 2019 a Saudi military officer with significant ties to al-Qaeda killed three American servicemembers and wounded eight other individuals. This was the first successful foreign terrorist attack on U.S. soil since Saudi and Emirati citizens perpetrated the September 11, 2001 terrorist attacks. Saudi and Saudi-inspired individuals have been responsible for the overwhelming number of foreign terrorist attacks against Americans over the past two decades.

With that in mind, the Committee is concerned by reports that the Saudi government is not cooperating fully with the U.S. investigation into the Pensacola attack and supports the Department of Justice's ongoing effort to fully investigate and ensure accountability for the attack. The Committee also questions the Department of Defense's June 2020 decision to resume its training of Saudi military students in the United States following only a brief review of the shortcomings in U.S. vetting procedures, and in light of indications that Saudi Arabia has not taken significant additional steps in cooperation with the United States to enhance inadequate vetting procedures. Furthermore, the Committee is concerned that the Kingdom has not taken sufficient steps to curb the propagation of extremist ideologies that inspire terrorist attacks against U.S. citizens and has directed the Intelligence Community to provide a report on this matter. Relatedly, the Committee is troubled by the Administration's continued reluctance to make available to Congress and families of the September 11 victims additional details regarding the role of Saudi nationals in those attacks. The Committee urges the Department of Justice to fully cooperate with Congressional requests and reach an accommodation for providing this long-requested information in a timely manner.

While the Administration has focused on undermining the Joint Comprehensive Plan of Action (JCPOA) with Iran, which had effectively constrained Iran's nuclear weapons ambitions, public reporting indicates that Saudi Arabia is developing a nuclear fuel cycle that some experts assess has no obvious purpose other than to support a clandestine nuclear weapons program. Saudi officials have previously said they want to enrich uranium domestically. Despite being a member of the Nuclear Nonproliferation Treaty (NPT), the Kingdom has refused to conclude an Additional Protocol and Saudi Arabia's crown prince has publicly stated a willingness to acquire nuclear weapons "as soon as possible" if Iran were to develop a nuclear weapon. Any clandestine Saudi push for a nuclear weapon would have grave implications U.S. interests, to include the security of U.S. partners, such as Israel, and the broader region.

In that vein, the Committee-passed bill directs the Intelligence Community to provide a detailed report assessing Saudi Arabia's undeclared nuclear activities, as well as a clear-eyed assessment of the Kingdom's willingness to forswear a domestic enrichment capability and abide by the same "gold standard" that the United States wisely required of the UAE. Given the urgency of the issue, the Committee would urge the Intelligence Community to dedicate additional resources to scrutinizing Saudi Arabia's nuclear activities. The Committee also reaffirms Congress' longstanding view that the United States shall not conclude any civil nuclear cooperation agreements with Saudi Arabia that do not include robust safeguards and nonproliferation provisions, to include a strict prohibition against uranium enrichment.

In the economic sphere, Saudi Arabia's leadership undercut U.S. national security in March 2020 by pursuing an ill-conceived oil price war with Russia. The Committee is troubled by public reporting indicating that the United States lacked advanced warning of Saudi Arabia's actions, which collapsed global energy markets and contributed to a loss of tens of thousands of American jobs. The Committee hopes that in light of such tumult, the Intelligence Community would dedicate additional resources to scrutinizing Saudi Arabia's energy policy decisions.

Separately, the Committee is concerned that the UAE has moved aggressively to expand economic and technological cooperation with both Russia and China, including in the defense sphere. This appears to have contributed to a decision by the Trump Administration to send a team to UAE in August 2020 to discuss the UAE relationship with China. Notwithstanding the potential for the UAE to share sensitive U.S. defense technology and systems with America's adversaries, the Administration has reportedly indicated a willingness to transfer to the UAE the most advanced armed and unarmed U.S. defense systems. Because of the proliferation risks and unresolved concerns about technology transfer, the Committee objects to these transfers, some of which violate and undermine the Missile Technology Control Regime. The Committee-passed bill also directs the Intelligence Community to provide a report on UAE's defense activities with China, Russia, and other peer competitors—especially with regard to unmanned aerial vehicle systems (UAVs)—and believes the Intelligence Community's assessment of the technology transfer concerns must be a factor in future decisions to transfer or not transfer these systems to the UAE.

U.S. efforts to strengthen security and intelligence cooperation with Saudi Arabia and UAE also are undermined by both countries' human rights abuses and efforts in recent years to undermine inclusive, democratic governments in the region. Of great concern, Saudi Arabia has failed to hold accountable the Saudi officials responsible for the brutal murder of U.S. resident and journalist Jamal Khashoggi. Equally troubling, the Office of the Director of National Intelligence has not provided Congress an unclassified report detailing Saudi officials' culpability for the killing, as explicitly required by the law. The Office of the Director of National Intelligence has withheld this report despite a growing abundance of publicly available information, and even as it has justified the declassification of other documents requested by the President's supporters in Congress that appear to reveal sensitive U.S. intelligence

sources. This apparent effort to abuse the classification process for political purposes and blatant contravention of a law supported by nearly every Member of Congress is unacceptable. The Committee has therefore been left with no choice but to direct, in the bill, the suspension of certain activities with Saudi Arabia if and until the Office of the Director of National Intelligence complies with the law and provides the unclassified report, as specified under the law.

Finally, public reporting in recent years, meanwhile, has detailed the role of UAE personnel in allegedly torturing detainees captured in Yemen, as well as efforts by entities affiliated with the Emirati government to utilize former U.S. intelligence personnel and technologies to surveil political activists. These UAE activities are not consistent with U.S. values or national security interests. They contrast with the UAE's claims to be an open society that shares U.S. values of tolerance and respect for human rights. The Committee-passed legislation therefore directs changes to U.S. regulations and laws aimed at helping to ensure that former U.S. Intelligence Community personnel do not inadvertently aid or abet efforts by the UAE or any other country to violate the human rights and privacy of Americans or any other citizens.

#### UNCLASSIFIED COMMITTEE DIRECTION

##### *Diversity and Inclusion*

Significantly increasing diversity and inclusion within the IC is vital to the protection of U.S. national security. It thus long has been, and continues to be, a mission-critical priority for the Committee.

While the Committee acknowledges the marginal increase in overall representation of minorities, women, and Persons with Disabilities (PWD) in the IC, such groups are scarcely represented at pay grades above GS/GG-13, the full performance marker. At the Senior Executive Service (SES) and Senior Intelligence Service (SIS) pay levels, minorities are practically non-existent. Only a handful of individuals from diverse backgrounds occupy the top positions across the 17 IC elements. And the percentage of individuals from diverse backgrounds in the IC lags woefully behind that within other departments of the federal government, as well as the private sector.

Seeking to address such challenges, the IC has taken various steps: conducting early outreach; expanding authorities for grants to and partnerships with academic organizations from the elementary school through the collegiate levels; holding regional IC-wide recruitment events and virtual career fairs; implementing a cloud-based platform; as well as accelerating impactful security clearance reform. Senior leaders across the IC also have committed to buttressing retention, promotion, employee resource groups, and accountability programs.

Despite these efforts, the statistics continue to be bleak. Among other things:

- White males make up 84% of the IC's SIS and SES positions, despite making up 70% of the top leadership positions in the civilian labor force;

- The number of minorities and women serving as managers and supervisors within the IC has decreased from 2017 to 2019;
- Minority departures from the IC steadily have increased from 2016 to 2019;
- PWD departures from the IC increased in 2019, despite significant decreases since 2016.

Like the rest of the government, the IC must do far better. It is imperative that the IC hire, retain, and promote diverse candidates, including those with experience and expertise in Science, Technology, Engineering, Arts and Mathematics (STEAM) fields; in analysis; and in foreign languages necessary to successful prosecution of the IC's mission.

Therefore, the Committee directs that, by no later than April 30, 2021, the Director of National Intelligence shall brief the Committee on the IC's 2020 Annual Demographics Report. Such briefing shall, like the Report itself, include the expanded reporting categories mandated by the FY2020 Intelligence Authorization Act.

Further, the Committee directs that the ODNI submit to the Intelligence Committees by June 30, 2021 a written report outlining the findings and variables that affect the IC demographics noted above, including an attachment listing the incumbents of the top three positions by IC element and demographic categories.

Finally, the Committee directs the Director of National Intelligence, by no later than June 30, 2021, to complete a comprehensive review of promotions for calendar year 2020—broken down by gender, race, PWD, grade, career category, and tenure in both grade and in the federal government.

#### *Emerging Technologies*

This Committee remains dedicated to ensuring that the Intelligence Community (IC) has the resources and authorities necessary to maintain the United States' leadership in scientific and technological discovery. Therefore, the Committee directs that, no later than June 1, 2021, the ODNI, in coordination with all relevant agencies of the IC, provide to the Committee a written report that, at a minimum:

1. Proposes a plan for improved engagement with the private sector and academic institutions;
2. Proposes a plan to launch a three-year pilot of the Public-Private Talent Exchange, and annual reports to the congressional intelligence committees on progress of the pilot program;
3. Assesses the viability of a fellowship program for recent graduates of science, technology, engineering, and mathematics programs to work in the IC for a limited period of time;
4. Identifies each IC element's use of Other Transaction Authority in the previous three fiscal years;
5. Identifies any gaps or limitations in the ability of the IC to interact with academic institutions;
6. Addresses the sufficiency of the IC's relationships with the Federally Funded Research and Development Centers, and in particular with respect to strategic management and coordination among relevant IC elements which participate in the Department of Energy's Strategic Intelligence Partnership Pro-

gram, to support the IC's scientific and technological research and development priorities;

7. Identifies existing areas of collaboration with foreign intelligence partners on scientific and technological research and development activities, and identifying areas for growth and any limitations preventing further collaboration;

8. Proposes a plan to improve remote and telework opportunities for the IC workforce, and specifically to make such opportunities available to individuals who have accepted an offer of employment but have not completed the security clearance process; and

9. Assesses the viability of creating an advisory board modeled after the Defense Intelligence Board.

*Report to Congress on Release of Medical Records of Guantanamo Bay Detainees*

The Committee is concerned that the medical records of the forty (40) remaining detainees at Guantanamo Bay Naval Station are not being made available to the detainees or their representatives in sufficient scope or a timely fashion, including because the Executive Branch takes the position that some of the information in the records is properly classified under Executive Order 13526. The Committee is particularly concerned about claims, including by the Center for Victims of Torture and Physicians for Human Rights, that "medical needs [of detainees] are subordinated to security functions." It is important that complete medical information be made available to detainees and their representatives in a timely fashion in a way that protects any legitimately classified information.

Therefore, in order to assist its oversight of the classification of medical records, the Committee directs that the Under Secretary of Defense for Intelligence and Security, in consultation with the Director of National Intelligence and with such heads of elements of the Intelligence Community that the Director deems appropriate, and by not later than June 1, 2021, shall submit to the Committee a comprehensive written report on the handling, dissemination, and release of Guantanamo detainee medical records.

The report shall include, at a minimum:

1. A list of every method that a Guantanamo Bay detainee or his representative can use to request that (a) medical records be provided to the detainee or his representatives and (b) full and complete medical records be provided to the detainee or his representatives;

2. A detailed discussion of the purposes for which medical records can be released to the detainee or his representatives, including use in litigation, to inform independent medical assessments of the detainee unrelated to litigation, to enable a detainee's representatives to advocate for more effective medical care, or any other purpose;

3. Lists of (a) which of the above purposes would allow for a detainee to receive full and complete medical records, and in each case for which purposes full and complete records were provided and (b) detainees who have been provided full and complete medical records, and in each case for which purposes full and complete records were provided;

4. The number of detainees who have been provided with full and complete copies of their medical records;

5. A description of how long each process for record review takes from start to finish and potential changes that could speed up the process;

6. A step-by-step description of the process for review of detainee medical records for production to the detainee or his representatives in *habeas corpus* litigation;

7. A step-by-step description of the process for review of detainee medical records for production to the detainee or his representatives in military commission litigation;

8. A step-by-step description of the process for review of detainee medical records for production to the detainee or his representatives pursuant to the Freedom of Information Act;

9. A step-by-step description of the process for review of detainee medical records for production to the detainee or his representatives as part of the Periodic Review process established pursuant to Executive Order 13567;

10. A step-by-step description of the process for review of detainee medical records for production to the detainee or his representatives pursuant to any other process that could result in the provision of such records to the detainee or his representatives;

11. The risks and benefits of creating a separate process by which a detainee or his representatives can request medical records for the purpose of advocating for more effective medical and psychological care of the detainee during his continued detention;

12. A description of every basis for withholding information pursuant to any of the processes described in items 4–8, including classification, Controlled Unclassified Information, executive privilege, or force protection; and

13. A list of every category of classified information used to redact information from medical records, including an identification of which agency ‘owns’ the information redacted pursuant to the category.

Any step-by-step description shall include identification of who may make the request pursuant to the process, how the request is made (and to whom), a description of how records are gathered for processing, a description of each step that the records make along the way to a final releasable product (including the agency conducting the review, the specific office tasked with the review, the type of information that that office is tasked with redacting from the records), a description of who receives the records at the conclusion of the process, a description of any controls on further dissemination that the records are subject to at the end of the process, and a flow chart or other graphical depiction of the process from start to finish.

The report shall be unclassified, but may include a classified annex.

*Under Secretary of Defense for Intelligence and Security Program Management*

The Committee supports the Under Secretary of Defense for Intelligence and Security (USD(I&S)) performing a limited program

management or incubation role for programs which may provide unique value to the Defense Intelligence and Security Enterprises. However, there is apparently limited guidance as to how or when a program may be managed by USD(I&S) or shifted to another DOD component to manage.

Therefore, the Committee directs the USD(I&S), by no later than May 27, 2021, to submit to the Committee a written plan for transitioning the management of all current programs to an appropriate DOD component within 24 months of such report's submission; to the extent USD(I&S) may wish to continue to manage a particular program, the report shall provide the committees with a justification for why its continued management of the program is warranted. The written plan should also set forth criteria that USD(I&S) will use going forward, in determining whether to manage future programs.

#### *IC/CSA Framework*

Fiscal Year 2018 National Defense Authorization Act and corresponding Intelligence Authorization Act directed the USD(I&S) and ODNI to create a framework to more effectively manage elements of the IC that are also Combat Support Agencies (CSAs).

While the Committee strongly supports the GAMECHANGER tool and is encouraged by its promising capabilities—which include enabling interagency lexicon, policy reconciliation and streamlining policy development—this tool alone does not fulfill the FY 2018 direction to create a framework for managing IC elements that are also CSAs.

The Committee is particularly interested in the validation and refinement of such a framework; identification of any necessary amendments to existing policies and relevant processes, authorities, command and control constructs; and the definitions underpinning the framework. Finally, the reconciliation of variances in the definitions used by the DOD and/or IC is a significant and important component of the 1626 direction and goes to the very core of congressional intent for the provision.

Therefore, the Committee directs the USD(I&S) and ODNI to present to the congressional intelligence and defense committees, by no later than March 15, 2021, a written plan of action and milestones for complete implementation of Section 1626 of the FY 2018 NDAA.

#### *ISR Transfer Fund*

The Committee is generally supportive of the flexibility provided within the Intelligence Surveillance and Reconnaissance Transfer Fund (ISR TF) and appreciated engagement by USDI&S based on previous direction in the IAA for FY 2018, 2019, and 2020. However, the Committee strongly believes that funding provided in the ISR transfer fund should be used to bolster Department of Defense ISR capabilities that directly support the National Defense Strategy.

Therefore, the Committee directs that USD(I&S) prioritize funding which may be made available from the ISR TF to accelerate or facilitate projects, platforms, and capabilities aligned with service or department strategy documents directly or indirectly supporting the National Defense Strategy.

*Defense Intelligence Analysis Program (DIAP) Staffing Levels*

The Committee supports the Department of Defense's ongoing efforts to shift its focus from counterterrorism and other missions to those involving near-peer adversaries, including China and Russia. However, many of the Defense Intelligence Enterprise's (DIE) structures remain optimized for counterterrorism and have not sufficiently adapted to reflect the Department's change in emphasis. The Committee is particularly interested in staffing levels within the Defense Intelligence Analysis Program (DIAP).

Therefore, the Committee directs the USD(I&S), in coordination with the Director of the Defense Intelligence Agency (DIA), to conduct a review of the DIAP's level of effort, expressed in terms of Full Time Equivalents (FTEs), both at DIA headquarters and at Combatant Commands. USD(I&S) shall brief the Committee by no later than November 1, 2021 on the results of this review. Such briefing shall include, at a minimum, USD(I&S)'s recommendations to balance analytic level-of-effort against the Department's current requirements, and the steps USD(I&S) intends to take within fiscal year 2022 to more effectively align FTEs against Department requirements, particularly with respect to those regarding China and Russia.

*Hypersonic Aircraft*

Congress has long expressed concern about the threats posed by hypersonic weapons and the imperative for the United States of rapidly developing offensive and defensive hypersonic weapons systems. The Fiscal Year 2020 Department of Defense Appropriations Conference Report includes \$100,000,000 to establish a Joint Hypersonics Transition Office, and to develop and implement a roadmap for hypersonics. Further, the report accompanying H.R. 2968, the House-passed Department of Defense Appropriations Act for Fiscal Year 2020, included language encouraging Air Force research into reusable hypersonic propulsion technologies including high Mach turbines.

The Committee is also aware of ongoing private sector efforts, independently and in partnership with federal agencies and departments, to develop aircraft capable of flying at speeds even beyond Mach 5. These aircraft have the potential to enhance the IC's and the Defense Intelligence Enterprise's intelligence, surveillance, and reconnaissance capabilities.

Therefore, the Committee directs the USD(I&S), in coordination with the Secretary of the Air Force and the Director of National Intelligence and by no later than March 21, 2021, to brief the Committee on:

1. The capability gaps that high Mach and hypersonic aircraft can fill;
2. An acquisition strategy for such capabilities; and
3. An overview of the roles and responsibilities for this strategy.

*U.S. INDOPACOM China Strategic Initiative*

The Department of Defense has sought to prioritize preparing for the current and future threats posed by near-peer adversaries, including the People's Republic of China, in the Defense Wide Review and associated planning efforts. The Committee is extremely sup-

portive of the Department's efforts to more effectively analyze and predict Chinese decision-making.

The China Strategic Initiative is an effort within the Department that seeks to inform and broaden the Department's understanding of China. This program intends to provide a rigorous, thoughtful study of the strategic environment. The Committee notes that the Department will likely continue to benefit from such thoughtful analyses, which should in turn lead to more informed and judicious decision-making.

Therefore, the Committee directs the Department to analyze requested funding levels for the China Strategic Initiative across the future years defense program and to resource the program at a level commensurate with the value that the program provides to the Department.

#### ARMY

##### *Army Foreign Language Training*

In 2015, the military services agreed that linguists would meet a 2+/2+ reading and listening standard before graduating from the Defense Language Institute Foreign Language Course (DLIFLC). This will enable support to both Service-derived and National Security Agency language requirements. Despite this commitment, the Army has been met with a number of limiting factors and may not meet the 2+/2+ graduation standard by the Army's goal of Fiscal Year 2023.

Since 2016 the Army also has not met its recruitment and retention goals for the Cryptologic Linguist and Human Intelligence Collector specialties. While the Army has taken steps to improve recruiting and retention of soldiers with necessary foreign language skills, challenges persist—including an inability to assess language proficiency easily, as well as security clearance investigation and processing delays.

1. Therefore, the Committee directs the Secretary of the Army to complete a formal doctrine, organization, training, materiel, leadership, education, personnel, facilities, and policy assessment to evaluate:

2. The language training requirements for its Cryptologic Linguist and Human Intelligence Collector specialties; and

3. The Total Army Language Program's current and anticipated requirements to support language-dependent Soldiers upon their graduation from DLIFLC.

4. Additionally, the Army shall provide a report to the intelligence committees on the ability for the Army to meet the 2+/2+ standard requirement by Fiscal Year 2023. The report should include major limiting factors inhibiting the Army from meeting the 2+/2+ requirement, mitigation measures (including budget implications) or a determination recommending a change to the requirement by fiscal year 2023.

Finally, the Committee directs the Secretary of the Army to conduct a study by May 2021 to identify methods other than the Defense Language Aptitude Battery to determine a Soldier's language aptitude.

### *Army Tactical SIGINT Payload*

Since 2011, the Army has attempted to develop a pod, the Tactical SIGINT Payload (TSP), capable of meeting documented SIGINT collection requirements for counterinsurgency environments. While initial developmental test results may have warranted a low rate initial production decision, subsequent operational test failures indicated that TSP could not meet the program's original requirements. Consequently, the Army reallocated TSP funds to other priorities. The Army then conducted forward operational assessments in 2017 and 2019 which demonstrated some limited operational utility in counterinsurgency environments and informed the decision to transition the TSP program of record to a Quick Reaction Capability (QRC) in support of Combatant Command (CCMD) counterinsurgency requirements.

The Committee supports the Army's decision to transition the TSP program to a QRC. However, the Committee is concerned the Army has not allocated resources necessary to ensure that a TSP pod can support emergent CCMD requirements. The Committee is also concerned that the Army failed to partner with the National Security Agency (NSA) before finalizing the TSP requirements and developing a materiel solution.

Therefore, the Committee directs the Secretary of the Army, by no later than January 27, 2021, to provide to the Committee a written report regarding the TSP and its successor, the Multi-Domain Sensor System (MDSS). The report shall address, at a minimum, how the MDSS will utilize a suite of SIGINT sensors to meet Army requirements; and set forth a plan for the Army to partner closely with the NSA on SIGINT solutions for the future, consistent with the requirements of 10 U.S.C 2337.

### *Military Intelligence Readiness Reporting*

The Army assesses intelligence readiness at the strategic and tactical levels in accordance with DoD Force Readiness Reporting requirements (CJCSI 3401.02B), and in different ways—including through monthly, quarterly and annual reviews and assessments by the Army G2 and the G2 Staff. Through such efforts, the Army is better able to track trends, highlight deficiencies, enable the efficient application of resources, and mitigate risk.

As part of its authorized jurisdiction and responsibilities under House Rule X, clause 11(b)(1), the Committee oversees the intelligence, intelligence-related, and tactical intelligence activities of all Departments and agencies of the U.S. government, to include those of the Department of Defense. That mandate encompasses the Department's intelligence readiness and related capabilities.

Therefore, the Committee directs the Senior Intelligence Officer of the Army to provide to the Committee, by no later than March 27, 2021, a written report outlining the readiness of the Army personnel engaged in intelligence, intelligence-related, or tactical intelligence activities. This report shall include, at a minimum:

1. An overview of how the Army evaluates, in quantitative, qualitative and any other applicable terms, the readiness of its intelligence capabilities;
2. An assessment of whether Army intelligence organizations and personnel are meeting readiness objectives, including

those regarding readiness to [enable/engage in] multi-domain operations; and

3. An overview of how the Army has aligned its intelligence forces' joint or mission-essential tasks lists with the most recent National Defense Strategy priorities, to include an increased focus on great power competition with China and Russia.

#### NAVY

##### *Navy Cable Ship Repair Replacement T-ARC(X)*

The Navy's only cable laying and repair ship, the T-ARC 7 (USNS ZEUS), is nearing the end of its extended service life. The USNS Zeus maintains primary missions to transport, deploy, retrieve, and repair submarine cables and test underwater sound devices, and is a key component of the Integrated Undersea Surveillance System (IUSS).

A Maritime Surveillance System Capacity Study completed in January 2017 determined that the program workload for cable laying ships doubled in the last decade and will double again soon. A single cable ship cannot continue to meet the demands placed upon it, and project workload, system growth, and additional systems exceed capacity. The Navy is capable of bridging capacity gaps in the short term, but a long-term solution and prioritization is necessary.

Therefore, the Committee directs, first, that the Navy shall not retire the USNS ZEUS until the vessel's material condition degrades beyond economic repair or the capability and capacity currently provided by ZEUS is met or exceeded. The Secretary of the Navy should prioritize the resources needed to meet the current two cable ship requirement.

Additionally, The Navy shall submit to the Committee by no later than February 1, 2021 a written report regarding the USNS ZEUS which shall contain, at a minimum: (1) forecasting data regarding when the USNS ZEUS's material condition may degrade beyond economic repairs; and (2) a plan regarding the future of cable laying capacity managed by the Navy.

##### *MQ-4C Triton Multi-Intelligence Fleet*

The Navy's MQ-4C Triton unmanned aerial system provides persistent maritime intelligence, surveillance, and reconnaissance (ISR) capability. The Committee strongly supports the program's Multi-Intelligence (Multi-INT) configuration. MQ-4C Multi-INT is integral to the recapitalization of the Navy's maritime patrol and reconnaissance force (P-3C and EP-3E). These capabilities are especially critical given the Navy's increased focus on the vast Indo-Pacific theater. Accordingly, the Committee is concerned about the production pause in the MQ-4C Triton included in the Fiscal Year 2021 budget and its potential adverse impact on operational capabilities, suppliers, and program costs.

Therefore, the Committee directs the Secretary of the Navy to submit to the Committee, by no later than February 1, 2021, a written report regarding plans for fielding the MQ-4C Triton's Multi-INT capability as soon as possible, and on the impact of the FY21 budget to the program. Such report shall include:

1. A reaffirmation of the Navy's commitment to Multi-INT and a detailed description on how it plans to achieve Triton Multi-INT Initial Operational Capability (IOC) in FY 2022;
2. A description of the Multi-INT capability, system architecture, tasking, collection, processing, exploitation, and dissemination (TCPED) processes and infrastructure required to support operations;
3. The Navy's Maritime Intelligence Surveillance Reconnaissance and Targeting (MISR&T) Plan detailing how the Navy plans to build, deploy, and support world-wide MQ-4C Triton Multi-INT system deployments; and
4. The impact of a production pause on the MQ-4C Triton's industrial base, program costs, and any mission gaps may create.

#### *Navy ONI Infrastructure*

The Office of Naval Intelligence (ONI) is the leading provider of global maritime intelligence for the U.S. Navy and other national IC organizations. It is headquartered in Suitland, Maryland and employs approximately 3,000 military, civilian, mobilized reservists and contractor personnel worldwide. ONI also has the support of more than 800 Navy Reservists providing an equivalent of 90+ man-years of production during weekend drill and active duty periods.

The National Maritime Intelligence Center (NMIC), which houses ONI, was designed and built with National Intelligence Program funds and completed in 1993. Yet the aging building and its surrounding structures badly need infrastructure upgrades.

Therefore, the Committee directs the Naval District Washington, by no later than February 19, 2021, to brief the Committee on any necessary infrastructure improvements for ONI/NMIC over the future years defense plan.

#### AIR FORCE

#### *Future of the U2 Dragon Lady*

The Committee has long supported the U2 Dragon Lady Aircraft and supported the Air Force as it seeks to utilize the aircraft in support of the National Defense Strategy.

Therefore, the Committee directs the Air Force to prioritize future sensor capability for the U2 Dragon Lady. Further, the Committee directs the Air Force A2/6 to notify the Committee of any significant challenges to future ISR employment, including basing or sensor development.

#### *Advanced Battle Management Family of Systems*

The Advanced Battle Management System (ABMS) aims to be a cross-service next generation system-of-systems, which fill fuse global air and space intelligence, surveillance, and reconnaissance information, and replace the command and control capabilities of aging legacy systems. The Committee is supportive of ABMS and pleased with the engagement and responsiveness from the Air Force on this issue.

However, the Committee is concerned by the unclear scope of the Air Force's ABMS requirements. Furthermore, the Committee is

aware of several instances of large technological acquisition programs failing to properly build security requirements into planning early and throughout the process. The National Security Agency (NSA) is the U.S. Government's lead on cybersecurity issues, with the most informed and current analysis of adversaries' technical activities and capabilities. Given the sensitive nature of the intelligence information that will act as the backbone of ABMS, it is vital that ABMS use only the most secure tools and technology—and benefit from NSA's expertise.

Therefore, the Committee directs that, no later than January 27, 2021, the Assistant Secretary of the Air Force for Acquisition, Technology and Logistics brief the committee on the Air Force's plan to:

1. Consult with the NSA on minimum security standards, and build these recommendations into the requirements for ABMS;
2. Vet technologies to ensure that they meet such standards; and
3. Engage with the NSA post-development to ensure proper security procedures in the use of tools that utilize intelligence information.

#### *RC-26 Platform Review*

The Committee supports the Department of Defense's efforts to implement a routine process for assessing which programs it includes within, or removes from, the Military Intelligence Program (MIP) portfolio. The Air Force does not currently consider the National Guard's RC-26 aircraft an intelligence platform despite its ability to conduct surveillance and reconnaissance operations. The Committee is concerned the Air Force has not included a platform that shares many of the features found in intelligence aircraft within its MIP portfolio.

Therefore, the Committee directs the Under Secretary of Defense for Intelligence and Security (USD(I&S)), in consultation with the Secretary of the Air Force and the Chief of the National Guard Bureau, to review the appropriateness of including the RC-26 aircraft within the MIP portfolio. The Committee further directs the USD(I&S) to brief the Committee on the results of this review by no later than March 28, 2021.

#### MARINE CORPS

##### *Marine Unmanned Expeditionary Aircraft*

The report accompanying H.R. 3494, the House-passed Intelligence Authorization Act (IAA) for Fiscal Years 2020, 2019, and 2018, among other things required the U.S. Marine Corps to provide a briefing on the Marine Unmanned Expeditionary Aircraft (MUX). Although the Marine Corps provided the briefing, the current requirements, development production, and deployment of group 4 and group 5 unmanned aerial systems remains unclear.

Therefore, the Committee directs the Marine Corps to submit to the Committee, by no later than February 27, 2021, a written report regarding the MUX. It shall contain, at a minimum, an updated summary of doctrine, organization, training, materiel, leader-

ship, personnel and facilities (DOTMILPF), as well as an Analysis of Alternatives.

#### U.S. SPECIAL OPERATIONS COMMAND

##### *SOF Intelligence Training Annex*

Once completed, the Special Operations Command's Special Operations Forces (SOF) Intelligence Training Annex (the Annex), at Ft. Bragg, North Carolina, will provide the 1st Special Warfare Training Group (Airborne) a facility where it can provide its forces with critically important training in advanced intelligence techniques.

The Annex was funded initially in 2016. But construction has not been finished, and the project has since required additional funds. A second construction contract, with a cost of approximately \$15 million, will have to be awarded in order to conclude the project. Absent this infusion of needed resources—and the Annex's completion—the Group will have to conduct training in undersized, leased facilities. These will require significant infrastructure improvement to meet mission requirements.

Therefore, the Committee directs an increase of \$17,000,000 above the Fiscal Year 2021 budget request for the completion of the SOF Intel Training Annex.

##### *Special Operations Forces in Indo-Pacific*

The Committee recognizes the sustained contributions of Special Operations Forces in the Indo-Pacific area of responsibility, as well as the roles and responsibilities the 353rd Special Operations Group.

The Committee is concerned with the current level of base infrastructure support, and the availability of intelligence and classified facilities available to the 320th Special Tactics Squadron (STS). The Committee strongly supports construction of a new STS operations facility, as part of the consolidation of SOF facilities at Kadena Air Base, Japan. The project should include all necessary and classified storage and working facilities.

Therefore, the Committee directs the United States Special Operations Command and Air Force Special Operations Command to consider their respective military construction priorities in light of emerging intelligence challenges from near-peer competitors in the Indo-Pacific area of responsibility. Particular consideration should be given to the construction of a new STS operations facility as part of the consolidation at Kadena Air Base.

##### *U-28 Platform Modifications*

The fiscal year 2021 budget request includes funding for unique modifications to U-28 aircraft for United States Special Operations Command (USSOCOM). Currently, USSOCOM is using fiscal year 2019 and 2020 funds to upgrade certain U-28 aircraft to the EQ+ configuration—which will enable extended stand-off operations and enhance the U-28's ISR capability.

The Committee strongly supports USSOCOM's U-28 modification and upgrade program and expects that the platform will provide operational capability into the 2040s.

USSOCOM should request in its Fiscal Year 2022 budget sufficient resources to accelerate U-28 modifications and standardize the EQ+ configuration across the U-28 fleet. It should also resist potential courses of action inconsistent with this approach, to include the replacement of the U-28 with an inferior or dissimilar aircraft.

Therefore, the Committee directs USSOCOM to provide to the Committee, by no later than January 27, 2021, a written strategy to preserve national mission force ISR capability, through continued sustainment of and upgrades to the U-28 platform.

#### NATIONAL RECONNAISSANCE OFFICE

##### *National Reconnaissance Office (NRO) Interaction with Socially and Economically Disadvantaged Businesses and Minority Serving Institutions*

The Committee is supportive of the NRO's desire to build an organization that embodies diversity and inclusion. The Committee believes these efforts should include increasing the NRO's outreach to socially and economically disadvantaged businesses and minority serving institutions. The Committee, however, is concerned the NRO has not appropriately prioritized its relationship with these entities.

Therefore, the Committee directs the NRO to brief the Committee, by no later than April 15, 2021, on its plan to increase engagement with socially and economically disadvantaged businesses and minority serving academic institutions. This plan should include an assessment of the resources required to accomplish this plan.

The Committee also directs the NRO to provide to the Committee, by no later than February 10, 2021, a written list of all contracts awarded to economically and socially disadvantaged businesses in the prior year.

##### *The National Reconnaissance Office's Role within the IC*

The NRO is an integral component of the IC. Since its inception in 1961, the NRO has faithfully supported national, strategic, and tactical customers. The NRO's unique workforce and organizational culture have ensured that the IC and warfighters maintain an information advantage over the nation's adversaries.

While the Committee is supportive of the Department of Defense's (DOD) creation of U.S. Space Command and U.S. Space Force, it believes the NRO must maintain its independence. Therefore, the Committee directs the NRO, U.S. Space Command, U.S. Space Force, and the IC Space Executive to brief the Committee no later than January 30, 2021 on:

1. The DOD and IC's requirement to inform the congressional intelligence committees before initiating the transfer of elements or functions between the Space Force and NRO;
2. The policies and procedures that govern IC-DOD coordination of appropriate element or functional transfers between the Space Force and NRO;
3. How the IC and DOD will ensure the NRO remains an independent organization; and

4. How the IC and DOD will coordinate their space-based activities during peacetime and conflict.

*Data Centers as a Service*

The Committee is aware the NRO is continuing to refine its data center requirements. The Committee is supportive of any efforts that allow the NRO to leverage commercial capabilities where appropriate and whenever possible. Therefore, the Committee directs the NRO, by no later than March 31, 2021, to brief the Committee on:

1. Any efforts to develop data center requirements that include:
  - a. service contract approaches;
  - b. facilities with access to renewable energy;
  - c. the location of facilities outside of major metropolitan areas;
  - d. facilities' access to multiple cloud providers;
  - e. leveraging commercial providers that are wholly-US owned, operated, and supported; or
  - f. the ability to support Top Secret collateral and compartmented data; and
2. The use of other transaction authorities to award service contracts that deliver immediate data center capacity.

*Comptroller General Review of NRO Commercial Systems Program Office*

The Committee believes the NRO's Commercial System Program Office's (CSPO) efforts as part of the GEOINT directorate have provided tremendous value to the IC, DOD, and other customers. CSPO has allowed the NRO to enhance both the resiliency and capacity of its hybrid architecture. However, the Committee is concerned the CSPO may not be optimally located within the NRO to shape budget priorities.

Therefore, the Committee directs the Comptroller General of the United States to submit to the Committee a written report, which shall, at a minimum:

1. Describe the process the NRO uses to determine its organizational structure and the CSPO's size, location, and requirements;
2. Evaluate the extent to which the NRO's process met best practices for such analyses;
3. Evaluate the utility of elevating the CSPO to an independent directorate within the NRO;
4. Evaluate the NRO's efforts to integrate commercial capabilities into a hybrid architecture;
5. Evaluate the NRO's statutory requirements to maximize the use of commercially available services and capabilities; and
6. Provide recommendations, including to improve processes, authorities, or adjust resources to match NRO, IC, or DOD requirements.

The Committee will confer with the Comptroller General regarding a timeline for the report's completion and submission to the Committee. However, the Comptroller General shall brief the Committee on its preliminary findings by no later than March 31, 2021.

## SPACE-RELATED

*Comptroller General Review of National Space Defense Center*

Situational awareness is fundamental to conducting operations in space—but maintaining it is increasingly difficult. The space domain is increasingly complex and contested. And no one U.S. department or agency holds all the authorities and capabilities necessary to achieve comprehensive situational awareness. Effective execution will require unity of effort.

The National Space Defense Center (the Center) represents a potential focus of integration and coordination. The Center was established to improve the ability of the U.S. government to rapidly detect, warn of, characterize, attribute, and defend against threats vital to U.S. space systems. One of the Center's key responsibilities is to maintain and distribute an integrated common operational picture of the space domain. However, over the years the Committee has observed that the Center and its predecessor organization encountered challenges in effectively integrating information from disparate sources.

Therefore, the Committee directs the Comptroller General of the United States to provide the Committee with a written report regarding the National Space Defense Center's space situational needs. This Comptroller General's review should address, a minimum, the extent to which the Center has:

1. Identified challenges to effective and timely integration of space situational awareness information and taken steps to mitigate those challenges;
2. Issued guidance to define roles and responsibilities, established policies and procedures to operate across agency boundaries, and promoted other collaborative measures to better integrate and share space situational awareness information;
3. Coordinated with relevant IC organizations and military services to develop and implement effective and timely acquisition approaches for integrating situational awareness information that may reside at various security classification levels;
4. Developed a plan to utilize best practices from other governmental entities and the private sector to refine its acquisition strategy or develop space situational awareness requirements;
5. Developed a transition plan for the adoption of any materiel solution that integrates data from new applications and legacy capabilities; and
6. Planned for new capabilities and the corresponding resources, to include funding and cost-share implications.

The Committee will confer with the Comptroller General regarding a timeline for the report's completion and submission to the committees. However, the Comptroller General shall brief the Committee on its preliminary findings by no later than March 31, 2021.

The Committee expects that the IC and DOD will fully cooperate with the Comptroller General, by promptly providing the Comptroller General with access to all necessary documents and other relevant information, to include all pertinent budgetary and funding data.

### *Intelligence Community and Space Situational Awareness*

Space situational awareness requirements are currently being filled by the Department of Defense, IC elements, other government agencies, and, increasingly, commercial providers. While mission partners in the IC can contribute to the decision calculus about the impact of actions resulting from a maneuver necessitated by a conjunction assessment, various mission partners make different contributions to this decision.

Therefore, the Committee directs the Directors of National Geospatial-Intelligence Agency, the Director of the National Reconnaissance Office, the Commander of U.S. Space Command, and the Chief of Operations of the Space Force, by no later than February 1, 2021, to brief the Committee on the current contributions the National Geospatial-Intelligence Agency and the National Reconnaissance Office make to operational decisions regarding the necessity to maneuver national technical means given a potential conjunction assessment, and the coordination among the agencies, Space Command and Space Force, in peacetime, in crisis, and during a conflict.

### *U.S. Space Industrial Base Support*

Since 2009, the NRO, the Department of the Air Force, the Missile Defense Agency, and the Office of the Secretary of Defense for Acquisition and Sustainment have addressed supply chain risks through the Space Industrial Base Working Group (SIBWG). This working group allows the IC and DOD to make investments that support the health of the U.S. space industrial base. In light of the ongoing pandemic, the Committee believes SIBWG participants should increase their contributions to the investment fund. Without additional support, the U.S. space industrial base may become inappropriately reliant upon foreign manufacturers.

Therefore, the Committee recommends that all SIBWG participants increase their contributions for three years beginning in FY21. The classified annex to this report contains additional direction for the NRO on this subject.

### *Lunar Geospatial Intelligence and Situational Awareness*

The Committee is concerned with the growing number of cislunar and lunar surface missions near peers have accomplished and continue to explore.

Therefore, the Committee directs the Director of National Intelligence, by no later than March 31, 2021, to brief the Committee on Chinese and Russian cislunar and lunar activity. The briefing shall include:

1. An assessment of China's and Russia's military, intelligence, economic, and research activities; and
2. An overview of China's and Russia's cislunar and lunar surface strategic goals through 2030.

### NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

### *Metrics for Modern Best Practices in NGA Software Programs*

Modern best practices for software development are essential for NGA to modernize and innovate. The Committee supports NGA's attempts, particularly through the office of CIO-T, to adopt such

practices. However, this adoption is uneven across NGA's different software programs, with some lagging greatly behind others.

Metrics such as lead time, deployment frequency, time to restore, change fail percentage, and availability can help with assessing software programs' adherence to best practices and more accurately predicting their future success or failure. Additionally, in a sufficiently modern software development environment, the collection of such information can be largely or entirely automated, helping to minimize costs.

Therefore, the Committee directs the Chief Information Officer of the National Geospatial-Intelligence Agency to provide to the Committee, by no later than March 1, 2021, a written report assessing the feasibility of tracking metrics on all new major software programs' adherence to modern best practices for software development. The report shall include, at a minimum:

1. A recommendation on what set of metrics for software programs' adherence to modern best practices for software development would be most applicable to the mission and operations of the NGA;
2. A discussion of any barriers preventing the automatic collection such metrics across NGA; and
3. A discussion of resources required to track such metrics on all of NGA's major new software programs.

#### *Advancing NGA Product Management and Software Design*

The Committee supports NGA's Data Corps and Dev Corps programs to increase its native data science and software engineering talent and to increase the adoption of best practices within NGA. However, the Committee is concerned that NGA has not sufficiently expanded these efforts to other areas critical to successful software development outcomes, especially in the career fields of product management and user-experience design.

Therefore, the Committee directs NGA, by January 15, 2021, to brief the Committee on NGA's plans to adopt best practices in product management and user-experience design and to increase NGA's native talent in these areas.

Further, the Committee directs NGA, by April 1, 2021, to provide the Committee with an implementation plan for a training program to educate NGA product managers, as well as others who would benefit within NGA, in industry best practices for software product management. The plan should outline any additional resources necessary to carry out such a program and describe further recommendations for how NGA can develop product management as a core competency and career field within the organization.

#### *Diversity and Next NGA West*

The Committee remains strongly supportive of the construction of NGA's new Next NGA West (N2W) facility in St. Louis, Missouri. The Committee believes that the project should facilitate and be accompanied by greater interaction between NGA and the surrounding St. Louis community. NGA also should redouble its efforts to recruit, retain, and promote a diverse workforce both in St. Louis and nationally; and take continued, concrete steps to address its historical issues with diversity, such as those flagged in the 2018 report, "The State of Black Promotions at NGA."

Therefore, the Committee directs NGA to brief the Committee, by no later than March 1, 2021, on NGA's current and planned activities to:

1. Increase the recruitment, hiring, retention, and promotion of underrepresented groups, including in the St. Louis area;
2. Ensure equal treatment and access to pay, retention, and promotion; and
3. Use N2W as a means for greater interaction with the local St. Louis community.

#### *IT System Recapitalization*

The Committee is concerned that NGA's aging information technology (IT) infrastructure is holding back NGA operations and does not support critical user capabilities including the visualization, analysis, and operational use of three-dimensional (3D) data.

Therefore, the Committee directs NGA to provide the Committee with its plan to recapitalize its aging IT systems over the Future Years Defense Program (FYDP), as well as how this recapitalization will enable capabilities for 3D data.

#### *Unclassified Requirements for Additional Phenomenologies*

The Committee commends NGA for its work in developing the unclassified requirements for electro-optical (EO) in support of users worldwide. The Committee would also like to see this expand to include additional phenomenologies and synthetic aperture radar (SAR) in particular.

Therefore, the Committee directs NGA to develop unclassified requirements for SAR and provide to the Committee by February 1, 2021 the proposed timeline and resources necessary to achieve these requirements. NGA shall also brief the Committee by that date on how it plans to take advantage of other unclassified phenomenologies to include radio-frequency mapping, hyperspectral, and LiDAR.

#### *Timely & Unclassified Imagery Analysis*

The Committee commends the expansion of NGA's Global Enhanced GEOINT Delivery (G-EGD) service, which enables worldwide access to timely, unclassified, and shareable imagery to warfighters, other federal agencies, and foreign partners. However, this expansion coincided with a reduction in the commercial imagery and imagery analysis budgets for both NRO and NGA due to ODNI's "other IC priorities." The Committee opposes this reduction and is concerned that in the future NGA's funding for commercial services may again be sacrificed in favor of other IC priorities.

Each year, new commercial constellations are delivering new capabilities and phenomenologies both in the United States and internationally. These new capabilities are diffusing access to geospatial intelligence beyond the United States, but they also offer the U.S. government new opportunities to collect and share unclassified information in support of U.S. national security.

The Committee is encouraged by NGA's proactive and diligent market surveys of commercial capabilities and wants to see a corresponding increase in funding to take advantage of emerging unclassified opportunities.

Therefore, the committee recommends that NGA's commercial imagery, services, and analysis budget be increased to leverage this expanding marketplace and new phenomenologies. There is a corresponding authorization in the classified annex.

*Countering the Malicious Use of Unmanned Aircraft Systems (UAS) in the United States*

According to the Department of Homeland Security (DHS) and Federal Bureau of Investigation (FBI), the malicious use of UAS in the United States can take several forms, including kinetic attacks with payloads of firearms, explosives, or weapons of mass destruction and cyber-attacks against wireless devices or networks.

Congress has granted limited authorities to the Departments of Justice, Homeland Security, Defense and Energy, to counter the malicious, domestic use of UAS, while at once ensuring aviation safety and protecting civil liberties and privacy. But Congress has not yet granted such authorities to other federal departments or agencies, U.S. airports, state and local law enforcement, or critical infrastructure owners.

Therefore, the Committee directs that by no later than June 1, 2021, the Director of National Intelligence, in coordination with the Under Secretary for Intelligence and Analysis of the Department of Homeland Security and the Director of the Federal Bureau of Investigation, and as necessary, in consultation with other appropriate agencies of the Federal Government, State and local governments, and the private sector, shall submit to the Committee an intelligence assessment on the threat posed by the malicious use of UAS in the United States. At a minimum, such assessment shall:

1. Describe the national security and criminal threat actors seeking to use UAS in the United States, including their intentions, plans, and capabilities;
2. Characterize the number and type of UAS incidents in the United States from calendar year 2016 through 2020, differentiating those considered as malicious use;
3. Evaluate the probability, impact, and risk of the full range of malicious use categories including: kinetic attacks with payloads of firearms, explosives, or weapons of mass destruction, especially at mass gatherings or public events; illicit surveillance of sensitive facilities or personnel, whether government, military, or critical infrastructure; theft of intellectual property; cyber-attacks on unsecured wireless devices or networks; illegal trafficking or drugs or contraband; interference with defense, law enforcement, and intelligence activities; and the potential compromise of UAS supply chains by foreign adversaries; and
4. Assess current trends and patterns, projected evolution of the threat posed by the malicious use of UAS, and implications for policy makers.

Not later than June 1, 2021, the Secretary for Homeland Security and the Attorney General, in coordination with the Secretary of Transportation (acting through the Administrator for the Federal Aviation Administration) and the Director of National Intelligence, and as necessary, in consultation with other appropriate agencies of the Federal Government, State and local governments, and the private sector, shall submit to the Permanent Select Com-

mittee on Intelligence, the Committee on Homeland Security, the Committee on Transportation, and the House Committee on the Judiciary (for purposes of this direction, the “Committees”) a written report. Such report shall, at a minimum:

1. Describe the current Federal authorities, regulations, and policies authorizing departments and agencies to counter the malicious use of UAS;
2. Identify and explain any gaps in such authorities, regulations, and policies that impede the ability of the Federal Government, State and local governments, and critical infrastructure owners to counter the threat posed by the malicious use of UAS;
3. Evaluate whether current Federal law, regulations, and policies are sufficient to ensure the safe exercise of Counter UAS authorities in the National Air Space and adequate protections for civil liberties and privacy; and
4. Recommend options to remedy any such gaps or insufficiencies, including but not limited to necessary changes in law, regulations, or policies;
5. Propose what the Federal Government would need—with respect to authorities, regulations, policies, protections for civil liberties and privacy, and resources—to carry out feasibility studies and pilot programs enabling U.S. airports, state and local law enforcement, and critical infrastructure owners to counter the malicious use of UAS; and
6. Provide a comprehensive strategy on countering the malicious use of UAS in the United States, including as necessary, recommendations to update the U.S. National Strategy for Aviation Security or its supporting plans.

The intelligence assessment and report directed above shall be unclassified, to the maximum extent possible, though one or both may contain a non-public or classified annex, only if necessary to protect intelligence sources or methods and any other sensitive information protected from public disclosure by Federal law. Any classified annex shall be submitted to the Committees in an electronic form that is fully indexed and searchable.

The unclassified portions of the intelligence assessment and report further shall be made available on the public internet websites of the Department of Homeland Security, Department of Justice, Department of Transportation, Federal Aviation Administration, Federal Bureau of Investigation, and the Office of the Director of National Intelligence, not later than 30 days after submission to the Committee and in an electronic format that is fully indexed and searchable.

*Improving Information Sharing and Training for State, Local, Tribal, and Territorial Law Enforcement on Matters of National Security and Homeland Security*

The Committee recognizes the continued importance of improving information sharing and training on matters of national security and homeland security for State, local, Tribal, and Territorial law enforcement, consistent with protections for classified information as well as those for civil liberties and privacy.

Therefore, the Committee directs that the Secretary of Homeland Security, Attorney General, Director of the Federal Bureau of In-

vestigation, and Director of National Intelligence, shall jointly submit to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives (for purposes of this direction, the “Committees”) a written report regarding information sharing and related opportunities for each fiscal year. With respect to fiscal year 2021, such report shall be submitted by not later than June 1, 2021; a report as to the five following fiscal years also shall be submitted, on annual basis by no later than the first day of that fiscal year.

Each fiscal year’s report shall contain, at a minimum, a catalog that summarizes, relative to matters of national security and homeland security, opportunities for training, publications, programs, and services available to State, local, Tribal, and Territorial law enforcement from their respective departments, agencies, and all component agencies thereof.

Each fiscal year’s report shall be unclassified, to the maximum extent possible, but may be non-public or contain a classified annex only if necessary to protect classified and any other sensitive but unclassified information. Any such annex shall be submitted to the Committees in an electronic format that is fully indexed and searchable, and distributed to State, local, Tribal, and Territorial law enforcement, consistent with the protection of classified information.

Unclassified portions of the report shall be made available to State, local, Tribal, and Territorial law enforcement by posting it, in an electronic form that is fully indexed and searchable, on the websites of the Department of Homeland Security and Department of Justice; and on the Homeland Security Information Network and the Law Enforcement Enterprise Portal.

*Use of Online Platforms to Further Acts of Targeted Violence Related to Terrorism, or, Advance Foreign Influence Campaigns*

The Committee recognizes that threat actors, including terrorists and foreign governments, have leveraged online platforms to further acts of targeted violence or advance foreign influence campaigns against the United States or U.S. persons. Understanding precisely how this activity occurs and its implications are critical to developing legislation and policy to effectively counter it, consistent with the rule of law and the protection of civil rights, civil liberties, and privacy.

Therefore, the Committee directs as follows:

Not later than June 1, 2021, the Secretary of Homeland Security (acting through the Under Secretary for Science and Technology), in coordination with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, in a manner consistent with their authorities shall—

1. Analyze existing research regarding previous acts of targeted violence, including domestic terrorism or international terrorism, and foreign influence campaigns;
2. Carry out research to better understand whether any connection exists between the use of online platforms, particularly platforms used for social media and social networking, and;
  - (A) Targeted violence, including domestic terrorism and international terrorism, that takes into consideration how

the organization, structure, and presentation of information on an online platform contributes, or does not contribute, to acts of targeted violence, including domestic terrorism or international terrorism; and

(B) the effectiveness of foreign influence campaigns, taking into consideration how the organization, structure, and presentation of information on an online platform contributes, or does not contribute, to political or societal polarization or other societal outcomes; and

3. Develop voluntary approaches that could be adopted by owners and operators of online platforms to address research findings under paragraph (2), while preserving the individual civil rights, civil liberties, and privacy of users; and

4. Submit a written report to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives (for purposes of this direction, the “Committees”) summarizing the research conducted and voluntary approaches developed; and setting forth any further related implications or recommendations.

Not later than June 1, 2021, the Director of National Intelligence, in coordination with the Director of the Federal Bureau of Investigation and the Secretary of Homeland Security (acting through the Under Secretary for Intelligence and Analysis), shall provide a written intelligence assessment to Committees, regarding any use of online platforms to (1) further acts of targeted violence, including domestic terrorism and international terrorism; and (2) the use by foreign governments (or their proxies) or other nonstate actors to advance foreign influence campaigns, whether overt or covert, against the United States or U.S. persons. This assessment shall include—

1. An assessment of threat actors’ use of online platforms for purposes specified above, including their plans, intentions, and capabilities relative to such use;

2. An identification, comparison, analysis, and assessment of key trends, as well as threat actors’ tactics, targets, and procedures in the use of online platforms;

3. A discussion of whether (and if so, to what extent) foreign governments have sufficient laws and policies to counter threat actors’ use of online platforms, including best practices and gaps, consistent with the protection of civil rights, civil liberties, and privacy;

4. An assessment of the status and extent of any information sharing, intelligence partnerships, foreign police cooperation, and mutual legal assistance between the United States and foreign governments, on threat actors’ use of online platforms;

5. An assessment of any intelligence gaps and recommendations on remedying them; and

6. An opportunity analysis on countering threat actors’ use of online platforms.

In carrying out both the report and intelligence assessment directed above, the Secretary of Homeland Security, Director of National Intelligence, and the Director of the Federal Bureau of Investigation, to the maximum extent practicable, shall consult with other appropriate agencies of the Federal Government, State, local,

and Tribal, and Territorial governments, the private sector, and academic or non-government organizations.

The report and intelligence assessment directive above shall be—

1. Unclassified, to the maximum extent possible, but may contain a non-public or classified annex to protect sources or methods and any other information protected from public disclosure by Federal law;

2. With respect to the unclassified portions of the report and intelligence assessment, made available on the public internet websites of the Office of the Director of National Intelligence, Department of Homeland Security, and Federal Bureau of Investigation not later than 30 days after submission to the Committees; and in an electronic format that is fully indexed and searchable; and

3. With respect to a classified annex, submitted to the Committees in an electronic format that is fully indexed and searchable.

With respect to the report and intelligence assessment directed above, the term “online platform” means internet-based information services consisting of the storage and processing of information by and at the request of a content provider and the dissemination of such content to third parties; but shall exclude

1. Platforms that offer journalistic or editorial content (not including editorial decisions by online platforms to rank and organize third party content), unless they are owned or operated by a foreign government, or in such cases that an accepted platform publishes content that is assessed to be the result of a foreign influence campaign; and

2. Online service providers at layers of the internet infrastructure other than the application layer, and cloud IT infrastructure service providers.

The term “targeted violence” means any incident of violence in which an attacker selects a particular target prior to the incident of violence so as to suggest an intent to inflict mass injury or death and may be an act of domestic terrorism or international terrorism, or an attack that otherwise lacks a clearly discernible political or ideological motivation, such as the June 12, 2016, nightclub mass shooting in Orlando, Florida, the October 1, 2017, attack on concert-goers at a music festival in Las Vegas, Nevada, and the August 3, 2019, mass shooting at a store in El Paso, Texas.

#### *Pandemic Work Life Balance*

The Committee takes a strong interest in ensuring the IC is adequately prepared for future public health or other crises—including with respect to initiatives intended to ensure the safety of the IC workforce. Since the start of the novel coronavirus pandemic (COVID-19), social distancing and work-from-home measures were unable to be applied throughout the IC due to numerous security requirements governing the usage of classified information. The Committee recognizes that the IC took quick, adaptive measures, such as staggered shifts for its employees and facility procedural changes to reduce airborne transmission.

As COVID-19 continues to cause extraordinary harms throughout the nation and the globe, the Committee is concerned that the IC may not be able to effectively accommodate the increased needs

of its personnel outside of the workplace that arise as a result of this and future crises. Some of these needs include, for example, those relating to telework and transportation; emotional, behavioral, and mental health services; childcare; and ensuring benefit coverage for dependents and caregivers.

Therefore, the Committee directs the heads of elements of the Intelligence Community, jointly with the Director of National Intelligence and by no later than June 1, 2021, to submit to the Committee:

1. A written report on the impacts of COVID-19 on the IC workforce; and
2. A written long-term strategy to prepare for such impacts in future crises.

The Committee further directs that, not later than 30 days after submitting both reports to the Committee, the Director of National Intelligence shall brief their findings to the Committee.

#### *Secured Access to State-of-the-Art Microelectronics*

Continued U.S. leadership in microelectronics is necessary to maintain its advantage in artificial intelligence, and essential for its national security. The Intelligence Community must also maintain trusted access to commercially produced microelectronics to remain competitive, but it must do so in the context of an increasingly globalized and capital-intensive microelectronics supply chain over which it has limited influence.

The Committee believes that maintaining an edge in microelectronics will require the intelligence community to pursue a concerted, multipronged effort that will include partnering closely with the private sector to maintain a secure supply chain, pursuing research into new computing paradigms, and supporting U.S. commercial innovation in strategically important parts of the microelectronics sector. Furthermore, given the IC's role as a minority customer for microelectronics, the IC should carefully coordinate its efforts with the Department of Defense and other U.S. government agencies.

Therefore, the Committee directs the Director of National Intelligence to brief the congressional intelligence committees, by February 1, 2021, on:

1. The status and future plans of the Intelligence Community's efforts to assure secured access to microelectronics, both for standard commercial products and for niche Intelligence Community requirements;
2. Progress by the Intelligence Advanced Research Projects Activity towards the initiation of a full research and development program into next-generation microelectronics that will extend advancements beyond the end of Moore's law;
3. The feasibility of establishing an investment fund to pursue strategic investments in commercial companies innovating in areas relevant to the IC and to U.S. national security; and
4. The IC's efforts to coordinate with other U.S. government agencies on microelectronics efforts.

#### COMMITTEE CONSIDERATION AND ROLL CALL VOTES

On July 31, 2020, the Committee met in open session to consider H.R. 7856 and ordered the bill favorably reported.

In open session, the Committee considered an amendment offered by Mr. Nunes to H.R. 7856. The motion failed by a recorded vote of 8 ayes to 11 noes:

Voting aye: Nunes; Conaway; Turner; Wenstrup; Stewart; Crawford; Stefanik; Hurd

Voting no: Schiff; Himes; Sewell; Carson; Quigley; Swalwell; Castro; Heck; Maloney; Demings; Krishnamoorthi

Mr. Schiff then moved, pursuant to House Rule X, clause 11(d)(2) 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 19 ayes to 0 noes:

Voting aye: Schiff; Himes; Sewell; Carson; Quigley; Swalwell; Castro; Heck; Maloney; Demings; Krishnamoorthi; Nunes; Conaway; Turner; Wenstrup; Stewart; Crawford; Stefanik; Hurd

Voting no: None

Following closed discussion, the Committee considered two amendments offered by Mr. Nunes to the Classified Annex to H.R. 7856. Both failed by voice vote.

The Committee then considered amendment 3 offered by Mr. Nunes to the Classified Annex to H.R. 7856. The amendment was agreed to by voice vote.

Finally, the Committee voted to favorably report H.R. 7856, as amended, to the House, including by reference the classified schedule of authorizations. The motion was agreed to by a recorded vote of 11 ayes.

Voting aye: Schiff; Himes; Sewell; Carson; Quigley; Swalwell; Castro; Heck; Maloney; Demings; Krishnamoorthi

Voting no: Nunes; Conaway; Turner; Wenstrup; Stewart; Crawford; Stefanik; Hurd

#### OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held multiple hearings on the classified budgetary issues raised by H.R. 7856. The bill, as reported by the Committee, reflects conclusions reached by the Committee in light of this oversight activity.

#### GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of H.R. 7856 are to authorize the intelligence and intelligence-related activities of the United States for Fiscal Year 2021. These activities enhance the national security of the United States, support and assist the armed forces of the United States, and support the President in the execution of the foreign policy of the United States.

The classified annex that accompanies this report reflects in great detail the Committee's specific performance goals and objectives at the programmatic level with respect to classified programs.

#### STATEMENT ON CONGRESSIONAL EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee states that the bill as reported contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

## 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):

**NATIONAL SECURITY ACT OF 1947**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SHORT TITLE

That this Act may be cited as the “National Security Act of 1947”.

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## 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 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 specialized national intelligence through reconnaissance programs.

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

(8) *The term “covered Inspector General” means each Inspector General of an element of the intelligence community, including the Inspector General of the Intelligence Community.*

(9) *The term “whistleblower” means a person who makes a whistleblower disclosure.*

(10) *The term “whistleblower disclosure” means a disclosure that is protected under section 1221 of this Act or section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).*

## TITLE I—COORDINATION FOR NATIONAL SECURITY

\* \* \* \* \*

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 may include audits and evaluations.

(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.

(d) **ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN TRANSFER AND REPROGRAMMING OF FUNDS.**—(1)(A) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the Director of National

Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Military Intelligence Program or any successor program or programs.

(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program—

(A) to another such program;

(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.

(3) The Director of National Intelligence may only transfer or reprogram funds referred to in paragraph (1)(A)—

(A) with the approval of the Director of the Office of Management and Budget; and

(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

(4) The amounts available for transfer or reprogramming in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

(5)(A) A transfer or reprogramming of funds may be made under this subsection only if—

(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

(I) that is less than \$150,000,000, and

(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

(v) the transfer or reprogramming does not terminate an acquisition program.

(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the

transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency) to the deputy of such officer.

(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

(7) Any transfer or reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this subsection.

(e) TRANSFER OF PERSONNEL.—(1)(A) In addition to any other authorities available under law for such purposes, in the first twelve months after establishment of a new national intelligence center, the Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in consultation with the congressional committees of jurisdiction referred to in subparagraph (B), may transfer not more than 100 personnel authorized for elements of the intelligence community to such center.

(B) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

- (i) the congressional intelligence committees;
- (ii) the Committees on Appropriations of the Senate and the House of Representatives;
- (iii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and
- (iv) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

(C) The Director shall include in any notice under subparagraph (B) an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

(2)(A) The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in accordance with procedures to be developed by the Director of National Intelligence and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element for a period of not more than 2 years.

(B) A transfer of personnel may be made under this paragraph only if—

- (i) the personnel are being transferred to an activity that is a higher priority intelligence activity; and
  - (ii) the transfer supports an emergent need, improves program effectiveness, or increases efficiency.
- (C) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—
  - (i) the congressional intelligence committees;
  - (ii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and
  - (iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.
- (D) The Director shall include in any notice under subparagraph (C) an explanation of the nature of the transfer and how it satisfies the requirements of this paragraph.
- (3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).
- (B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—
  - (i) during a period in which a permanent employee of such element is absent to participate in critical language training; or
  - (ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.
- (C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).
- (D) For each of the fiscal years 2010, 2011, and 2012, the Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—
  - (i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;
  - (ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and
  - (iii) the cost to carry out subparagraph (B).
- (4) It is the sense of Congress that—
  - (A) the nature of the national security threats facing the United States will continue to challenge the intelligence community to respond rapidly and flexibly to bring analytic resources to bear against emerging and unforeseen requirements;
  - (B) both the Office of the Director of National Intelligence and any analytic centers determined to be necessary should be

fully and properly supported with appropriate levels of 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) includes coordinating and supervising activities undertaken by elements of the intelligence community for the purpose of protecting the United States from any foreign interference in elections in the United States.*

[(B)] (C) The authority of the Director of National Intelligence under subparagraph (A) shall not apply—

(i) insofar as the President so directs;

(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the Director of National Intelligence; or

(iii) to the direct dissemination of information to State government and local government officials and private sector entities pursuant to sections 201 and 892 of the Homeland Security Act of 2002 (6 U.S.C. 121, 482).

(2) The Director of National Intelligence shall oversee the National Counterterrorism Center, the National Counterproliferation Center, and the National Counterintelligence and Security Center and may establish such other national intelligence centers as the Director determines necessary.

(3)(A) The Director of National Intelligence shall prescribe, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective depart-

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

- (i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;
- (ii) set standards for education, training, and career development of personnel of the intelligence community;
- (iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;
- (iv) ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;
- (v) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify; and
- (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 ac-

tion, 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 perform such other functions as the President may direct.

(9) 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 encourage sound analytic methods and tradecraft 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 differences in analytic judgment are fully considered and brought to the attention of policymakers; 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 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 guidelines 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.

(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.

(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 Home-

land Security, the Department of Justice, the Department of State, and the Department of the Treasury.

(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

(G) The Director of National Intelligence shall submit—

(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).

(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) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PROGRAM BUDGET CONCERNING THE DEPARTMENT OF DEFENSE.—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.

(q) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—

(A) require the development and implementation of a program management plan that includes cost, schedule, security risks, and performance goals and program milestone criteria, except that with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;

(B) serve as exclusive milestone decision authority, except that with respect to Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary; and

(C) periodically—

(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and

(ii) submit to Congress a report on the results of such review and assessment.

(2) If the Director of National Intelligence and the Secretary of Defense are unable to reach an agreement on a milestone decision under paragraph (1)(B), the President shall resolve the conflict.

(3) Nothing in this subsection may be construed to limit the authority of the Director of National Intelligence to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.

(4) In this subsection:

(A) The term “intelligence program”, with respect to the acquisition of a major system, means a program that—

(i) is carried out to acquire such major system for an element of the intelligence community; and

(ii) is funded in whole out of amounts available for the National Intelligence Program.

(B) The term “major system” has the meaning given such term in section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9)).

(r) PERFORMANCE OF COMMON SERVICES.—The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director of the Central Intelligence Agency, coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the Director of National Intelligence determines can be more efficiently accomplished in a consolidated manner.

(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a

rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

(2) Authority under this subsection may be granted or exercised only—

(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.

(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).

(u) CONFLICT OF INTEREST REGULATIONS.—The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

(v) **AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.**—

(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

(3) A covered department may appoint an individual to a position converted or established pursuant to this subsection without regard to the civil-service laws, including parts II and III of title 5, United States Code.

(4) In this subsection, the term “covered department” means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.

(w) **NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.**—The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country’s export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.

(x) **REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.**—The Director of National Intelligence, in consultation with the head of each department of the Federal Government that contains an element of the intelligence community and the Director of the Central Intelligence Agency, 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 apply to facilities of contractors with access to a classified network.

(y) FUNDRAISING.—(1) The Director of National Intelligence may engage in fundraising in an official capacity for the benefit of non-profit organizations that—

(A) provide support to surviving family members of a deceased employee of an element of the intelligence community; or

(B) otherwise provide support for the welfare, education, or recreation of employees of an element of the intelligence community, former employees of an element of the intelligence community, or family members of such employees.

(2) In this subsection, the term “fundraising” means the raising of funds through the active participation in the promotion, production, or presentation of an event designed to raise funds and does not include the direct solicitation of money by any other means.

(3) Not later than 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the congressional intelligence committees of such fundraising.

(4) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this subsection. Such regulations shall ensure that such authority is exercised in a manner that is consistent with all relevant ethical constraints and principles, including the avoidance of any prohibited conflict of interest or appearance of impropriety.

(z) ANALYSES AND IMPACT STATEMENTS REGARDING PROPOSED INVESTMENT INTO THE UNITED STATES.—(1) Not later than 20 days after the completion of a review or an investigation of any proposed investment into the United States for which the Director has prepared analytic materials, the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representative copies of such analytic materials, including any supplements or amendments to such analysis made by the Director.

(2) Not later than 60 days after the completion of consideration by the United States Government of any investment described in paragraph (1), the Director shall determine whether such investment will have an operational impact on the intelligence community, and, if so, shall submit a report on such impact to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Each such report shall—

(A) describe the operational impact of the investment on the intelligence community; and

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

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**[[DIRECTOR OF SCIENCE AND TECHNOLOGY**

**[[SEC. 103E. (a) DIRECTOR OF SCIENCE AND TECHNOLOGY.**—There is a Director of Science and Technology within the Office of the Director of National Intelligence who shall be appointed by the Director of National Intelligence.

**[[ (b) REQUIREMENT RELATING TO APPOINTMENT.**—An individual appointed as Director of Science and Technology shall have a professional background and experience appropriate for the duties of the Director of Science and Technology.

**[[ (c) DUTIES.**—The Director of Science and Technology shall—

**[[ (1)** act as the chief representative of the Director of National Intelligence for science and technology;

**[[ (2)** chair the Director of National Intelligence Science and Technology Committee under subsection (d);

**[[ (3)** assist the Director in formulating a long-term strategy for scientific advances in the field of intelligence;

**[[ (4)** assist the Director on the science and technology elements of the budget of the Office of the Director of National Intelligence; and

**[[ (5)** perform other such duties as may be prescribed by the Director of National Intelligence or specified by law.

**[[ (d) DIRECTOR OF NATIONAL INTELLIGENCE SCIENCE AND TECHNOLOGY COMMITTEE.**—(1) There is within the Office of the Director of Science and Technology a Director of National Intelligence Science and Technology Committee.

**[[ (2)** The Committee shall be composed of the principal science officers of the National Intelligence Program.

**[[ (3)** The Committee shall—

**[[ (A)** coordinate advances in research and development related to intelligence; and

**[[ (B)** perform such other functions as the Director of Science and Technology shall prescribe.]

**SEC. 103E. DIRECTOR OF SCIENCE AND TECHNOLOGY.**

**(a) DIRECTOR OF SCIENCE AND TECHNOLOGY.**—

**(1) DIRECTOR OF SCIENCE AND TECHNOLOGY.**—*There is a Director of Science and Technology within the Office of the Director of National Intelligence who shall be appointed by and shall report directly to the Director of National Intelligence.*

**(2) QUALIFICATIONS FOR APPOINTMENT.**—*The Director of Science and Technology shall be appointed from among Federal employees and shall have a professional background and experience appropriate for the duties of the Director of Science and Technology.*

**(3) RESPONSIBILITIES.**—*The Director of Science and Technology shall be responsible for—*

*(A) leading the strategic vision for and prioritization of covered activities of the intelligence community; and*

*(B) providing science and technological expertise for intelligence analyses conducted by the intelligence community with respect to covered activities of foreign adversaries, as requested.*

**(b) DUTIES.**—*The Director of Science and Technology shall—*

(1) act as the primary advisor to the Director of National Intelligence regarding the science and technology of the intelligence community;

(2) chair the National Intelligence Science and Technology Committee under subsection (c);

(3) have access to any information relating to covered activities of the intelligence community;

(4) assist the Director of National Intelligence in developing elements of the budget of the Office of the Director of National Intelligence and the intelligence community that relate to—

(A) covered activities of the intelligence community; or

(B) covered activities of foreign adversaries;

(5) on behalf of the Director of National Intelligence—

(A) lead the development and oversee the planning of a long-term strategy for covered activities of the intelligence community; and

(B) lead the prioritization of such activities;

(6) share knowledge to help ensure that the intelligence community has the scientific and technological expertise necessary to fulfill national and military intelligence priorities relating to the progress of foreign adversaries in covered activities; and

(7) perform other such duties as may be assigned by the Director of National Intelligence or specified by law.

(c) NATIONAL INTELLIGENCE SCIENCE AND TECHNOLOGY COMMITTEE.—

(1) COMMITTEE.—There is within the Office of the Director of Science and Technology a National Intelligence Science and Technology Committee, which shall be chaired by the Director of Science and Technology.

(2) COMPOSITION.—The Committee shall be composed of one representative from each element of the intelligence community, who is—

(A) the principal science and technology advisor to the head of the element; or

(B) an appropriate senior official designated by the head of the element.

(3) COORDINATION.—The Committee shall coordinate the covered activities of the intelligence community, including by—

(A) identifying gaps in authorities or resources that impact the ability of the intelligence community to advance such activities;

(B) assisting the Director of Science and Technology in developing recommendations for the Director of National Intelligence on the prioritization of such activities;

(C) assisting the Director of Science and Technology in identifying changes to existing programs and resources necessary for the advancement of such activities;

(D) developing and maintaining a centralized process by which the Committee may—

(i) document the scientific and technological needs of each element of the intelligence community;

(ii) document any anticipated or planned projects, programs, or related activities to address such needs; and

(iii) provide information and regular updates to other members of the Committee on ongoing covered activities of the intelligence community and related projects and programs (including information and updates on work sponsored at federally funded research and development centers), in order to avoid duplicative efforts among the elements of the intelligence community; and

(E) maintaining comprehensive and persistent visibility into capabilities, assets, and talents in science, technology, or engineering that—

(i) are available to the intelligence community at federally funded research and development centers; and

(ii) may address the needs documented pursuant to subparagraph (D)(i).

(4) *INTELLIGENCE ANALYSES.*—The Committee may provide scientific and technological expertise and advice on analyses conducted by the intelligence community on scientific and technological research and development achievements of foreign adversaries that affect the national security of the United States, including by—

(A) coordinating with (and deconflicting with as appropriate) the National Intelligence Officer for Science and Technology of the Office of the Director of National Intelligence with respect to threats posed by such achievements;

(B) identifying investments and advancements made by foreign adversaries in pursuit of such achievements and communicating the identifications to policymakers and the Armed Forces of the United States;

(C) providing intelligence to assist national and military customers in identifying and prioritizing technically and operationally feasible applications of such achievements;

(D) advising policymakers and the Armed Forces of the United States on vulnerabilities of the United States that may be revealed, exploited, or otherwise implicated by foreign adversaries through such achievements; and

(E) collaborating with the heads of components of elements of the intelligence community, including the Open Source Enterprise and the Department of Defense Open Source Council (or any related successor component) and other appropriate entities, to analyze and exploit open-source science and technology intelligence.

(d) *REPORTS.*—

(1) *SUBMISSION.*—On an annual basis, the Director of National Intelligence shall submit to the congressional intelligence committees—

(A) a report on the efforts of the National Intelligence Science and Technology Committee; and

(B) a report that—

(i) addresses the status of covered activities of the intelligence community, including any advancements made with respect to such activities; and

(ii) includes a submission from the head of each element of the intelligence community describing any covered activities sponsored by that element at a federally

*funded research and development center during the most recent calendar year.*

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

(e) *DEFINITIONS.*—*In this section:*

(1) *COVERED ACTIVITIES.*—*The term “covered activities” means scientific and technological research and development activities.*

(2) *OPEN-SOURCE SCIENCE AND TECHNOLOGY INTELLIGENCE.*—*The term “open-source science and technology intelligence” means information of intelligence value regarding scientific and technological developments that appears in print or electronic form, including radio, television, newspapers, journals, the internet, commercial databases, videos, graphics, drawings, or any other publicly available source.*

\* \* \* \* \*

#### INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

SEC. 103H. (a) *OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.*—*There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.*

(b) *PURPOSE.*—*The purpose of the Office of the Inspector General of the Intelligence Community is—*

(1) *to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;*

(2) *to provide leadership and coordination and recommend policies for activities designed—*

(A) *to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and*

(B) *to prevent and detect fraud and abuse in such programs and activities;*

(3) *to provide a means for keeping the Director of National Intelligence fully and currently informed about—*

(A) *problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and*

(B) *the necessity for, and the progress of, corrective actions; and*

(4) *in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—*

(A) *significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and*

(B) *the necessity for, and the progress of, corrective actions.*

(c) *INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.*—(1) *There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intel-*

ligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The nomination of an individual for appointment as Inspector General shall be made—

(A) without regard to political affiliation;

(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

[(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.]

*(4) The provisions of title XII shall apply to the Inspector General with respect to the removal of the Inspector General, a vacancy in the position of the Inspector General, and any other matter relating to the Inspector General as specifically provided for in such title.*

(d) ASSISTANT INSPECTORS GENERAL.—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by

the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken, and this provision shall qualify as a withholding statute pursuant to subsection (b)(3) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”); and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of

basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(B) obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal, State (as defined in section 805), or local governmental agency or unit thereof.

(B) Upon request of the Inspector General for information or assistance from a department, agency, or element of the Federal Government under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspec-

tor general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than October 31 and April 30 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending September 30 and March 31, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

(B) Each report under this paragraph shall include, at a minimum, the following:

(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States

Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

(3)(A) In the event that—

(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review,

the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General fo-

cused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(C) *With respect to each report submitted pursuant to paragraph (A)(i), the Inspector General shall include in the report, at a minimum—*

*(i) a general description of the unresolved differences, the particular duties or responsibilities of the Inspector General involved, and, if such differences relate to a complaint or information under paragraph (5), a description of the complaint or information and the entities or individuals identified in the complaint or information; and*

*(ii) to the extent such differences can be attributed not only to the Director but also to any other official, department, agency, or office within the executive branch, or a component thereof, the titles of such official, department, agency, or office.*

(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly. *The employee may request information pursuant to section 1227 with respect to contacting such committees.*

(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) **[In this paragraph]** *In accordance with section 1205, in this paragraph*, the term "urgent concern" means any of the following:

(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

(I) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of either of the congressional intelligence committees, or a staff member of either of such committees, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

(1) **CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.**—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence

Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.

(o) INFORMATION ON WEBSITE.—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.

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**SEC. 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) CLARIFICATION OF AUTHORITY.—*The Director of National Intelligence may not transfer any element of the National Reconnaissance Office to the Space Force. Nothing in chapter 908 of title 10, United States Code, shall affect the authorities, duties, or responsibilities of the Director of the National Reconnaissance Office, including with respect to the authority of the Director to operate a unified organization to carry out the research, development, test, evaluation, acquisition, launch, deployment, and operations of overhead reconnaissance systems and related data processing facilities of the National Reconnaissance Office.*

[(d)] (e) 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 five members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.

(ii) 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) 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.

(6) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(7) TERMINATION.—The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.

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#### **SEC. 108B. ANNUAL REPORTS ON WORLDWIDE THREATS.**

(a) ANNUAL REPORTS.—*Not later than the first Monday in February 2021, and each year thereafter, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the appropriate congressional committees a report containing an assessment of the intelligence community with respect to worldwide threats to the national security of the United States.*

(b) FORM.—*Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex only for the protection of intelligence sources and methods relating to the matters contained in the report.*

(c) HEARINGS.—

(1) OPEN HEARINGS.—*Upon request by the appropriate congressional committees, the Director (and any other head of an element of the intelligence community determined appropriate by the committees in consultation with the Director) shall testify before such committees in an open setting regarding a report under subsection (a).*

(2) CLOSED HEARINGS.—*Any information that may not be disclosed during an open hearing under paragraph (1) in order to protect intelligence sources and methods may instead be discussed in a closed hearing that immediately follows such open hearing.*

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

- (1) the congressional intelligence committees; and
- (2) the Committees on Armed Services of the House of Representatives and the Senate.

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**SEC. 120. CLIMATE SECURITY ADVISORY COUNCIL.**

(a) **ESTABLISHMENT.**—The Director of National Intelligence shall establish a Climate Security Advisory Council for the purpose of—

- (1) assisting intelligence analysts of various elements of the intelligence community with respect to analysis of climate security and its impact on the areas of focus of such analysts;
- (2) facilitating coordination between the elements of the intelligence community and elements of the Federal Government that are not elements of the intelligence community in collecting data on, and conducting analysis of, climate change and climate security; and
- (3) ensuring that the intelligence community is adequately prioritizing climate change in carrying out its activities.

(b) **COMPOSITION OF COUNCIL.**—

(1) **MEMBERS.**—The Council shall be composed of the following individuals appointed by the Director of National Intelligence:

(A) An appropriate official from the National Intelligence Council, who shall chair the Council.

(B) The lead official with respect to climate and environmental security analysis from—

- (i) the Central Intelligence Agency;
- (ii) the Bureau of Intelligence and Research of the Department of State;
- (iii) the National Geospatial-Intelligence Agency;
- (iv) the Office of Intelligence and Counterintelligence of the Department of Energy;
- (v) the Office of the Under Secretary of Defense for Intelligence; and
- (vi) the Defense Intelligence Agency.

(C) Three appropriate officials from elements of the Federal Government that are not elements of the intelligence community that are responsible for—

- (i) providing decision makers with a predictive understanding of the climate;
- (ii) making observations of our Earth system that can be used by the public, policymakers, and to support strategic decisions; or
- (iii) coordinating Federal research and investments in understanding the forces shaping the global environment, both human and natural, and their impacts on society.

(D) Any other officials as the Director of National Intelligence or the chair of the Council may determine appropriate.

(2) **RESPONSIBILITIES OF CHAIR.**—The chair of the Council shall have responsibility for—

- (A) identifying agencies to supply individuals from elements of the Federal Government that are not elements of the intelligence community;
  - (B) securing the permission of the relevant agency heads for the participation of such individuals on the Council; and
  - (C) any other duties that the Director of National Intelligence may direct.
- (c) DUTIES AND RESPONSIBILITIES OF COUNCIL.—The Council shall carry out the following duties and responsibilities:
- (1) To meet at least quarterly to—
    - (A) exchange appropriate data between elements of the intelligence community and elements of the Federal Government that are not elements of the intelligence community;
    - (B) discuss processes for the routine exchange of such data and implementation of such processes; and
    - (C) prepare summaries of the business conducted at each meeting.
  - (2) To assess and determine best practices with respect to the analysis of climate security, including identifying publicly available information and intelligence acquired through clandestine means that enables such analysis.
  - (3) To assess and identify best practices with respect to prior efforts of the intelligence community to analyze climate security.
  - (4) To assess and describe best practices for identifying and disseminating climate [security indicators] *intelligence indications* and warnings.
  - (5) To recommend methods of incorporating analysis of climate security and the best practices identified under paragraphs (2) through (4) into existing analytic training programs.
  - (6) To consult, as appropriate, with other elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security, for the purpose of sharing information about ongoing efforts and avoiding duplication of existing efforts.
  - (7) To work with elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security—
    - (A) to exchange appropriate data between such elements, establish processes, procedures and practices for the routine exchange of such data, discuss the implementation of such processes; and
    - (B) to enable and facilitate the sharing of findings and analysis between such elements.
  - (8) To assess whether the elements of the intelligence community that conduct analysis of climate change or climate security may inform the research direction of academic work and the sponsored work of the United States Government.

(9) At the discretion of the chair of the Council, to convene conferences of analysts and nonintelligence community personnel working on climate change or climate security on subjects that the chair shall direct.

(d) *ANNUAL REPORT.*—Not later than January 31, 2021, and not less frequently than annually thereafter, the chair of the Council shall submit, on behalf of the Council, to the congressional intelligence committees a report describing the activities of the Council as described in subsection (c) during the year preceding the year during which the report is submitted.

[(d) SUNSET.—The Council shall terminate on the date that is 4 years after the date of the enactment of this section.]

[(e)] (d) *DEFINITIONS.*—In this section:

(1) *CLIMATE SECURITY.*—The term “climate security” means the effects of climate change on the following:

(A) The national security of the United States, including national security infrastructure.

(B) Subnational, national, and regional political stability.

(C) The security of allies and partners of the United States.

(D) Ongoing or potential political violence, including unrest, rioting, guerrilla warfare, insurgency, terrorism, rebellion, revolution, civil war, and interstate war.

(2) *CLIMATE INTELLIGENCE INDICATIONS AND WARNINGS.*—The term “climate intelligence indications and warnings” means developments relating to climate security with the potential to—

(A) imminently and substantially alter the political stability or degree of human security in a country or region; or

(B) imminently and substantially threaten—

(i) the national security of the United States;

(ii) the military, political, or economic interests of allies and partners of the United States; or

(iii) citizens of the United States abroad.

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### TITLE III—MISCELLANEOUS

\* \* \* \* \*

#### **[SEC. 304. REPORTING OF CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.]**

[(a) *IN GENERAL.*—The head of each element of the intelligence community shall issue regulations requiring each employee of such element occupying a covered position to sign a written agreement requiring the regular reporting of covered employment to the head of such element.

[(b) *AGREEMENT ELEMENTS.*—The regulations required under subsection (a) shall provide that an agreement contain provisions requiring each employee occupying a covered position to, during the two-year period beginning on the date on which such employee ceases to occupy such covered position—

[(1) report covered employment to the head of the element of the intelligence community that employed such employee in such covered position upon accepting such covered employment; and

[(2) annually (or more frequently if the head of such element considers it appropriate) report covered employment to the head of such element.

[(c) DEFINITIONS.—In this section:

[(1) COVERED EMPLOYMENT.—The term “covered employment” means direct employment by, representation of, or the provision of advice relating to national security to the government of a foreign country or any person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country.

[(2) COVERED POSITION.—The term “covered position” means a position within an element of the intelligence community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

[(3) GOVERNMENT OF A FOREIGN COUNTRY.—The term “government of a foreign country” has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).]

**SEC. 304. REQUIREMENTS FOR CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.**

(a) *TEMPORARY RESTRICTION.*—*An employee of an element of the intelligence community who occupies a covered intelligence position may not occupy a covered post-service position during the 30-month period following the date on which the employee ceases to occupy a covered intelligence position.*

(b) *COVERED POST-SERVICE EMPLOYMENT REPORTING.*—

(1) *REQUIREMENT.*—*The head of each element of the intelligence community shall issue regulations requiring, as a condition of employment, each employee of such element occupying a covered intelligence position to sign a written agreement requiring the regular reporting of covered post-service employment to the head of such element.*

(2) *AGREEMENT ELEMENTS.*—

(A) *REPORTING COVERED POST-SERVICE EMPLOYMENT.*—*The regulations required under paragraph (1) shall provide that an agreement contain provisions requiring each employee occupying a covered intelligence position to, during the 5-year period beginning on the date on which such employee ceases to occupy such covered intelligence position—*

*(i) report covered post-service employment to the head of the element of the intelligence community that employed such employee in such covered intelligence position upon accepting such covered post-service employment; and*

*(ii) annually (or more frequently if the head of such element considers it appropriate) report covered post-service employment to the head of such element.*

(B) *INFORMATION INCLUDED.*—*Each report by an employee under subparagraph (A) shall include the following information:*

*(i) The name of the employer.*

(ii) *The foreign government, including the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed.*

(iii) *The title and role of the covered post-service position.*

(iv) *The nature of the services provided as part of the covered post-service employment.*

(v) *All financial compensation and benefits received or promised for the covered post-service employment.*

(vi) *A self-certification that none of the services provided as part of the covered post-service employment violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.*

(c) **PENALTIES.**—

(1) **CRIMINAL PENALTIES.**—*A former employee who knowingly and willfully violates subsection (a) or who knowingly and willfully fails to make a required report under subsection (b) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both. Each report under subsection (b) shall be subject to section 1001 of title 18, United States Code.*

(2) **SECURITY CLEARANCES.**—*The head of an element of the intelligence community shall revoke the security clearance of a former employee if the former employee knowingly and willfully fails to make a required report under subsection (b) or knowingly and willfully makes a false report under subsection.*

(d) **TRAINING.**—*The head of each element of the intelligence community shall provide training on the reporting requirements under subsection (b) to each employee who ceases to occupy a covered intelligence position.*

(e) **ANNUAL REPORTS.**—

(1) **REQUIREMENT.**—*Not later than March 31 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on covered post-service employment occurring during the year covered by the report.*

(2) **ELEMENTS.**—*Each report under paragraph (1) shall include the following:*

(A) *The number of former employees who occupy a covered post-service position, broken down by—*

- (i) *the name of the employer;*
- (ii) *the foreign government, including by the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed; and*
- (iii) *the nature of the services provided as part of the covered post-service employment.*

(B) *A certification by the Director that—*

- (i) *each element of the intelligence community maintains adequate systems and processes for ensuring that former employees are submitting reports required under subsection (b);*
- (ii) *to the knowledge of the heads of the elements of the intelligence community, all former employees who occupy a covered post-service position are in compliance with this section;*

(iii) the services provided by former employees who occupy a covered post-service position do not—

(I) pose a current or future threat to the national security of the United States; or

(II) pose a counterintelligence risk; and

(iv) the Director and the heads of such elements are not aware of any credible information or reporting that any individual described in clause (iii) has engaged in activities that violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.

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

(f) *NOTIFICATION.*—In addition to the annual reports under subsection (e), if a head of an element of the intelligence community determines that the circumstances described in either clause (iii) or (iv) of paragraph (2) of such subsection occur with respect to a former employee described in those clauses, the head shall notify the congressional intelligence committees of such determination by not later than 7 days after making such determination. The notification shall include the following:

(1) The name of the former employee.

(2) The name of the employer.

(3) The foreign government, including the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed.

(4) As applicable, a description of—

(A) the risk to national security, the counterintelligence risk, or both; and

(B) the activities that may violate Federal law, infringe upon the privacy rights of United States persons, or constitute abuses of human rights.

(g) *DEFINITIONS.*—In this section:

(1) *COVERED INTELLIGENCE POSITION.*—The term “covered intelligence position” means a position within an element of the intelligence community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

(2) *COVERED POST-SERVICE EMPLOYMENT.*—The term “covered post-service employment” means direct or indirect employment by, representation of, or any provision of advice or services relating to national security, intelligence, the military, or internal security to the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country.

(3) *COVERED POST-SERVICE POSITION.*—The term “covered post-service position” means a position of employment described in paragraph (2).

(4) *EMPLOYEE.*—The term “employee”, with respect to an employee occupying a covered intelligence position, includes an officer or official of an element of the intelligence community, a

contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element.

(5) **FORMER EMPLOYEE.**—The term “former employee” means an individual—

(A) who was an employee occupying a covered intelligence position; and

(B) who is subject to the requirements under subsections (a) or (b).

(6) **GOVERNMENT OF A FOREIGN COUNTRY.**—The term “government of a foreign country” has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).

**SEC. 305. PAID LEAVE FOR A SERIOUS HEALTH CONDITION.**

(a) **DEFINITIONS.**—In this section:

(1) **PAID SERIOUS HEALTH CONDITION LEAVE.**—The term “paid serious health condition leave” means paid leave taken under subsection (b).

(2) **SERIOUS HEALTH CONDITION.**—The term “serious health condition” has the meaning given the term in section 6381 of title 5, United States Code.

(3) **SON OR DAUGHTER.**—The term “son or daughter” has the meaning given the term in section 6381 of title 5, United States Code.

(b) **PAID SERIOUS HEALTH CONDITION LEAVE.**—Notwithstanding any other provision of law, a civilian employee of an element of the intelligence community shall have available a total of 12 administrative workweeks of paid leave during any 12-month period for one or more of the following:

(1) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.

(2) Because of a serious health condition that makes the employee unable to perform the functions of the employee’s position.

(c) **TREATMENT OF SERIOUS HEALTH CONDITION LEAVE REQUEST.**—Notwithstanding any other provision of law, an element of the intelligence community shall accommodate an employee’s leave schedule request under subsection (b), including a request to use such leave intermittently or on a reduced leave schedule, to the extent that the requested leave schedule does not unduly disrupt agency operations.

(d) **RULES RELATING TO PAID LEAVE.**—Notwithstanding any other provision of law—

(1) an employee of an element of the intelligence community may not be required to first use all or any portion of any unpaid leave available to the employee before being allowed to use paid serious health condition leave; and

(2) paid serious health condition leave—

(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing element;

(B) may not be considered to be annual or vacation leave for purposes of section 5551 or 5552 of title 5, United States Code, or for any other purpose;

(C) if not used by the employee before the end of the 12-month period described in subsection (b) to which the leave relates, may not be available for any subsequent use and may not be converted into a cash payment;

(D) may be granted only to the extent that the employee does not receive a total of more than 12 weeks of paid serious health condition leave in any 12-month period;

(E) shall be used in increments of hours (or fractions thereof), with 12 administrative workweeks equal to 480 hours for employees of elements of the intelligence community with a regular full-time work schedule and converted to a proportional number of hours for employees of such elements with part-time, seasonal, or uncommon tours of duty; and

(F) may not be used during off-season (nonpay status) periods for employees of such elements with seasonal work schedules.

(e) IMPLEMENTATION.—

(1) CONSISTENCY WITH SERIOUS HEALTH CONDITION LEAVE UNDER TITLE 5.—The Director of National Intelligence shall carry out this section in a manner consistent, to the extent appropriate, with the administration of leave taken under section 6382 of title 5, United States Code, for a reason described in subparagraph (C) or (D) of subsection (a)(1) of that section.

(2) IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of this section, the Director of National Intelligence shall submit to the congressional intelligence committees an implementation plan that includes—

(A) processes and procedures for implementing the paid serious health condition leave policies under subsections (b) through (d);

(B) an explanation of how the implementation of subsections (b) through (d) will be reconciled with policies of other elements of the Federal Government, including the impact on elements funded by the National Intelligence Program that are housed within agencies outside the intelligence community;

(C) the projected impact of the implementation of subsections (b) through (d) on the workforce of the intelligence community, including take rates, retention, recruiting, and morale, broken down by each element of the intelligence community; and

(D) all costs or operational expenses associated with the implementation of subsections (b) through (d).

(3) DIRECTIVE.—Not later than 90 days after the Director of National Intelligence submits the implementation plan under paragraph (2), the Director of National Intelligence shall issue a written directive to implement this section, which directive shall take effect on the date of issuance.

(f) ANNUAL REPORT.—The Director of National Intelligence shall submit to the congressional intelligence committees an annual report that—

(1) details the number of employees of each element of the intelligence community who applied for and took paid serious

*health condition leave during the year covered by the report; and*

*(2) includes updates on major implementation challenges or costs associated with paid serious health condition leave.*

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## TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

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### **SEC. 503A. QUARTERLY REPORTS ON CYBER INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

*On a quarterly basis, the Secretary of Defense shall submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) a report on the cyber intelligence, surveillance, and reconnaissance activities of the Department of Defense, and any other matters the Secretary determines appropriate, that occurred during the quarter preceding the date of the submission of the report.*

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### **SEC. 513. NOTICE OF PROVISION OF SUPPORT FOR FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT RESPONSE TO CIVIL DISOBEDIENCE OR DOMESTIC CIVIL DISTURBANCES.**

*(a) NOTICE REQUIRED.—Not later than 72 hours before a covered agency provides support for any Federal, State, local, or Tribal government response to a civil disobedience or domestic civil disturbance, the head of the agency shall submit to the appropriate congressional committees and the covered recipients notice of the provision of such support.*

*(b) CONTENT OF NOTICE.—Notice provided under subsection (a) with respect to the provision of support shall include each of the following:*

- (1) The date on which the requested support was approved.*
- (2) The entity requesting the support.*
- (3) The type of support requested.*
- (4) A detailed description of the support that the select agency intends to provide.*
- (5) A brief description of the legal basis for providing the support.*
- (6) If the provision of such support requires notice to be provided under section 1055(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), all the content of such notice.*
- (7) Any other facts or circumstances that the head of the covered agency determines are relevant.*

*(c) PUBLIC AVAILABILITY OF NOTICE.—Not later than 72 hours after the date on which any notice is provided under subsection (a), the Director of National Intelligence shall make the notice publicly available on the internet website of the Director of National Intelligence and the internet website of the agency or agencies making the notification. If the notice is classified as provided under subsection (d), a redacted unclassified notice shall be made publicly available under this subsection.*

*(d) FORM OF NOTICE.—*

(1) *IN GENERAL.*—Except as provided in paragraph (2), a notice under subsection (a) shall be submitted in unclassified form.

(2) *EXCEPTION.*—If the Director of National Intelligence makes a determination in writing that the protection of sources and methods requires that a notice under subsection (a) be classified, the notice may be submitted in classified form but shall be accompanied by a notice redacted to remove classified information. The authority to make a determination under this paragraph may not be delegated.

(e) *EMERGENCY WAIVER AUTHORITY.*—

(1) *IN GENERAL.*—The Director of National Intelligence may waive the requirement to submit advance notice under subsection (a) if the Director determines that the support is to be provided in association with any Federal, State, local, or Tribal government response to—

- (A) armed insurrection;
- (B) an act of foreign terrorism;
- (C) an act of domestic terrorism;
- (D) a response to a natural disaster; or
- (E) another extreme circumstance constituting a grave threat.

(2) *NOTICE.*—If the Director issues a waiver under paragraph (1), notice under subsection (a) shall be provided as soon as practicable after the provision of support and, in any event, no later than 48 hours after the provision of such support.

(3) *NONDELEGATION.*—The authority to issue a waiver and the authority to make a determination under paragraph (1) may not be delegated.

(f) *QUARTERLY REPORTS.*—

(1) *IN GENERAL.*—The Director of National Intelligence shall submit to the appropriate congressional committees quarterly reports that include a description of any assistance provided by a covered agency to law enforcement authorities.

(2) *CONTENTS OF REPORTS.*—Each report required under this subsection shall include, for each instance in which assistance was provided—

- (A) the date on which the assistance was requested;
- (B) the entity requesting the assistance;
- (C) the type of assistance requested;
- (D) detailed description of the assistance that the covered agency intends to or did provide;
- (E) a brief description of the legal basis for providing the assistance;
- (F) the date on which notice for such assistance was provided under subsection (a) and the date on which such notice was made publicly available under subsection (c); and
- (G) any other facts or circumstances that the Director determines are relevant.

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

(g) *DEFINITIONS.*—In this section:

(1) The term “covered agency” means any element of the intelligence community.

- (2) The term “civil disobedience” means—  
 (A) a protest, rally, march, demonstration; or  
 (B) an active, professed refusal of a citizen to obey a law, demand, order, or command of a government.
- (3) The term “domestic civil disturbance” means any activity arising from a mass act (including a protest, demonstration, riot, or strike) in which the participants become hostile toward authority, including—  
 (A) the exercise of first amendment rights by protesters;  
 (B) violence or property destruction incident to protests;  
 and  
 (C) obstruction of publicly available spaces, including obstruction of roads or camping symbolically in public places.
- (4) The term “support” includes pre-deployment intelligence support provided to members of the Armed Forces responding or preparing to respond to a civil disobedience or domestic civil disturbance.
- (5) The term “appropriate committees of Congress” means—  
 (A) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations;  
 (B) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and  
 (C) in the case of support provided by a select agency within the Department of Defense, the Committees on Armed Services of the Senate and House of Representatives.
- (6) The term “covered recipient” means—  
 (A) the Inspector General of the Intelligence Community;  
 (B) the inspector general of the agency providing support;  
 and  
 (C) the Attorney General.

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## TITLE X—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

### SUBTITLE A—SCIENCE AND TECHNOLOGY

\* \* \* \* \*

#### **SEC. 1003. IMPROVEMENT OF EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.**

##### **(a) DEFINITIONS.—In this section:**

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

(2) **EDUCATIONAL INSTITUTION.**—The term “educational institution” includes any public or private elementary school or secondary school, institution of higher education, college, university, or any other profit or nonprofit institution that is dedicated to improving science, technology, engineering, the arts, mathematics, business, law, medicine, or other fields that promote development and education relating to science, technology,

*engineering, the arts, mathematics, business, law, and medicine.*

(3) *STATE.*—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(b) *REQUIREMENTS.*—Each head of an element of the intelligence community shall, on a continuing basis—

(1) *identify actions that the head may take to improve education in the scientific, technology, engineering, the arts, and mathematics (known as “STEAM”) skills necessary to meet the long-term national security needs of the United States for personnel proficient in such skills; and*

(2) *establish and conduct programs to carry out such actions.*

(c) *AUTHORITIES.*—

(1) *IN GENERAL.*—The head of an element of the intelligence community, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

(A) *award grants to eligible entities;*

(B) *provide cash awards and other items to eligible entities;*

(C) *accept voluntary services from eligible entities;*

(D) *support national competition judging, other educational event activities, and associated award ceremonies in connection with such educational programs; and*

(E) *enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in science, technology, engineering, the arts, and mathematics disciplines at all levels of education.*

(2) *EDUCATION PARTNERSHIP AGREEMENTS.*—

(A) *NATURE OF ASSISTANCE PROVIDED.*—Under an education partnership agreement entered into with an educational institution under paragraph (1)(E), the head of an element of the intelligence community may provide assistance to the educational institution by—

(i) *loaning equipment to the educational institution for any purpose and duration in support of such agreement that the head considers appropriate;*

(ii) *making personnel available to teach science courses or to assist in the development of science courses and materials for the educational institution;*

(iii) *providing sabbatical opportunities for faculty and internship opportunities for students;*

(iv) *involving faculty and students of the educational institution in projects of that element of the intelligence community, including research and technology transfer or transition projects;*

(v) *cooperating with the educational institution in developing a program under which students may be given academic credit for work on projects of that element of the intelligence community, including research and technology transfer for transition projects; and*

(vi) *providing academic and career advice and assistance to students of the educational institution.*

(B) *PRIORITIES.*—In entering into education partnership agreements under paragraph (1)(E), the head of an element of the intelligence community shall prioritize entering into education partnership agreements with the following:

(i) *Historically Black colleges and universities and other minority-serving institutions, as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).*

(ii) *Educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.*

(d) *DESIGNATION OF ADVISOR.*—Each head of an element of the intelligence community shall designate one or more individuals within that element to advise and assist the head regarding matters relating to science, technology, engineering, the arts, and mathematics education and training.

(e) *COORDINATION.*—Each head of an element of the intelligence community (other than the Director of National Intelligence) shall carry out this section in coordination with the Director of National Intelligence.

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## TITLE XI—ADDITIONAL MISCELLANEOUS PROVISIONS

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### **SEC. 1107A. ANNUAL REPORTS ON SECURITY SERVICES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION.**

(a) *REQUIREMENT.*—On an annual basis through 2047, the Director of National Intelligence shall submit to the appropriate congressional committees, and make publicly available on the internet website of the Director, a report on the presence and activities of Chinese security services operating within the Hong Kong Special Administrative Region.

(b) *CONTENTS.*—Each report under subsection (a) shall include, with respect to the year covered by the report, the following:

(1) *Identification of the approximate number of personnel affiliated with Chinese security services operating within the Hong Kong Special Administrative Region, including a breakdown of such personnel by the specific security service and the division of the security service, and (to the extent possible) an identification of any such personnel associated with the national security division of the Hong Kong Police Force.*

(2) *A description of the command and control structures of such security services, including information regarding the extent to which such security services are controlled by the Government of the Hong Kong Special Administrative Region or the Government of the People's Republic of China.*

(3) *A description of the working relationship and coordination mechanisms of the Chinese security services with the police force of the Hong Kong Special Administrative Region.*

(4) *A description of the activities conducted by Chinese security services operating within the Hong Kong Special Administrative Region, including—*

(A) *information regarding the extent to which such security services, and officers associated with the national security division of the Hong Kong Police Force, are engaged in frontline policing, serving in advisory and assistance roles, or both;*

(B) *an assessment of the likelihood of such security services conducting renditions of individuals from the Hong Kong Special Administrative Region to China and a listing of every known individual subject to such rendition during the year covered by the report; and*

(C) *an assessment of how such activities conducted by Chinese security services contribute to self-censorship and corruption within the Hong Kong Special Administrative Region.*

(5) *A discussion of the doctrine and tactics employed by Chinese security services operating within the Hong Kong Special Administrative Region, including an overview of the extent to which such security services employ surveillance, detection, and control methods, including “high-tech” policing models and “preventative policing tactics”, that are consistent with the rise of digital authoritarianism, and used in a manner similar to methods used in the Xinjiang region of China.*

(6) *An overview of the funding for Chinese security services operating within the Hong Kong Special Administrative Region, including an assessment of the extent to which funding is drawn locally from the Hong Kong Special Administrative Region Government or from the Government of China.*

(7) *A discussion of the various surveillance technologies used by security services operating within the Hong Kong Special Administrative Region, including—*

(A) *a list of the key companies that provide such technologies; and*

(B) *an assessment of the degree to which such technologies can be accessed by Chinese security services operating within the Hong Kong Special Administrative Region.*

(c) **COORDINATION.**—*In carrying out subsection (a), the Director shall coordinate with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, the Assistant Secretary of State for the Bureau of Intelligence and Research, and any other relevant head of an element of the intelligence community.*

(d) **FORM.**—*Each report submitted to the appropriate congressional committees under subsection (a) shall be submitted in unclassified form, but may include a classified annex.*

(e) **DEFINITIONS.**—*In this section:*

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

(A) *the congressional intelligence committees;*

(B) *the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and*

(C) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) *CHINESE SECURITY SERVICES.*—The term “Chinese security services” means—

(A) the security services of the Government of the People’s Republic of China, including the Ministry of State Security and the Ministry of Public Security; and

(B) any known front organizations or aliases associated with such security services, including officers associated with the national security division of the Hong Kong Police Force and other officers of the Hong Kong Police Force selected by the Committee for Safeguarding National Security to work on matters relating to national security.

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**SEC. 1109. REQUIREMENT TO BUY CERTAIN SATELLITE COMPONENT FROM AMERICAN SOURCES.**

(a) *REQUIREMENT.*—Beginning January 1, 2021, except as provided in subsection (b), a covered element of the intelligence community may not award a contract for a national security satellite if the satellite uses a star tracker that is not produced in the United States, including with respect to both the software and the hardware of the star tracker.

(b) *EXCEPTION.*—The head of a covered element of the intelligence community may waive the requirement under subsection (a) if, on a case-by-case basis, the head certifies in writing to the congressional intelligence committees that—

(1) there is no available star tracker produced in the United States that meets the mission and design requirements of the national security satellite for which the star tracker will be used;

(2) the cost of a star tracker produced in the United States is unreasonable, based on a market survey; or

(3) such waiver is necessary for the national security interests of the United States based on an urgent and compelling need.

(c) *DEFINITIONS.*—In this section:

(1) *COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.*—The term “covered element of the intelligence community” means an element of the intelligence community that is not an element of the Department of Defense.

(2) *NATIONAL SECURITY SATELLITE.*—The term “national security satellite” means a satellite weighing over 400 pounds whose principle purpose is to support the national security or intelligence needs of the United States Government.

(3) *UNITED STATES.*—The term “United States” means the several States, the District of Columbia, and the territories and possessions of the United States.

**SEC. 1110. ANNUAL REPORTS ON RESEARCH AND DEVELOPMENT FOR SCIENTIFIC AND TECHNOLOGICAL ADVANCEMENTS.**

(a) *REQUIREMENT.*—On an annual basis, the Director of National Intelligence shall submit to the appropriate congressional committees a report on research and development activities conducted by adversaries of the United States regarding scientific and technological advancements.

(b) *FORM.*—The report under subsection (a) shall be submitted in classified form.

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

- (1) The Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.
- (2) The Select Committee on Intelligence and the Committee on Armed Services of the Senate.

**SEC. 1111. ANNUAL INTELLIGENCE ASSESSMENTS ON RELATIONSHIP BETWEEN WOMEN AND VIOLENT EXTREMISM.**

(a) *REQUIREMENT.*—Not later than 180 days after the date of the enactment of this section, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, and the head of any element of the intelligence community the Director determines appropriate, shall submit to the appropriate congressional committees an intelligence assessment on the relationship between women and violent extremism and terrorism.

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

- (1) The historical trends and current state of the roles of women in all aspects of violent extremism and terrorism, including as recruiters, sympathizers, perpetrators, and combatants, as well as peace-builders and preventers of violent extremism and terrorism.
- (2) How the roles of women in all aspects of violent extremism and terrorism are likely to change in the near- and medium-term.
- (3) The extent to which the unequal status of women affects the ability of armed combatants and terrorist groups to enlist or conscript women and men as combatants and perpetrators of violence.
- (4) How terrorist groups violate the rights of women and girls, including through child, early, and forced marriage, abduction, sexual violence, and human trafficking, and the extent to which such violations contribute to the spread of conflict and terrorist activities.
- (5) Opportunities to address the security risk posed by female extremists and leverage the roles of women in counterterrorism efforts.
- (6) Approaches and challenges to identify, repatriate, and reintegrate women affiliated with violent extremist or terrorist groups, including through disarmament, demobilization, and reintegration programs.

(c) *ANNUAL UPDATES.*—On an annual basis, the Director shall submit to the appropriate congressional committees an update to the intelligence assessment under subsection (a).

(d) *FORM.*—The assessment submitted to the appropriate congressional committees under subsection (a), and each update submitted under subsection (c), shall be submitted in unclassified form, but may include a classified annex.

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

- (1) the congressional intelligence committees;

- (2) *the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and*  
 (3) *the Committee on Foreign Relations and the Committee on Armed Services of the Senate.*

**SEC. 1112. 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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## **TITLE XII—MATTERS REGARDING INSPECTORS GENERAL OF ELEMENTS OF THE INTELLIGENCE COMMUNITY**

### ***Subtitle A—Inspectors General***

#### **SEC. 1201. INDEPENDENCE OF INSPECTORS GENERAL.**

(a) *REMOVAL.*—A covered Inspector General may be removed from office only by the President. The President may remove a covered Inspector General only for any of the following grounds:

- (1) *Permanent incapacity.*
- (2) *Inefficiency.*
- (3) *Neglect of duty.*
- (4) *Malfeasance.*
- (5) *Conviction of a felony or conduct involving moral turpitude.*
- (6) *Substantial violations of laws, rules, or regulations.*
- (7) *Gross mismanagement.*
- (8) *Gross waste of funds.*
- (9) *Abuse of authority.*

(b) *ADMINISTRATIVE LEAVE.*—A covered Inspector General may be placed on administrative leave only by the President. The President may place a covered Inspector General on administrative leave only for any of the grounds specified in subsection (a).

(c) *NOTIFICATION.*—The President may not remove a covered Inspector General under subsection (a) or place a covered Inspector General on administrative leave under subsection (b) unless—

- (1) *the President transmits in writing to the congressional intelligence committees a notification of such removal or placement, including a detailed explanation of the grounds for such removal or placement and the evidence supporting such grounds; and*
- (2) *with respect to the removal of a covered Inspector General, a period of 30 days elapses following the date of such transmittal.*

(d) *REPORT.*—Not later than 30 days after the date on which the President notifies a covered Inspector General of being removed under subsection (a) or placed on administrative leave under subsection (b), the office of that Inspector General shall submit to the congressional intelligence committees a report identifying—

- (1) *each complaint, investigation, inspection, audit, or other review or inquiry, including any information, allegation, or complaint reported to the Attorney General in accordance with section 535 of title 28, United States Code, that the Inspector General was working on as of the date of such removal or placement; and*
- (2) *the status of each such complaint, investigation, inspection, audit, or other review or inquiry.*

(e) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to prohibit a personnel action of a covered Inspector General otherwise authorized by law, other than transfer or removal.

(f) *DEFINITIONS.*—In this section:

(1) *ADMINISTRATIVE LEAVE.*—The term “administrative leave” includes any other type of paid or unpaid non-duty status.

(2) *COVERED INSPECTOR GENERAL.*—The term “covered Inspector General” includes an individual performing the functions and duties of a covered Inspector General in an acting capacity.

**SEC. 1203. DESIGNATION OF ACTING INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY IN CASES OF VACANCIES.**

(a) *DESIGNATION.*—If a covered Inspector General dies, resigns, is removed from office, or is otherwise unable to perform the functions and duties of the office of that Inspector General, the President may only direct an individual specified in subsection (b) to perform the functions and duties of that Inspector General in an acting capacity until an individual is appointed by the President, by and with the advice and consent of the Senate, to serve as Inspector General.

(b) *INDIVIDUALS WHO CAN SERVE IN ACTING CAPACITY.*—The following individuals may serve as an acting Inspector General pursuant to subsection (a):

(1) *The individual who holds the most senior position in that Office of the Inspector General as a career appointee in the Senior Intelligence Service, the Senior National Intelligence Service, or other applicable senior executive service.*

(2) *An individual who is serving as an inspector general of another department, agency, or other element of the Federal Government whose appointment to that position was made by the President, by and with the advice and consent of the Senate.*

**SEC. 1205. DETERMINATION OF MATTERS OF URGENT CONCERN.**

(a) *DETERMINATION.*—Each covered Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern. Such determination is final and conclusive.

(b) *FOREIGN INTERFERENCE IN ELECTIONS.*—In addition to any other matter which is considered an urgent concern pursuant to section 103H(k)(5)(G), section 17(d)(5)(G) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)), or other applicable provision of law, the term “urgent concern” includes a serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to foreign interference in elections in the United States.

**SEC. 1207. COORDINATION WITH OTHER PROVISIONS OF LAW.**

No provision of law that is inconsistent with any provision of this title shall be considered to supersede, repeal, or otherwise modify a provision of this title unless such other provision of law specifically cites a provision of this title in order to supersede, repeal, or otherwise modify that provision of this title.

## ***Subtitle B—Protections for Whistleblowers***

**SEC. [1104.] 1221. 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 in-

telligence 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) *a knowing and willful disclosure revealing the identity or other personally identifiable information of such employee or such contractor employee without the express written consent of such employee or such contractor employee or if the Inspector General determines it is necessary for the exclusive purpose of investigating a complaint or information received under section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H); or*

[(J)] (K) 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.

(5) EMPLOYEE.—The term “employee”, with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.

(b) AGENCY EMPLOYEES.—Any employee of 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 a personnel action with respect to any employee of a covered intelligence community element as a reprisal for a 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, 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, a congressional intelligence committee, or a member of a congressional intelligence committee, which the employee reasonably believes evidences—

(1) a violation of any Federal law, rule, or regulation; or

(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(c) **CONTRACTOR EMPLOYEES.**—(1) Any employee 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 a personnel action with respect to any contractor employee as a reprisal for a 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, the head of the contracting agency (or an employee designated by the head of that agency for such purpose), the appropriate inspector general of the contracting agency, a congressional intelligence committee, or a member of a congressional intelligence committee, which the contractor employee reasonably believes evidences—

(A) 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

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(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) **ENFORCEMENT.**—The President shall provide for the enforcement of this section.]

(d) **ENFORCEMENT.**—

(1) *IN GENERAL.*—*Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section.*

(2) *PRIVATE RIGHT OF ACTION FOR UNLAWFUL, WILLFUL DISCLOSURE OF WHISTLEBLOWER IDENTITY.*—*In a case in which an employee of an agency, or other employee or officer of the Federal Government, takes a personnel action described in subsection (a)(3)(J) against an employee of a covered intelligence community element as a reprisal in violation of subsection (b) or in a case in which a contractor employee takes a personnel action described in such subsection against another contractor*

*employee as a reprisal in violation of subsection (c), the employee or contractor employee against whom the personnel action was taken may bring a private action for all appropriate remedies, including injunctive relief and compensatory and punitive damages, against the employee or contractor employee who took the personnel action, in a Federal district court of competent jurisdiction within 180 days of when the employee or contractor employee first learned of or should have learned of the violation.*

(e) 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. 1223. LIMITATION ON SHARING OF INTELLIGENCE COMMUNITY WHISTLEBLOWER COMPLAINTS WITH PERSONS NAMED IN SUCH COMPLAINTS.**

(a) *IN GENERAL.*—It shall be unlawful for any employee or officer of the Federal Government to knowingly and willfully share any whistleblower disclosure information with any individual named as a subject of the whistleblower disclosure and alleged in the disclosure to have engaged in misconduct, unless—

(1) the whistleblower consented, in writing, to such sharing before the sharing occurs;

(2) a covered Inspector General to whom such disclosure is made—

(A) determines that such sharing is unavoidable and necessary to advance an investigation, audit, inspection, or evaluation by the Inspector General; and

(B) notifies the whistleblower of such sharing before the sharing occurs; or

(3) an attorney for the Government—

(A) determines that such sharing is unavoidable and necessary to advance an investigation by the attorney; and

(B) notifies the whistleblower of such sharing before the sharing occurs.

(b) *PENALTY.*—Any person who violates subsection (a) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

(c) *WHISTLEBLOWER DISCLOSURE INFORMATION DEFINED.*—In this section, the term “whistleblower disclosure information” means, with respect to a whistleblower disclosure—

(1) the disclosure;

(2) confirmation of the fact of the existence of the disclosure;

or

(3) the identity, or other identifying information, of the whistleblower who made the disclosure.

**SEC. [1106.] 1225. 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] *section 1221*; 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] *section 1221* or was subjected to a reprisal prohibited by section 3001(j)(1) 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. 1227. PROCEDURES REGARDING DISCLOSURES TO CONGRESS.**

(a) **GUIDANCE.**—

(1) **OBLIGATION TO PROVIDE SECURITY DIRECTION UPON REQUEST.**—*Upon the request of a whistleblower, the head of the relevant element of the intelligence community, acting through the covered Inspector General for that element, shall furnish on a confidential basis to the whistleblower information regarding how the whistleblower may directly contact the congressional intelligence committees, in accordance with appropriate security practices, regarding a complaint or information of the whistleblower pursuant to section 103H(k)(5)(D) or other appropriate provision of law.*

(2) **NONDISCLOSURE.**—*Unless a whistleblower who makes a request under paragraph (1) provides prior consent, a covered Inspector General may not disclose to the head of the relevant element of the intelligence community—*

(A) *the identity of the whistleblower; or*

(B) *the element at which such whistleblower is employed, detailed, or assigned as a contractor employee.*

(b) **OVERSIGHT OF OBLIGATION.**—*If a covered Inspector General determines that the head of an element of the intelligence community denied a request by a whistleblower under subsection (a), directed the whistleblower not to contact the congressional intelligence committees, or unreasonably delayed in providing information under such subsection, the covered Inspector General shall notify the congressional intelligence committees of such denial, direction, or unreasonable delay.*

(c) **PERMANENT SECURITY OFFICER.**—*The head of each element of the intelligence community may designate a permanent security officer in the element to provide to whistleblowers the information under subsection (a).*

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**INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR  
1995**

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**TITLE VI—CONSTRUCTION OF FACILITIES FOR THE INTELLIGENCE COMMUNITY**

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**SEC. 602. LIMITATION ON CONSTRUCTION OF FACILITIES TO BE USED  
PRIMARILY BY THE INTELLIGENCE COMMUNITY.**

(a) **IN GENERAL.**—

(1) IN GENERAL.—Except as provided in subsection (b), no project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost in excess of \$5,000,000 may be undertaken in any fiscal year unless such project is specifically identified as a separate item in the President's annual fiscal year budget request and is specifically authorized by the Congress.

(2) NOTIFICATION.—In the case of a project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost greater than ~~[\$1,000,000]~~ \$2,000,000 but less than \$5,000,000, or where any project for the improvement, repair, or modification of such a facility has an estimated Federal cost greater than ~~[\$1,000,000]~~ \$2,000,000, ~~[the Director of National Intelligence shall submit a notification]~~ *the head of such component, in coordination with and subject to the approval of the Director of National Intelligence, shall submit a notification* to the intelligence committees specifically identifying such project.

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding subsection (a) but subject to paragraphs (2) and (3), a project for the construction of a facility to be used primarily by personnel of any component of the intelligence community may be carried out if the Secretary of Defense and the Director of National Intelligence jointly determine—

(A) that the project is vital to the national security or to the protection of health, safety, or the quality of the environment, and

(B) that the requirement for the project is so urgent that deferral of the project for inclusion in the next Act authorizing appropriations for the intelligence community would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

(2) REPORT.—(A) When a decision is made to carry out a construction project under this subsection, the Secretary of Defense and the Director of National Intelligence jointly shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (i) the justification for the project and the current estimate of the cost of the project, (ii) the justification for carrying out the project under this subsection, and (iii) a statement of the source of the funds to be used to carry out the project. The project may then be carried out only after the end of the 7-day period beginning on the date the notification is received by such committees.

(B) Notwithstanding subparagraph (A), a project referred to in paragraph (1) may begin on the date the notification is received by the appropriate committees of Congress under that paragraph if the Director of National Intelligence and the Secretary of Defense jointly determine that—

(i) an emergency exists with respect to the national security or the protection of health, safety, or environmental quality; and

(ii) any delay in the commencement of the project would harm any or all of those interests.

(3) **PROJECTS PRIMARILY FOR CIA.**—If a project referred to in paragraph (1) is primarily for the Central Intelligence Agency, the Director of the Central Intelligence Agency shall make the determination and submit the report required by paragraphs (1) and (2).

(4) **LIMITATION.**—A project carried out under this subsection shall be carried out within the total amount of funds appropriated for intelligence and intelligence-related activities that have not been obligated.

(c) **APPLICATION.**—This section shall not apply to any project which is subject to subsection (a)(1)(A) or (c) of section 601.

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## CENTRAL INTELLIGENCE AGENCY ACT OF 1949

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### SEC. 17. INSPECTOR GENERAL FOR THE AGENCY.

(a) **PURPOSE; ESTABLISHMENT.**—In order to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the “intelligence committees”) are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the “Office”).

(b) **APPOINTMENT; SUPERVISION; REMOVAL.**—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.

(2) The Inspector General shall report directly to and be under the general supervision of the Director.

(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.

[(6) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the intelligence committees the reasons for any such removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.]

*(6) The provisions of title XII of the National Security Act of 1947 shall apply to the Inspector General with respect to the removal of the Inspector General, a vacancy in the position of the Inspector General, and any other matter relating to the Inspector General as specifically provided for in such title.*

(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS; REPORTS TO CONGRESS ON URGENT CONCERNS.—(1) The Inspector General shall, not later than October 31 and April 30 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month periods ending September 30 and March 31, respectively. Not later than 30 days after the date of the receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, review, or audit conducted during the reporting period and—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of his functions;

(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and

(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

(3) In the event that—

(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

- (I) Deputy Director;
- (II) Associate Deputy Director;
- (III) Director of the National Clandestine Service;
- (IV) Director of Intelligence;
- (V) Director of Support; or
- (VI) Director of Science and Technology.

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.

(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

(5)(A) An employee of the Agency, or of a contractor to the Agency, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B)(i) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director notice of that determination, together with the complaint or information.

(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director of the Central Intelligence Agency apply to the Director of National Intelligence.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(ii) The employee may contact the intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of that committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) **[In this paragraph]** *In accordance with section 1205 of the National Security Act of 1947, in this paragraph:*

(i) The term "urgent concern" means any of the following:

(I) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(II) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(III) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (e)(3)(B) in response to an employee's reporting an urgent concern in accordance with this paragraph.

(ii) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

(e) **AUTHORITIES OF THE INSPECTOR GENERAL.**—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, pa-

pers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Agency—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or providing such information may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, which oath affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information or any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(7)(A) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, the Inspector General shall create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

(B) Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

(i) the selection of internal and external candidates for employment with the Office of Inspector General; and

(ii) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.

(C)(i) The Inspector General may designate an officer or employee appointed in accordance with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States.

(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with section 3307 of title 5, United States Code, as it relates to law enforcement officers.

(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, United States Code, the Inspector General may exercise the functions, powers, and duties of an agency head or appointing authority with respect to the Office.

(8)(A) The Inspector General shall—

(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.

(9)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

(C) Nothing in this paragraph may be construed to provide any new authority to the Central Intelligence Agency to conduct intelligence activity in the United States.

(D) In this paragraph, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(f) SEPARATE BUDGET ACCOUNT.—(1) Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of National Intelligence in consultation with the intelligence committees, the Director of National Intelligence shall include in the National Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.

(g) **TRANSFER.**—There shall be transferred to the Office the office of the Agency referred to as the “Office of Inspector General.” The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such “Office of Inspector General” are hereby transferred to the Office established pursuant to this section.

(h) **INFORMATION ON WEBSITE.**—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency’s publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.

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**SEC. 24. OFFICE OF THE OMBUDSMAN FOR ANALYTIC OBJECTIVITY.**

(a) **ESTABLISHMENT.**—*There is established in the Agency an Office of the Ombudsman for Analytic Objectivity (in this section referred to as the “Office”), which shall be headed by an Ombudsman. The Ombudsman shall be appointed by the Director from among the senior staff officers of the Agency.*

(b) **DUTIES AND RESPONSIBILITIES.**—*The Ombudsman shall—*

*(1) on an annual basis, conduct a survey of analytic objectivity among officers and employees of the Agency;*

*(2) implement a procedure by which any officer or employee of the Agency may submit to the Office a complaint alleging politicization, bias, lack of objectivity, or other issues relating to a failure of tradecraft in analysis conducted by the Agency;*

*(3) except as provided in paragraph (4), upon receiving a complaint submitted pursuant to paragraph (2), take reasonable action to investigate the complaint, make a determination as to whether the incident described in the complaint involved politicization, bias, or lack of objectivity, and prepare a report that—*

*(A) summarizes the facts relevant to the complaint;*

*(B) documents the determination of the Ombudsman with respect to the complaint; and*

*(C) contains a recommendation for remedial action;*

*(4) if a complaint submitted pursuant to paragraph (2) alleges politicization, bias, or lack of objectivity in the collection of intelligence information, refer the complaint to the official responsible for supervising collection operations of the Agency; and*

*(5) continuously monitor changes in areas of analysis that the Ombudsman determines involve a heightened risk of politicization, bias, or lack of objectivity, to ensure that any change in the analytic line arises from proper application of analytic tradecraft and not as a result of politicization, bias, or lack of objectivity.*

(c) **REPORTS.**—(1) *On an annual basis, the Ombudsman shall submit to the intelligence committees a report on the results of the survey conducted pursuant to subsection (b)(1) with respect to the most recent fiscal year.*

(2) *On an annual basis, the Ombudsman shall submit to the intelligence committees a report that includes—*

*(A) the number of complaints of submitted pursuant to subsection (b)(2) during the most recent fiscal year; and*

*(B) a description of the nature of such complaints, the actions taken by the Office or any other relevant element or component of the Agency with respect to such complaints, and the resolution of such complaints.*

(3) *On a quarterly basis, the Ombudsman shall submit to the intelligence committees a report that includes—*

*(A) a list of the areas of analysis monitored during the most recent calendar quarter pursuant to subsection (b)(5); and*

*(B) a brief description of the methods by which the Office has conducted such monitoring.*

(d) *INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.*

## **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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#### **§ 5314. Positions at level III**

Level III 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:

Solicitor General of the United States.

Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Industry and Security, and Under Secretary of Commerce for Travel and Tourism.

Under Secretaries of State (6).

Under Secretaries of the Treasury (3).

Administrator of General Services.

Administrator of the Small Business Administration.

Deputy Administrator, Agency for International Development.

Chairman of the Merit Systems Protection Board.

Chairman, Federal Communications Commission.  
 Chairman, Board of Directors, Federal Deposit Insurance Corporation.  
 Chairman, Federal Energy Regulatory Commission.  
 Chairman, Federal Trade Commission.  
 Chairman, Surface Transportation Board.  
 Chairman, National Labor Relations Board.  
 Chairman, Securities and Exchange Commission.  
 Chairman, National Mediation Board.  
 Chairman, Railroad Retirement Board.  
 Chairman, Federal Maritime Commission.  
 Comptroller of the Currency.  
 Commissioner of Internal Revenue.  
 Under Secretary of Defense for Acquisition and Sustainment.  
 Under Secretary of Defense for Policy.  
 Under Secretary of Defense (Comptroller).  
 Under Secretary of Defense for Personnel and Readiness.  
 Under Secretary of Defense for Intelligence and Security.  
 Under Secretary of the Air Force.  
 Under Secretary of the Army.  
 Under Secretary of the Navy.  
 Deputy Administrator of the National Aeronautics and Space Administration.  
 Deputy Director of the Central Intelligence Agency.  
 Director of the Office of Emergency Planning.  
 Director of the Peace Corps.  
 Deputy Director, National Science Foundation.  
 President of the Export-Import Bank of Washington.  
 Members, Nuclear Regulatory Commission.  
 Members, Defense Nuclear Facilities Safety Board.  
 Director of the Federal Bureau of Investigation, Department of Justice.  
 Administrator of the National Highway Traffic Safety Administration.  
 Administrator of the Federal Motor Carrier Safety Administration.  
 Administrator, Federal Railroad Administration.  
 Chairman, National Transportation Safety Board.  
 Chairman of the National Endowment for the Arts the incumbent of which also serves as Chairman of the National Council on the Arts.  
 Chairman of the National Endowment for the Humanities.  
 Director of the Federal Mediation and Conciliation Service.  
 Chairman, Postal Regulatory Commission.  
 Chairman, Occupational Safety and Health Review Commission.  
 Governor of the Farm Credit Administration.  
 Chairman, Equal Employment Opportunity Commission.  
 Chairman, Consumer Product Safety Commission.  
 Under Secretaries of Energy (3).  
 Chairman, Commodity Futures Trading Commission.  
 Deputy United States Trade Representatives (3).  
 Chief Agricultural Negotiator, Office of the United States Trade Representative.

Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.

Chairman, United States International Trade Commission.

Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration.

Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.

Associate Attorney General.

Chairman, Federal Mine Safety and Health Review Commission.

Chairman, National Credit Union Administration Board.

Deputy Director of the Office of Personnel Management.

Under Secretary of Agriculture for Farm Production and Conservation.

Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.

Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

Under Secretary of Agriculture for Natural Resources and Environment.

Under Secretary of Agriculture for Research, Education, and Economics.

Under Secretary of Agriculture for Food Safety.

Under Secretary of Agriculture for Marketing and Regulatory Programs.

Director, Institute for Scientific and Technological Cooperation.

Under Secretary of Agriculture for Rural Development.

Administrator, Maritime Administration.

Executive Director Property Review Board.

Deputy Administrator of the Environmental Protection Agency.

Archivist of the United States.

Executive Director, Federal Retirement Thrift Investment Board.

Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

Director, Trade and Development Agency.

Under Secretary for Health, Department of Veterans Affairs.

Under Secretary for Benefits, Department of Veterans Affairs.

Under Secretary for Memorial Affairs, Department of Veterans Affairs.

Under Secretaries, Department of Homeland Security.

Director, Cybersecurity and Infrastructure Security Agency.

Director of the Bureau of Citizenship and Immigration Services.

Director of the Office of Government Ethics.

Administrator for Federal Procurement Policy.

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Director of the Office of Thrift Supervision.

Chairperson of the Federal Housing Finance Board.

Executive Secretary, National Space Council.  
*Director of the National Security Agency.*  
*Director of the National Reconnaissance Office.*  
 Controller, Office of Federal Financial Management, Office of Management and Budget.  
 Administrator, Office of the Assistant Secretary for Research and Technology of the Department of Transportation.  
 Deputy Director for Demand Reduction, Office of National Drug Control Policy.  
 Deputy Director for Supply Reduction, Office of National Drug Control Policy.  
 Deputy Director for State and Local Affairs, Office of National Drug Control Policy.  
 Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.  
 Register of Copyrights.  
 Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.  
 Under Secretary of Education  
 Administrator of the Centers for Medicare & Medicaid Services.  
 Administrator of the Office of Electronic Government.  
 Administrator, Pipeline and Hazardous Materials Safety Administration.  
 Director, Pension Benefit Guaranty Corporation.  
 Deputy Administrators, Federal Emergency Management Agency.  
 Deputy Administrator, Transportation Security Administration.  
 Chief Executive Officer, International Clean Energy Foundation.  
 Independent Member of the Financial Stability Oversight Council (1).  
 Director of the Office of Financial Research.

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## **TITLE 10, UNITED STATES CODE**

### **SUBTITLE A—GENERAL MILITARY LAW**

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### **PART I—ORGANIZATION AND GENERAL MILITARY POWERS**

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#### **CHAPTER 2—DEPARTMENT OF DEFENSE**

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**§ 119. Special access programs: congressional oversight**

(a)(1) Not later than March 1 of each year, the Secretary of Defense shall submit to the [defense committees] *appropriate congressional committees* a report on special access programs.

(2) Each such report shall set forth—

(A) the total amount requested for special access programs of the Department of Defense in the President's budget for the next fiscal year submitted under section 1105 of title 31; and

(B) for each program in that budget that is a special access program—

(i) a brief description of the program;

(ii) a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(3) In the case of a report under paragraph (1) submitted in a year during which the President's budget for the next fiscal year, because of multiyear budgeting for the Department of Defense, does not include a full budget request for the Department of Defense, the report required by paragraph (1) shall set forth—

(A) the total amount already appropriated for the next fiscal year for special access programs of the Department of Defense and any additional amount requested in that budget for such programs for such fiscal year; and

(B) for each program of the Department of Defense that is a special access program, the information specified in paragraph (2)(B).

(b)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the [defense committees] *appropriate congressional committees* a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term “new special access program” means a special access program that has not previously been covered in a notice and justification under this subsection.

(c)(1) Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made

public, the Secretary of Defense shall submit to the [defense committees] *appropriate congressional committees* a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

(3) If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Defense, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the [defense committees] *appropriate congressional committees* of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e)(1) The Secretary of Defense may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the [defense committees] *appropriate congressional committees*.

(f) A special access program may not be initiated until—

(1) the [defense committees] *appropriate congressional committees* are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

[(g) In this section, the term “[defense committees] *appropriate congressional committees*” means—

[(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

[(2) the Committee on Armed Services and the Committee on Appropriations, and the Subcommittee on Defense of the Committee on Appropriations, of the House of Representatives.]

(g) *In this section, the term “appropriate congressional committees” means the following:*

(1) *The Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate.*

(2) *The Committee on Armed Services and the Committee on Appropriations, and the Subcommittee on Defense of the Committee on Appropriations, of the House of Representatives.*

(3) *With respect to a special access program or a new special access program covered by a report or notification under this section that the Secretary of Defense determines to be an intelligence or intelligence-related special access program, and with respect to any other special access program or new special access program covered by a report or notification under this section or any other matters that the Secretary determines appropriate, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.*

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## PART II—PERSONNEL

\* \* \* \* \*

### CHAPTER 81—CIVILIAN EMPLOYEES

\* \* \* \* \*

#### **§ 1599h. Personnel management authority to attract experts in science and engineering**

(a) PROGRAMS AUTHORIZED.—

(1) LABORATORIES OF THE MILITARY DEPARTMENTS.—The Secretary of Defense may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for such laboratories of the military departments as the Secretary shall designate for purposes of the program for research and development projects of such laboratories.

(2) DARPA.—The Director of the Defense Advanced Research Projects Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.

(3) DOTE.—The Director of the Office of Operational Test and Evaluation may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering to support operational test and evaluation missions of the Office.

(4) STRATEGIC CAPABILITIES OFFICE.—The Director of the Strategic Capabilities Office may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Office.

(5) DIU.—The Director of the Defense Innovation Unit may carry out a program of personnel management authority pro-

vided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Unit.

(6) JOINT ARTIFICIAL INTELLIGENCE CENTER.—The Director of the Joint Artificial Intelligence Center may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Center. The authority to carry out the program under this paragraph shall terminate on December 31, 2024.

(7) NGA.—*The Director of the National Geospatial-Intelligence Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.*

(b) PERSONNEL MANAGEMENT AUTHORITY.—Under a program under subsection (a), the official responsible for administration of the program may—

(1) without regard to any provision of title 5 governing the appointment of employees in the civil service—

(A) in the case of the laboratories of the military departments designated pursuant to subsection (a)(1), appoint scientists and engineers to a total of not more than 40 scientific and engineering positions in such laboratories;

(B) in the case of the Defense Advanced Research Projects Agency, appoint individuals to a total of not more than 140 positions in the Agency, of which not more than 5 such positions may be positions of administration or management of the Agency;

(C) in the case of the Office of Operational Test and Evaluation, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;

(D) in the case of the Strategic Capabilities Office, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Office;

(E) in the case of the Defense Innovation Unit, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Unit; and

(F) in the case of the Joint Artificial Intelligence Center, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Center; and

(G) *in the case of the National Geospatial-Intelligence Agency, appoint individuals to a total of not more than 7 positions in the Agency, of which not more than 2 such positions may be positions of administration or management in the Agency;*

(2) notwithstanding any provision of title 5 governing the rates of pay or classification of employees in the executive branch, prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1)—

(A) in the case of employees appointed pursuant to paragraph (1)(B) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for

purposes of this subparagraph, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

(B) in the case of any other employee appointed pursuant to paragraph (1), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

(3) pay any employee appointed under paragraph (1), other than an employee appointed to a position designated as described in paragraph (2)(A), payments in addition to basic pay within the limit applicable to the employee under subsection (d).

(c) LIMITATION ON TERM OF APPOINTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

(2) EXTENSION.—The official responsible for the administration of a program under subsection (a) may, in the case of a particular employee under the program, extend the period to which service is limited under paragraph (1) by up to two years if the official determines that such action is necessary to promote the efficiency of a laboratory of a military department, the Defense Advanced Research Projects Agency, the Office of Operational Test and Evaluation, the Strategic Capabilities Office, the Defense Innovation Unit, [or the Joint Artificial Intelligence Center] *the Joint Artificial Intelligence Center, or the National Geospatial-Intelligence Agency*, as applicable.

(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.—Notwithstanding any other provision of this section or section 5307 of title 5, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

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## NATIONAL SECURITY AGENCY ACT OF 1959

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### SEC. 21. SENIOR CHIEF PETTY OFFICER SHANNON KENT AWARD FOR DISTINGUISHED FEMALE PERSONNEL.

(a) ESTABLISHMENT.—*The Director of the National Security Agency shall establish an honorary award for the recognition of female personnel of the National Security Agency for distinguished career contributions in support of the mission of the Agency as civilian employees or members of the Armed Forces assigned to the Agency. The award shall be known as the “Senior Chief Petty Officer Shannon Kent Award” and shall consist of a design determined appropriate by the Director.*

(b) AWARD.—*The Director shall award the Senior Chief Petty Officer Shannon Kent Award to female civilian employees, members of*

*the Armed Forces, or former civilian employees or members, whom the Director determines meet the criteria under subsection (a).*

## HOMELAND SECURITY ACT OF 2002

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

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

Sec. 1. Short title; table of contents.

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### TITLE XIII—FEDERAL WORKFORCE IMPROVEMENT

\* \* \* \* \*

#### Subtitle D—Academic Training

\* \* \* \* \*

Sec. 1331. Academic training.

Sec. 1332. Modifications to National Security Education Program.

Sec. 1333. *Intelligence and cybersecurity diversity fellowship program.*

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## TITLE XIII—FEDERAL WORKFORCE IMPROVEMENT

\* \* \* \* \*

### Subtitle D—Academic Training

\* \* \* \* \*

#### **SEC. 1333. INTELLIGENCE AND CYBERSECURITY DIVERSITY FELLOWSHIP PROGRAM.**

(a) **PROGRAM.**—*The Secretary shall carry out an intelligence and cybersecurity diversity fellowship program (in this section referred to as the “Program”) under which an eligible individual may—*

(1) *participate in a paid internship at the Department that relates to intelligence, cybersecurity, or some combination thereof;*

(2) *receive tuition assistance from the Secretary; and*

(3) *upon graduation from an institution of higher education and successful completion of the Program (as defined by the Secretary), receive an offer of employment to work in an intelligence or cybersecurity position of the Department that is in the excepted service.*

(b) **ELIGIBILITY.**—*To be eligible to participate in the Program, an individual shall—*

(1) *be a citizen of the United States; and*

(2) *as of the date of submitting the application to participate in the Program—*

(A) *have a cumulative grade point average of at least 3.2 on a 4.0 scale; and*

(B) *be a sophomore, junior, or senior at—*

(i) a historically Black college or university or a minority-serving institution; or

(ii) an institution of higher education that is not a historically Black college or university or a minority-serving institution and be an active participant in a minority-serving organization of such institution.

(c) *DIRECT HIRE AUTHORITY.*—If an individual who receives an offer of employment under subsection (a)(3) accepts such offer, the Secretary shall appoint, without regard to provisions of subchapter I of chapter 33 of title 5, United States Code, (except for section 3328 of such title) such individual to the position specified in such offer.

(d) *REPORTS.*—

(1) *REPORTS.*—Not later than 1 year after the date of the enactment of this section, and on an annual basis thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the Program.

(2) *MATTERS.*—Each report under paragraph (1) shall include, with respect to the most recent year, the following:

(A) A description of outreach efforts by the Secretary to raise awareness of the Program among institutions of higher education in which eligible individuals are enrolled.

(B) Information on specific recruiting efforts conducted by the Secretary to increase participation in the Program.

(C) The number of individuals participating in the Program, listed by the institution of higher education in which the individual is enrolled at the time of participation, and information on the nature of such participation, including on whether the duties of the individual under the Program relate primarily to intelligence or to cybersecurity.

(D) The number of individuals who accepted an offer of employment under the Program and an identification of the element within the Department to which each individual was appointed.

(e) *DEFINITIONS.*—In this section:

(1) *APPROPRIATE COMMITTEES OF CONGRESS.*—The term “appropriate committees of Congress” means—

(A) the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate.

(2) *EXCEPTED SERVICE.*—The term “excepted service” has the meaning given that term in section 2103 of title 5, United States Code.

(3) *HISTORICALLY BLACK COLLEGE OR UNIVERSITY.*—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) *INSTITUTION OF HIGHER EDUCATION.*—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) *MINORITY-SERVING INSTITUTION.*—*The term “minority-serving institution” means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).*

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**DAMON PAUL NELSON AND MATTHEW YOUNG POLLARD  
INTELLIGENCE AUTHORIZATION ACT FOR FISCAL  
YEARS 2018, 2019, AND 2020**

**DIVISION E—INTELLIGENCE AUTHOR-  
IZATIONS FOR FISCAL YEARS 2018,  
2019, AND 2020**

**SECTION 5001. SHORT TITLE**

This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020”.

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**TITLE LIII—INTELLIGENCE  
COMMUNITY MATTERS**

\* \* \* \* \*

**Subtitle C—Inspector General of the  
Intelligence Community**

**SEC. 5331. DEFINITIONS.**

In this subtitle:

(1) **WHISTLEBLOWER.**—The term “whistleblower” means a person who makes a whistleblower disclosure.

(2) **WHISTLEBLOWER DISCLOSURE.**—The term “whistleblower disclosure” means a disclosure that is protected under [section 1104 of the National Security Act of 1947 (50 U.S.C. 3234)] *section 1221 of the National Security Act of 1947* or section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).

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**TITLE LVII—REPORTS AND OTHER  
MATTERS**

**Subtitle A—Reports and Briefings**

\* \* \* \* \*

**[SEC. 5712. REPORT ON BEST PRACTICES TO PROTECT PRIVACY AND CIVIL LIBERTIES 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.—Not later than 180 days after the date of the enactment of this Act, 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 and civil liberties of Americans of Chinese descent who may be targets of espionage and influence operations by China; and**

**[(2) recommendations to ensure that the privacy and civil liberties 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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## **TITLE LXVI—SECURITY CLEARANCES**

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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) **[QUINQUENNIAL] 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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## FEDERAL ELECTION CAMPAIGN ACT OF 1971

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## TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

\* \* \* \* \*

## ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditures shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

(b)(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of \$50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is \$50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of \$50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of \$200.

(d) The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this title for 3 years after the report is filed. For any report filed in electronic format under section 304(a)(11), the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.

(e)(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1).

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(B) As used in this section, the term “support” does not include a contribution by any authorized committee in amounts of \$2,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

(5) The name of any separate segregated fund established pursuant to section 316(b) shall include the name of its connected organization.

(f)(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate’s principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.

(h)(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan

Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of \$100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5).

(i) When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(j) *REPORTABLE FOREIGN CONTACTS COMPLIANCE POLICY.*—

(1) *REPORTING.*—Each political committee shall establish a policy that requires all officials, employees, and agents of such committee to notify the treasurer or other appropriate designated official of the committee of any reportable foreign contact (as defined in section 304(j)) not later than 3 days after such contact was made.

(2) *RETENTION AND PRESERVATION OF RECORDS.*—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

(3) *CERTIFICATION.*—

(A) *IN GENERAL.*—Upon filing its statement of organization under section 303(a), and with each report filed under section 304(a), the treasurer of each political committee (other than an authorized committee) shall certify that—

(i) the committee has in place policies that meet the requirements of paragraphs (1) and (2);

(ii) the committee has designated an official to monitor compliance with such policies; and

(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

(I) receive notice of such policies;

(II) be informed of the prohibitions under section 319; and

(III) sign a certification affirming their understanding of such policies and prohibitions.

(B) *AUTHORIZED COMMITTEES.*—With respect to an authorized committee, the candidate shall make the certification required under subparagraph (A).

## REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 302(e)(1). Each separate segregated fund established under the provisions of section 316(b) shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 301(4).

(b) The statement of organization of a political committee shall include—

- (1) the name, address, and type of committee;
- (2) the name, address, relationship, and type of any connected organization or affiliated committee;
- (3) the name, address, and position of the custodian of books and accounts of the committee;
- (4) the name and address of the treasurer of the committee;
- (5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and
- (6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) Any change in information previously submitted in a statement of organization shall be reported in accordance with section 302(g) no later than 10 days after the date of the change.

(d)(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 302(g), that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

- (A) the determination of insolvency with respect to any political committee;
- (B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and
- (C) the termination of an insolvent political committee after such liquidation and application of assets.

(e) *ACKNOWLEDGMENT OF FOREIGN MONEY BAN.*—

(1) *NOTIFICATION BY COMMISSION.*—*Not later than 30 days after a political committee files its statement of organization under subsection (a), and biennially thereafter until the committee terminates, the Commission shall provide the committee with a written explanation of section 319.*

(2) *ACKNOWLEDGMENT BY COMMITTEE.*—

(A) *IN GENERAL.*—*Not later than 30 days after receiving the written explanation of section 319 under paragraph (1), the committee shall transmit to the Commission a signed certification that the committee has received such written explanation and has provided a copy of the explanation to all members, employees, contractors, and volunteers of the committee.*

*(B) PERSON RESPONSIBLE FOR SIGNATURE.—The certification required under subparagraph (A) shall be signed—*  
*(i) in the case of an authorized committee of a candidate, by the candidate; or*  
*(ii) in the case of any other political committee, by the treasurer of the committee.*

#### REPORTS

SEC. 304. (a)(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating \$100,000 or made expenditures aggregating \$100,000 or anticipates receiving contributions aggregating \$100,000 or more or making expenditures aggregating \$100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the

last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of \$100,000 or makes expenditures in excess of \$100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year.

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1)) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term “expenditure from personal funds” means—

(I) an expenditure made by a candidate using personal funds; and

(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate’s authorized committee.

(ii) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—

(I) the Commission; and

(II) each candidate in the same election.

(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in

excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

- (I) the Commission; and
- (II) each candidate in the same election.

(iv) **ADDITIONAL NOTIFICATION.**—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed \$10,000 with—

- (I) the Commission; and
- (II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

(v) **CONTENTS.**—A notification under clause (iii) or (iv) shall include—

- (I) the name of the candidate and the office sought by the candidate;
- (II) the date and amount of each expenditure; and
- (III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(C) **NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.**—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 315(i)) and the manner in which the candidate or the candidate's authorized committee used such funds.

(D) **ENFORCEMENT.**—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.

(E) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed with-

in 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(D) As used in this paragraph, the term “report” means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.

(12) SOFTWARE FOR FILING OF REPORTS.—

(A) IN GENERAL.—The Commission shall—

(i) promulgate standards to be used by vendors to develop software that—

(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;

(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and

(III) allows the Commission to post the information on the Internet immediately upon receipt; and

(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.

(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

(C) REQUIRED USE.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

(D) REQUIRED POSTING.—The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories:

(A) contributions from persons other than political committees;

(B) for an authorized committee, contributions from the candidate;

(C) contributions from political party committees;

(D) contributions from other political committees;

(E) for an authorized committee, transfers from other authorized committees of the same candidate;

(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

(G) for an authorized committee, loans made by or guaranteed by the candidate;

(H) all other loans;

(I) rebates, refunds, and other offsets to operating expenditures;

(J) dividends, interest, and other forms of receipts; and

(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of the Internal Revenue Code of 1954;

(3) the identification of each—

(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

(C) authorized committee which makes a transfer to the reporting committee;

(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and

(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:

(A) expenditures made to meet candidate or committee operating expenses;

(B) for authorized committees, transfers to other committees authorized by the same candidate;

(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

(E) repayment of all other loans;

(F) contribution refunds and other offsets to contributions;

(G) for an authorized committee, any other disbursements;

(H) for any political committee other than an authorized committee—

(i) contributions made to other political committees;

(ii) loans made by the reporting committees;

(iii) independent expenditures;

(iv) expenditures made under section 315(d) of this Act; and

(v) any other disbursements; and

(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 315(b);

(5) the name and address of each—

(A) person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

(B) authorized committee to which a transfer is made by the reporting committee;

(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;

(B) for any other political committee, the name and address of each—

(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of,

any candidate or any authorized committee or agent of such committee;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 315(d) in the Act, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); **[and]**

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor**[.]**; and

(9) for any reportable foreign contact (as defined in subsection (j)(3))—

(A) the date, time, and location of the contact;

(B) the date and time of when a designated official of the committee was notified of the contact;

(C) the identity of individuals involved; and

(D) a description of the contact, including the nature of any contribution, donation, expenditure, disbursement, or solicitation involved and the nature of any activity described in subsection (j)(3)(A)(ii)(II) involved.

(c)(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2), and shall include—

(A) the information required by subsection (b)(6)(B)(iii), indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of,

any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of \$200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii), made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(d)(1) Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(e) POLITICAL COMMITTEES.—

(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—

(A) IN GENERAL.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than \$5,000.

(B) SPECIFIC DISCLOSURE BY STATE AND LOCAL PARTIES OF CERTAIN NON-FEDERAL AMOUNTS PERMITTED TO BE SPENT ON FEDERAL ELECTION ACTIVITY.—Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 301(20)(A) shall include a disclosure of all receipts and disbursements described in section 323(b)(2)(A) and (B).

(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of \$200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B).

(f) DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.—

(1) STATEMENT REQUIRED.—Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of \$10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business of the person making the disbursement, if not an individual.

(C) The amount of each disbursement of more than \$200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(3) ELECTIONEERING COMMUNICATION.—For purposes of this subsection—

(A) IN GENERAL.—(i) The term “electioneering communication” means any broadcast, cable, or satellite communication which—

(I) refers to a clearly identified candidate for Federal office;

(II) is made within—

(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or

(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and

(III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(ii) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term “electioneering communication” means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

(B) EXCEPTIONS.—The term “electioneering communication” does not include—

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) a communication which constitutes an expenditure or an independent expenditure under this Act;

(iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 301(20)(A)(iii).

(C) TARGETING TO RELEVANT ELECTORATE.—For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is “targeted to the relevant electorate” if the communication can be received by 50,000 or more persons—

(i) in the district the candidate seeks to represent, in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

(ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.

(4) DISCLOSURE DATE.—For purposes of this subsection, the term “disclosure date” means—

(A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000; and

(B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000 since the most recent disclosure date for such calendar year.

(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(6) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

(7) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of the Internal Revenue Code of 1986.

(g) TIME FOR REPORTING CERTAIN EXPENDITURES.—

(1) EXPENDITURES AGGREGATING \$1,000.—

(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

(2) EXPENDITURES AGGREGATING \$10,000.—

(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.

(4) TIME OF FILING FOR EXPENDITURES AGGREGATING \$1,000.—

Notwithstanding subsection (a)(5), the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

(h) REPORTS FROM INAUGURAL COMMITTEES.—The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.

(i) DISCLOSURE OF BUNDLED CONTRIBUTIONS.—

(1) REQUIRED DISCLOSURE.—Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(2) COVERED PERIOD.—In this subsection, a “covered period” means, with respect to a committee—

(A) the period beginning January 1 and ending June 30 of each year;

(B) the period beginning July 1 and ending December 31 of each year; and

(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(3) APPLICABLE THRESHOLD.—

(A) IN GENERAL.—In this subsection, the “applicable threshold” is \$15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person’s spouse.

(B) INDEXING.—In any calendar year after 2007, section 315(c)(1)(B) shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the “base period” shall be 2006.

(4) PUBLIC AVAILABILITY.—The Commission shall ensure that, to the greatest extent practicable—

(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

(B) the Commission’s public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

(5) REGULATIONS.—Not later than 6 months after the date of enactment of the Honest Leadership and Open Government Act of 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

(6) COMMITTEES DESCRIBED.—A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(7) PERSONS DESCRIBED.—A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—

(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995;

(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act or a current report under section 5(b)(2)(C) of such Act; or

(C) a political committee established or controlled by such a registrant or individual.

(8) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) BUNDLED CONTRIBUTION.—The term “bundled contribution” means, with respect to a committee described in

paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—

(i) forwarded from the contributor or contributors to the committee by the person; or

(ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

(B) LEADERSHIP PAC.—The term “leadership PAC” means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.

(j) *DISCLOSURE OF REPORTABLE FOREIGN CONTACTS.*—

(1) *COMMITTEE OBLIGATION TO NOTIFY.*—Not later than 1 week after a reportable foreign contact, each political committee shall notify the Federal Bureau of Investigation and the Commission of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact. The Federal Bureau of Investigation, not later than 1 week after receiving a notification from a political committee under this paragraph, shall submit to the political committee, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate written or electronic confirmation of receipt of the notification.

(2) *INDIVIDUAL OBLIGATION TO NOTIFY.*—Not later than 3 days after a reportable foreign contact—

(A) each candidate and each immediate family member of a candidate shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

(3) *REPORTABLE FOREIGN CONTACT.*—In this subsection:

(A) *IN GENERAL.*—The term “reportable foreign contact” means any direct or indirect contact or communication that—

(i) is between—

(I) a candidate, an immediate family member of the candidate, a political committee, or any official, employee, or agent of such committee; and

(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably believes is a covered foreign national; and  
(ii) the person described in clause (i)(I) knows, has reason to know, or reasonably believes involves—

(I) an offer or other proposal for a contribution, donation, expenditure, disbursement, or solicitation described in section 319; or

(II) coordination or collaboration with, an offer or provision of information or services to or from, or persistent and repeated contact with, a covered foreign national in connection with an election.

**(B) EXCEPTIONS.—**

(i) **CONTACTS IN OFFICIAL CAPACITY AS ELECTED OFFICIAL.**—The term “reportable foreign contact” shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee.

(ii) **CONTACTS FOR PURPOSES OF ENABLING OBSERVATION OF ELECTIONS BY INTERNATIONAL OBSERVERS.**—The term “reportable foreign contact” shall not include any contact or communication with a covered foreign national by any person which is made for purposes of enabling the observation of elections in the United States by a foreign national or the observation of elections outside of the United States by a candidate, political committee, or any official, employee, or agent of such committee.

(iii) **EXCEPTIONS NOT APPLICABLE IF CONTACTS OR COMMUNICATIONS INVOLVE PROHIBITED DISBURSEMENTS.**—A contact or communication by an elected official or an employee of an elected official shall not be considered to be made solely in an official capacity for purposes of clause (i), and a contact or communication shall not be considered to be made for purposes of enabling the observation of elections for purposes of clause (ii), if the contact or communication involves a contribution, donation, expenditure, disbursement, or solicitation described in section 319.

**(C) COVERED FOREIGN NATIONAL DEFINED.—**

(i) **IN GENERAL.**—In this paragraph, the term “covered foreign national” means—

(I) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))) that is a government of a foreign country or a foreign political party;

(II) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in subclause (I) or of a person any

*of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in subclause (I); or*

*(III) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in subclause (I).*

*(ii) CLARIFICATION REGARDING APPLICATION TO CITIZENS OF THE UNITED STATES.—In the case of a citizen of the United States, subclause (II) of clause (i) applies only to the extent that the person involved acts within the scope of that person's status as the agent of a foreign principal described in subclause (I) of clause (i).*

*(4) IMMEDIATE FAMILY MEMBER.—In this subsection, the term "immediate family member" means, with respect to a candidate, a parent, parent-in-law, spouse, adult child, or sibling.*

\* \* \* \* \*

#### ENFORCEMENT

SEC. 309. (a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general

counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clauses (ii) and subparagraph (C), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall make public such determination.

(C)(i) Notwithstanding subparagraph (A), in the case of a violation of a qualified disclosure requirement, the Commission may—

(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

(II) based on such finding, require the person to pay a civil money penalty in an amount determined, for violations of each qualified disclosure requirement, under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.

(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.

(iv) In this subparagraph, the term “qualified disclosure requirement” means any requirement of—

(I) subsections (a), (c), (e), (f), (g), or (i) of section 304; or

(II) section 305.

(v) This subparagraph shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2023.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of \$50,000 or 1,000 percent of the amount involved in the violation).

(C) If the Commission by an affirmative vote of 4 of its members, determined that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d), or a knowing and willful violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, by the methods specified in paragraph (4), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court may impose a civil penalty which does not exceed the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of \$50,000 or 1,000 percent of the amount involved in the violation).

(7) In any action brought under paragraph (5) or (6), subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order to the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the

Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than \$2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than \$5,000.

(b) Before taking any action under subsection (a) against any person who has failed to file a report required under section 304(a)(2)(A)(iii) for the calendar quarter immediately preceding the election involved, or in accordance with section 304(a)(2)(A)(i), the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 311(a)(7), publish before the election the name of the person and the report or reports such person has failed to file.

(c) Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

(d)(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(i) aggregating \$25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

(ii) aggregating \$2,000 or more (but less than \$25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

(B) In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating \$250 or more during a calendar year. Such violation of section 316(b)(3) may incorporate a violation of section 317(b), 320, or 321.

(C) In the case of a knowing and willful violation of section 322, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of \$1,000 or more is involved.

(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than \$10,000 during a calendar year shall be—

(i) imprisoned for not more than 2 years if the amount is less than \$25,000 (and subject to imprisonment under subparagraph (A) if the amount is \$25,000 or more);

(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

(I) \$50,000; or

(II) 1,000 percent of the amount involved in the violation; or

(iii) both imprisoned under clause (i) and fined under clause (ii).

(E) *Any person who knowingly and willfully commits a violation of subsection (j) or (b)(9) of section 304 or section 302(j) shall be fined not more than \$500,000, imprisoned not more than 5 years, or both.*

(F) *Any person who knowingly and willfully conceals or destroys any materials relating to a reportable foreign contact (as defined in section 304(j)) shall be fined not more than \$1,000,000, imprisoned not more than 5 years, or both.*

(G)(i) *Any person who knowingly and willfully commits a violation of section 319 which involves a foreign national which is a government of a foreign country or a foreign political party, or which involves a thing of value consisting of the provision of opposition research, polling, or other non-public information relating to a candidate for election for a Federal, State, or local office for the purpose of influencing the election, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.*

(ii) *In clause (i), each of the terms “government of a foreign country” and “foreign political party” has the meaning given such term in section 1 of the Foreign Agents Registration Act of 1938, as Amended (22 U.S.C. 611).*

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

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## CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS

SEC. 319. (a) PROHIBITION.—It shall be unlawful for—

(1) a foreign national, directly or indirectly, to make—

(A) a contribution or donation of money or other thing of value, or to make an express or implied **promise to make a contribution or donation** *promise to make such a contribution or donation*, in connection with a Federal, State, or local election;

(B) a contribution or **donation** *donation of money or other thing of value*, or to make an express or implied *promise to make such a contribution or donation*, to a committee of a political party; or

(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

**[(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.]**

*(2) a person to solicit, accept, or receive (directly or indirectly) a contribution or donation described in subparagraph (A) or (B) of paragraph (1), or to solicit, accept, or receive (directly or indirectly) an express or implied promise to make such a contribution or donation, from a foreign national.*

(b) As used in this section, the term “foreign national” means—

(1) a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), except that the term “foreign national” shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act) and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

*(c) CLARIFICATION OF TREATMENT OF PROVISION OF CERTAIN INFORMATION AS CONTRIBUTION OR DONATION OF A THING OF VALUE.—For purposes of this section, a “contribution or donation of money or other thing of value” includes the provision of opposition research, polling, or other non-public information relating to a candidate for election for a Federal, State, or local office for the purpose of influencing the election, regardless of whether such research, polling, or information has monetary value, except that nothing in this subsection shall be construed to treat the mere provision of an opinion about a candidate as a thing of value for purposes of this section.*

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**DAVID L. BOREN NATIONAL SECURITY EDUCATION ACT  
OF 1991**

\* \* \* \* \*

## TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

\* \* \* \* \*

### SEC. 810. FUNDING.

(a) FISCAL YEARS 1993 AND 1994.—Amounts appropriated to carry out this title for fiscal years 1993 and 1994 shall remain available until expended.

(b) FISCAL YEARS 1995 AND 1996.—There is authorized to be appropriated from, and may be obligated from, the Fund for each of the fiscal years 1995 and 1996 not more than the amount credited to the Fund in interest only for the preceding fiscal year under section 804(e).

(c) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account ~~for each fiscal year, beginning with fiscal year 2005,~~ *for each of fiscal years 2005 through 2021* \$8,000,000 to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).

(d) *FISCAL YEARS BEGINNING WITH FISCAL YEAR 2022.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2022, \$8,000,000, to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).*

### SEC. 811. ADDITIONAL ANNUAL AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, ~~[\$10,000,000]~~ *\$16,000,000*, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

(b) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account ~~for each fiscal year, beginning with fiscal year 2005,~~ *for each of fiscal years 2005 through 2021* \$6,000,000 to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

(c) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available under this section shall remain available until expended.

### SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR ADVANCED ENGLISH LANGUAGE STUDIES BY HERITAGE COMMUNITY CITIZENS.

(a) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—In addition to amounts that may be made available to the

Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account **[**for each fiscal year, beginning with fiscal year 2005,**]** *for each of fiscal years 2005 through 2021* \$2,000,000 to carry out the scholarship programs for English language studies by certain heritage community citizens under section 802(a)(1)(E).

*(b) FISCAL YEARS BEGINNING WITH FISCAL YEAR 2022.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2022, \$2,000,000, to carry out the scholarship programs for English language studies by certain heritage community citizens under section 802(a)(1)(E).*

**[(b)]** (c) AVAILABILITY OF FUNDS.—Amounts made available under **[**subsection (a)**]** *this section* shall remain available until expended.

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#### DISCLOSURE OF DIRECTED RULE MAKING

H.R. 7856 does not specifically direct any rule makings within the meaning of 5 U.S.C. 551.

#### DUPLICATION OF FEDERAL PROGRAMS

H.R. 7856 does not duplicate or reauthorize an established 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.

#### HEARINGS

For the purposes of Section 103(i) of H. Res. 6 of the 116th Congress, the following hearings were used to develop or consider H.R. 7856—

1. The Committee held a hearing “National Security Implications of the Rise of Authoritarianism Around the World” on February 26, 2019. The Committee received testimony from the Honorable Madeleine K. Albright, the Honorable Anders Fogh Rasmussen, Dr. Teng Biao and Dr. Andrea Kendall-Taylor.
2. The Committee held a hearing “Putin’s Playbook: The Kremlin’s Use of Oligarchs, Money, and Intelligence in 2016 and Beyond” on Thursday, March 28, 2019. The Committee received testimony from the Honorable Michael McFaul, Mr. Steven Hall, Ms. Heather Conley, and Mr. Eric Lorber.
3. The Committee held a closed hearing “Fiscal Year 2020 Intelligence Community Budget Request Overview” on April 3, 2019.
4. The Committee held a closed hearing “Fiscal Year 2020 Central Intelligence Agency Program Budget Request Hearing” on May 2, 2019.

5. The Committee held a closed hearing “Fiscal Year 2020 National Security Program Budget Request Hearing” on May 8, 2019.

6. The Defense Intelligence and Warfighter Support Subcommittee held a closed hearing “Fiscal Year 2020 Defense Intelligence Agency and Military Services Budget Request Hearing” on May 9, 2019.

7. The Committee held a closed hearing “Compartmented FY 2020 Budget Request” on May 14, 2019.

8. The Committee held a hearing “Mission Imperative: Diversity and Inclusion in the Intelligence Community” on May 23, 2019. The Committee received testimony from the Honorable Kari Bingen, Mrs. Rita Sampson, and Mr. Harry Coker.

9. The Committee held a hearing “National Security Implications of Climate Change” on June 5, 2019. The Committee received testimony from Mr. Peter Kiemel, Mr. Jeff Ringhausen, and Dr. Rod Schoonover.

10. The Committee held a hearing “Lessons from the Mueller Report: Counterintelligence Implications of Volume 1” on June 12, 2019. The Committee received testimony from Mrs. Stephanie Douglas, Mr. Robert Anderson, and Mr. Andrew McCarthy.

11. The Committee held a hearing “National Security Challenges of Artificial Intelligence, Manipulated Media, and ‘Deepfakes’” on June 13, 2019. The Committee received testimony from Mrs. Danielle Citron, Mr. Jack Clark, Dr. David Doermann, and Mr. Clint Watts.

In addition, the Committee held numerous briefings, roundtables, and a markup to develop and consider H.R. 7856.

## MINORITY VIEWS

### BACKGROUND AND OVERVIEW

Despite the partisanship and impropriety of the Majority's actions throughout this Congress, the Minority sought in good faith, and consistent with past practices, to produce a bipartisan Intelligence Authorization Act (IAA).

In the past, annex provisions impacting intelligence activities and operations were based on documented facts. General principles of legislative drafting require that facts be established *before* legislation is produced. This is particularly true in the case of the IAA and its annex, which authorize some of the most sensitive programs protecting the American people. Facts are paramount and politics should play no role. However, the annex accompanying H.R. 7856, and the bill itself, repeatedly use undocumented claims, as well as partisan politics, to justify funding profile changes or restrictions on intelligence activities. The Minority strongly objects to this approach, which is geared toward achieving purely political outcomes.

Past practices at the Intelligence Committee also included a commitment to producing a bill without provisions designed for the political advantage of either party. The Majority was fully informed well in advance of the markup that the Minority objected to several provisions, particularly those in Titles V and VII, which are clear political hit jobs aimed at President Trump. The Majority even agreed that certain provisions were targeted at the Administration. The Minority nevertheless attempted, in good faith, to reach a bipartisan compromise on these provisions. The Majority walked away from the negotiations.

The Chairman claimed during the pre-markup "Strawman" meeting that he wanted to work toward a bipartisan agreement prior to markup. Actions, however, speak louder than words. The Chairman did not reengage with the Minority after that meeting. In fact, the Majority unilaterally, and without notice, stripped the bill and annex of previously agreed-upon compromises, including Republican Member priorities. Furthermore, the Majority made many of the explicitly political provisions mentioned above even more blatantly political and, less than 48 hours before markup, stacked the bill with political poison pills. Those highly partisan and objectionable provisions are described in detail below.

H.R. 7856 is the first partisan IAA voted out of the House Permanent Select Committee on Intelligence (HPSCI) in a decade.<sup>1</sup> At markup, the Minority offered an amendment to strike 39 provisions from the legislative text to remove provisions that the Minority ob-

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<sup>1</sup>H. Rep. No. 112-72 (2011) (Conf. Rep. for H.R. 754).

jected to for a variety of reasons. The sheer volume of objectionable provisions demonstrates how deeply partisan this legislation is.

The Minority's amendment proposed striking all provisions that presented an unresolved policy dispute in addition to striking the provisions which the Minority disagreed with due to their partisan nature and purpose.

The Minority's amendment proposed striking numerous provisions that were not fully vetted with the Minority. Some of these provisions were added mere days before markup, leaving the Minority unable to determine whether legislation was the most appropriate way to resolve a perceived, though sometimes unapparent, policy concern. The amendment also proposed striking certain provisions which were modified during pre-markup negotiations, only to have those previously-agreed upon modifications removed when the Majority ended negotiations and produced a partisan bill.

The Minority's amendment proposed striking certain reporting requirements and limitations placed on funds. There is a concerning trend by Committee Democrats to require that Intelligence Community (IC) reports be produced in an unclassified form and publicly released. On many topics, the Minority believes this is inappropriate, since it provides our foreign adversaries the opportunity to understand and exploit U.S. intelligence capabilities and contingencies. The Minority further believes that the limitations placed on certain IC activities by this bill present unknown risks to national security, to continuing U.S. operations, and to the safety of U.S. personnel.

Out of an abundance of caution, the Minority believes striking such provisions to be the appropriate course of action.

#### THE REPUBLICAN MINORITY'S SPECIFIC OBJECTIONS

The Minority's amendment proposed striking section 303, which requires the IC to provide public notice on or before the date that an IC element provides support for a Federal, State, local, or Tribal government response to civil disobedience or domestic civil disturbances. During negotiations, the Minority objected that this provision, as written, would essentially require public notice as soon as IC assets were lawfully deployed. This would create a force protection issue since violent criminals, including members of violent anarchist groups, would be aware of the presence of IC assets in real time. The Minority fails to understand the rationale for this provision, unless the Majority's desire is to somehow "even the odds" in confrontations between law enforcement and criminals. Accordingly, the Minority requested that the public notification requirement contained in this provision be removed, but that the quarterly congressional notification requirement be preserved. That would advance legitimate congressional oversight of domestic IC activities, while removing the likelihood of force protection issues. This Majority rejected that reasonable request.

The amendment proposed striking section 304. Section 304 was an unvetted, last minute addition to the IAA clearly included to make a political statement about actions taken by President Trump and his Administration. The Minority cannot support its inclusion in the bill.

The amendment also proposed striking section 306, which raises the threshold for congressional notification of new IC facility construction from \$1 million to \$2 million. The Minority believes that the Office of the Director of National Intelligence (ODNI) has not been a responsible steward of taxpayer funds in prior facility construction projects, a conclusion which is supported by multiple independent audits by the Inspector General of the Intelligence Community and the Government Accountability Office.

The amendment proposed striking section 309 which was also a last minute, unvetted addition to the IAA. Because the Minority is not aware of the impetus of the provision, the policy gaps it supposedly addresses, and whether the provision is the most appropriate way to approach the problem, we cannot support its inclusion in the bill.

The amendment proposed striking section 402. The Minority would have supported this provision if the Majority had made a minor modification to allow the Ombudsman position to be filled by either a current or former Central Intelligence Agency (CIA) official. This modification was strongly requested by the CIA and it did not appear that the Majority had an objective reason to deny the request.

The amendment also proposed striking section 408, which would remove the existing sunset on the Climate Security Advisory Council and grant additional and expansive authorities to ODNI. The Minority objected to this approach when it was attempted in Fiscal Year 2020. The Majority inserted this section into the bill days before markup, with no warning, fully aware of the Minority's position on such a provision. As further evidence of the Minority's good faith effort to reach an agreement, we did not object to section 903, which expands the existing reporting requirement for the Council. This reporting requirement allowed for a measured approach to determine if an intelligence gap related to climate security existed, and if so, whether the solution would be to create an entire new Center. That reporting requirement, and the sunset currently in law, had the bipartisan support of the Committee, while this permanent approach does not. The Majority knew that the insertion of this section would be a political poison pill, and nevertheless chose to include it.

The amendment proposed striking section 501, which was included in this bill because the Majority disagreed with President Trump's exercise of his constitutional authority to fire an executive branch official. In a good faith attempt to reach a non-politicized agreement, the Minority requested striking the limitation on the President's authority while preserving the requirement that when an Inspector General is fired, his or her office notify Congress of all pending complaints, investigations, and other matters the Inspector General was working on. This modification would, in an apolitical manner, act as a check on future Presidents' firing of Inspectors General for improper reasons by enhancing opportunities for congressional oversight. The Majority rejected this reasonable request.

The amendment proposed striking section 502 for similar reasons. The Majority's objective in this provision is to limit President Trump's authority—and that of any future President—to name the

person he/she sees fit as an Acting Inspector General. The Minority believes that the Majority included this provision not only because of their disdain for President Trump, but also because the Majority wants unelected Executive branch officials, not the President, to run the Executive branch. Despite the Majority's bad faith efforts, the Minority tried, in good faith, to meet halfway on this provision by suggesting modifying this provision to be a "sense of Congress." Including a "sense of Congress" that someone appointed to the position of Acting Inspector General should be qualified for that position would make clear what Congress expects of the Executive branch. The Majority rejected that reasonable offer.

The amendment proposed striking sections 504 and 506, which were only included in this bill as a continuation of the Majority's hyper-partisan impeachment of President Trump. Both provisions give IC whistleblowers special statutory protections—not enjoyed by any other whistleblowers—drafted specifically to criminalize otherwise lawful actions taken by the Trump Administration. Section 504 is nothing less than an *ex post facto* indictment of President Trump and his Administration. Section 506 is an attempt to rectify the false claims made by the Majority in their hyper-partisan impeachment—namely, that the whistleblower had a "statutory right" to anonymity. This provision would impose legal liability for "a knowing and willful or negligent disclosure" of a whistleblower's identity or the fact of the existence of a whistleblower complaint and would provide whistleblowers with a federal private right of action against their colleagues. Giving a federal employee a private right of action against a fellow employee for the "negligent," meaning inadvertent, disclosure of a whistleblower's identity or the existence of a complaint, regardless of whether that employee even knew about the complaint, is profoundly irresponsible.

The amendment proposed striking section 601. This provision contains a broad and complicated grant of new authorities to an office that currently exists within ODNI. The Minority questioned what the Majority's goals for this provision were, and whether this approach was reasonable in light of those goals. The Minority believes that prior failures of a similar type at ODNI caution against a large reorganization of substantive responsibilities which would impact the entire IC without proper due diligence. The Majority had agreed to work on modifying this provision to come to a compromise; unfortunately, the Majority walked away from negotiations and section 601 of H.R. 7856 does not contain the Minority's input.

The amendment also proposed striking section 603, which grants authority for additional outreach and education for the arts to all IC elements. Numerous IC elements have demonstrated a need for authorities to conduct outreach and education for science, technology, engineering, and mathematics (STEM). Only CIA, however, has documented a need for this authority to be applied to the arts due to the agency's unique mission requirements. As such, the Minority continues to support STEM education and outreach authorities to all IC elements, but only supports expanding such authorities for arts-related education and outreach to CIA. The Minority believes it is irresponsible to grant or rescind authorities without understanding the impact of doing so. If additional IC elements

were to demonstrate to the Committee the need for these authorities related to the arts, the Minority would reconsider.

The Minority's amendment proposed striking all provisions contained in Title VII, which are written as amendments to the Federal Election Campaign Act and are therefore outside this Committee's jurisdiction. The Majority was fully aware that the Minority would not support a bill with Title VII included. However, when the Majority determined, days before the markup, that they would end the bipartisan negotiations and produce a partisan bill, they added even more political poison pills to Title VII that are clearly meant to target President Trump.

Section 701 would require employees, officials, and agents for a presidential campaign, as well as the candidate and his or her immediate family, to report certain foreign contacts to the Federal Election Commission (so the information will be made public) and to the Federal Bureau of Investigation (FBI). Section 701 also requires that the FBI provide notice of receipt of these foreign contact reports to the campaign *and to this Committee*. The Minority strongly objects to this provision. This Committee was established to oversee the conduct of intelligence and intelligence-related activities of the U.S. government, which a presidential campaign is clearly not part of. The Majority's attempt to insert this Committee into the oversight of presidential campaigns—and to give it oversight of the Federal Election Commission—is inappropriate and constitutes a blatant partisan swipe at President Trump and his family. In requiring that most foreign contacts—even those of a relatively benign or unserious nature—be reported to the Committee that conducted the first partisan impeachment in American history, this provision would lead to more, not fewer, “scandals” based on political differences rather than facts. This is because the Minority believes that this information, even if classified, will nevertheless find its way from this Committee into the media.

Section 702 mandates the creation of a reporting structure for the new requirements outlined in section 701. The Minority is concerned about the potential for abuse by the FBI. Over the past four years, we have learned from the DOJ IG, the FISA Court, and many other sources how the FBI abused its counterintelligence authorities to perpetuate investigations into the Trump campaign. This new foreign contact reporting scheme will undoubtedly lead to *more* counterintelligence investigations into presidential campaigns. Given the experience with the Crossfire Hurricane investigation, Congress has no reason to trust that the FBI will not improperly surveil the campaign staffers who report foreign contacts.

Section 703 makes the knowing and willful violation of the reporting requirement a felony with a maximum fine of \$500,000, and the knowing and willful concealment or destruction of materials relating to a reportable foreign contact a felony with a maximum fine of \$1,000,000. These outrageous fines are twice and four-times, respectively, more than the penalty for the knowing and willful disclosure of classified information,<sup>2</sup> or the penalty for killing a member of Congress,<sup>3</sup> or the penalty for the development of

<sup>2</sup> 18 U.S.C. § 798.

<sup>3</sup> 18 U.S.C. § 351(a).

a biological weapon,<sup>4</sup> or the penalty for harboring or concealing spies.<sup>5</sup> The Minority believes that the Majority is using the size of the criminal penalties in section 703 to make a political statement, which is an interesting approach given the Majority's long-stated concerns with overcriminalization in this country.

Section 704 requires an annual report from the FBI to this Committee detailing the foreign contact notifications they received from campaigns and any investigative actions taken as a result. The Minority believes this promotes the ongoing politicization of intelligence, and worries about the potential damage to any ongoing FBI counterintelligence investigations, as well as U.S. national security, if information from this annual report were to leak to the press. The structure of this provision suggests its real intent is to ensure information is leaked for political purposes.

Section 711 expands the definition of a "thing of value" to include "the provision of opposition research, polling, or other non-public information relating to a candidate . . . for the purpose of influencing the election, regardless of whether such . . . has monetary value." The Majority has made no attempt to hide that this provision was written in direct response to Special Counsel Robert Mueller's decision not to charge Donald Trump Jr. with a campaign finance violation. The provision also makes it a crime for a person to "directly or indirectly" receive an "express or implied promise" of such a contribution. The Minority wonders how an individual "indirectly" receives an "implied promise," and further believes that this provision is overly broad, deeply political, clearly targeting President Trump and his family, and has no relation to the business of this Committee.

The amendment proposed striking section 801, which severely limits the availability of funds for certain ongoing IC activities until an unclassified version of a report on the death of Jamal Khashoggi is provided to the Committee. This report has already been provided to the Committee in classified form, and the IC has warned that any further declassification of the information contained in the report could compromise sources and methods. Therefore, the Majority's language seeks to force the IC to either release an almost entirely redacted report, which achieves nothing in the way of transparency, or to compromise national security by declassifying the report. The Minority therefore cannot support this provision.

The amendment proposed striking section 802, which limits the availability of funds related to certain air strikes in Yemen. As initially drafted, the potential impact of this limitation was unclear to the Minority. A last-minute modification to the language provoked further questions about the language, as the need for this modification was not explained to the Minority. Due to the potentially unknown impacts to national security, the Minority supports removing this provision from the bill.

The reporting requirements contained in sections 803, 804, 805, 807, and 822 were all last-minute additions to the IAA after the Majority walked away from negotiations. Given that these provi-

<sup>4</sup> 18 U.S.C. § 175(a).

<sup>5</sup> 18 U.S.C. § 792.

sions were unvetted with the Minority, we would strike these provisions.

Finally, the reporting requirements contained in sections 811, 812, 813, 821, 906, 908, and 911 are not necessarily on topics or issues with which the Minority disagrees. However, as previously stated, there is a concerning trend of mandating that reports drafted by the IC be produced in an unclassified form and publicly released. On many topics, the Minority believes this is an inappropriate step for the IC to take, since it provides our foreign adversaries the opportunity to understand and exploit U.S. intelligence capabilities and contingencies.

In addition to the unclassified amendment described above, the Minority offered three *en bloc* amendments to the classified annex to strike 25 provisions. While we are unable to debate the merits of these provisions publicly, the bases for our opposition to these 25 classified provisions include: disagreements over the premise of the language—i.e., the factual basis asserted remains in dispute; disagreements over limitations imposed on IC elements which appear politically motivated; disagreements over specific spending cuts which will impact the national security of the United States as well as the safety of our military forces overseas; disagreements over the imposition of punitive spending controls to restrict spending until certain conditions—which are themselves objectionable—are met; and disagreements over the merits of provisions which seek to micromanage or impose unnecessary requirements on the IC—particularly in light of tenuous and largely anecdotal justifications.

If the amendments described herein had been approved, the Minority indicated we would fully support the resulting legislation. Unfortunately, the Majority rejected all but one amendment to the classified annex.

Republican Members cannot support an Intelligence Authorization Act that exploits the IC for partisan political purposes, as the Majority has done with H.R. 7856. We deeply regret that the Majority has chosen to act in this manner.

It did not have to be this way. It is this way because the Majority has weaponized intelligence to serve manifestly political goals. It is this way because the Majority has failed in their duty to this Committee, to this Congress, and to the American people.

The Republican Minority urges our colleagues to vigorously oppose H.R. 7856.

Sincerely,

DEVIN NUNES,  
*Ranking Member.*