

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 8367  
OFFERED BY MR. SCHIFF OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Intelligence Authorization Act for Fiscal Year 2023”.

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

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

**TITLE I—INTELLIGENCE ACTIVITIES**

Sec. 101. Authorization of appropriations.  
Sec. 102. Classified schedule of authorizations.  
Sec. 103. Intelligence community management account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

**TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

Sec. 301. Restriction on conduct of intelligence activities.  
Sec. 302. Increase in employee compensation and benefits authorized by law.  
Sec. 303. Joint Intelligence Community Council.  
Sec. 304. Required policy for minimum insider threat standards.  
Sec. 305. Timely submission of classified intelligence budget justification materials.  
Sec. 306. Unfunded priorities of the intelligence community.  
Sec. 307. Submission of classified annexes to executive orders and other documents.  
Sec. 308. Improvements to program on recruitment and training.  
Sec. 309. Measures to mitigate counterintelligence threats from proliferation and use of foreign commercial spyware.  
Sec. 310. Expansion of treatment of moving expenses.

- Sec. 311. Personnel vetting performance measures.
- Sec. 312. Proactive cybersecurity.
- Sec. 313. Limitation on availability of funds for Intelligence Community Management Account pending submission of report on domestic activities of intelligence community.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Modifications to responsibilities and authorities of Director of National Intelligence.
- Sec. 402. Annual submission to Congress of National Intelligence Priorities Framework.
- Sec. 403. Disposition of records of Office of the Director of National Intelligence.

##### Subtitle B—Central Intelligence Agency

- Sec. 411. Authority of Central Intelligence Agency to provide protection for certain personnel.
- Sec. 412. Notification of use of certain expenditure authorities.
- Sec. 413. Clarification of authorities relating to security personnel at Office of Director of National Intelligence facilities and installations.
- Sec. 414. Office of Workforce Support of Central Intelligence Agency.
- Sec. 415. Establishment of External Advisory Board for Talent for the Central Intelligence Agency.
- Sec. 416. Study on relationship between Central Intelligence Agency and Congress.
- Sec. 417. Historical Advisory Panel of Central Intelligence Agency.

##### Subtitle C—Elements of the Defense Intelligence Enterprise

- Sec. 421. Deputy Director for Defense Intelligence responsible for warfighter support.
- Sec. 422. Cover enhancement authorities.
- Sec. 423. Authority of Army counterintelligence agents to execute warrants and make arrests.
- Sec. 424. Inclusion of Space Force as element of intelligence community.
- Sec. 425. Military intelligence collection and analysis partnerships.
- Sec. 426. Intelligence assessment of effects of counterterrorism strikes.
- Sec. 427. Submission of certain legislative proposals.
- Sec. 428. Oversight of Defense Intelligence Agency culture.
- Sec. 429. Cyber intelligence surveillance reconnaissance information.
- Sec. 430. Information on cover activities of Department of Defense.

##### Subtitle D—Other Elements

- Sec. 441. Authorization relating to certain intelligence and counterintelligence activities of Coast Guard.
- Sec. 442. Study on personnel under Strategic Intelligence Partnership Program.
- Sec. 443. Assessment of handling of certain information relating to deliberations of Bureau of Industry and Security.

#### TITLE V—MATTERS RELATING TO EMERGING TECHNOLOGIES

Subtitle A—General Matters

- Sec. 501. Definitions.
- Sec. 502. Officials responsible for artificial intelligence policies of the intelligence community.

Subtitle B—Improvements Relating to Procurement

- Sec. 511. Additional transaction authority.
- Sec. 512. Offices of Commercial Integration.
- Sec. 513. Pilot program for designation of certain SBIR and STTR projects as Entrepreneurial Innovation Projects.
- Sec. 514. Reduction of barriers relating to contracts for artificial intelligence and other emerging technologies.
- Sec. 515. Compliance by the intelligence community with requirements of the Federal Acquisition Regulation relating to commercially available off-the-shelf items and commercial services.
- Sec. 516. Policy on required user adoption metrics in certain contracts for artificial intelligence software products.
- Sec. 517. Assessments relating to information technology and software systems.

Subtitle C—Reports

- Sec. 521. Reports on integration of artificial intelligence within intelligence community.
- Sec. 522. Report on potential benefits of establishment of ICWERX.
- Sec. 523. Requirements and report on workforce needs of intelligence community relating to science, technology, engineering, and math, and related areas.

Subtitle D—Other Matters

- Sec. 531. Improvements to use of commercial software products.
- Sec. 532. Improvements to employees and managers relating to emerging technologies, software development, acquisition, and sustainment.

TITLE VI—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Miscellaneous Authorities, Requirements, and Limitations

- Sec. 601. Notice of deployment or transfer of containerized missile systems by Russia, China, or Iran.
- Sec. 602. Intelligence community coordinator for Russian atrocities accountability.
- Sec. 603. Lead intelligence community coordinator for countering and neutralizing proliferation of Iran-origin unmanned aircraft systems.
- Sec. 604. Collaboration between intelligence community and Department of Commerce to counter foreign commercial threats.
- Sec. 605. Intelligence assessment on foreign weaponization of advertisement technology data.
- Sec. 606. Intelligence community assessment regarding Russian gray zone assets.
- Sec. 607. Intelligence assessment on effects of sanctions on Russia.

Subtitle B—Reports and Other Matters

- Sec. 611. Report on assessing will to fight.

- Sec. 612. Report on impact of Russia invasion of Ukraine on global food security.
- Sec. 613. Report on threat from hypersonic weapons.
- Sec. 614. Report on ordnance of Russia and China.
- Sec. 615. Report on activities of China and Russia targeting Latin America and the Caribbean.
- Sec. 616. Report on support provided by China to Russia.
- Sec. 617. Report on global CCP investment in port infrastructure.
- Sec. 618. Sense of Congress on provision of support by intelligence community for atrocity prevention and accountability.

#### TITLE VII—REPORTS AND OTHER MATTERS

- Sec. 701. Repeal of certain report requirements.
- Sec. 702. Increased intelligence-related engineering, research, and development capabilities of minority institutions.
- Sec. 703. Annual report on response to Government Accountability Office recommendations to intelligence community.
- Sec. 704. Annual report on efforts of the Federal Bureau of Investigation to identify and promote diverse candidates.
- Sec. 705. Reports on personnel vetting processes and progress under Trusted Workforce 2.0 initiative.
- Sec. 706. Reports relating to programs of record of National Geospatial-Intelligence Agency.
- Sec. 707. Plan regarding Social Media Data and Threat Analysis Center.
- Sec. 708. Report on use of publicly available social media information in personnel vetting determinations.
- Sec. 709. Report on strengthening workforce diversity planning and oversight.
- Sec. 710. Report on improving opportunities for women and minorities for promotions in the intelligence community.
- Sec. 711. Report on transition of National Reconnaissance Office to digital engineering environment.
- Sec. 712. Report on Department of Homeland Security intelligence enterprise.
- Sec. 713. Report on declassification efforts of Central Intelligence Agency.
- Sec. 714. Report on National Space Intelligence Center.
- Sec. 715. Report on implementation of Executive Order 13556, regarding controlled unclassified information.
- Sec. 716. Comptroller General of the United States compilation of unidentified aerospace-undersea phenomena records.
- Sec. 717. National Museum of Intelligence and Special Operations.
- Sec. 718. Technical corrections.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-  
 4 TEES.—The term “congressional intelligence com-  
 5 mittees” has the meaning given such term in section

1       3 of the National Security Act of 1947 (50 U.S.C.  
2       3003).

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

## 7                   **TITLE I—INTELLIGENCE** 8                   **ACTIVITIES**

### 9   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

10       Funds are hereby authorized to be appropriated for  
11       fiscal year 2023 for the conduct of the intelligence and  
12       intelligence-related activities of the following elements of  
13       the United States Government:

14           (1) The Office of the Director of National Intel-  
15       ligence.

16           (2) The Central Intelligence Agency.

17           (3) The Department of Defense.

18           (4) The Defense Intelligence Agency.

19           (5) The National Security Agency.

20           (6) The Department of the Army, the Depart-  
21       ment of the Navy, and the Department of the Air  
22       Force.

23           (7) The Coast Guard.

24           (8) The Department of State.

25           (9) The Department of the Treasury.

- 1 (10) The Department of Energy.
- 2 (11) The Department of Justice.
- 3 (12) The Federal Bureau of Investigation.
- 4 (13) The Drug Enforcement Administration.
- 5 (14) The National Reconnaissance Office.
- 6 (15) The National Geospatial-Intelligence Agen-
- 7 cy.
- 8 (16) The Department of Homeland Security.
- 9 (17) The Space Force.

10 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

11 (a) SPECIFICATIONS OF AMOUNTS.—The amounts  
12 authorized to be appropriated under section 101 for the  
13 conduct of the intelligence activities of the elements listed  
14 in paragraphs (1) through (16) of section 101, are those  
15 specified in the classified Schedule of Authorizations pre-  
16 pared to accompany this Act.

17 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
18 THORIZATIONS.—

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

24 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-  
25 ject to paragraph (3), the President shall provide for

1 suitable distribution of the classified Schedule of Au-  
2 thorizations referred to in subsection (a), or of ap-  
3 propriate portions of such Schedule, within the exec-  
4 utive branch.

5 (3) LIMITS ON DISCLOSURE.—The President  
6 shall not publicly disclose the classified Schedule of  
7 Authorizations or any portion of such Schedule ex-  
8 cept—

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

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

14 (C) as otherwise required by law.

15 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
16 **COUNT.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated for the Intelligence Commu-  
19 nity Management Account of the Director of National In-  
20 telligence for fiscal year 2023 the sum of \$665,800,000.

21 (b) CLASSIFIED AUTHORIZATION OF APPROPRIA-  
22 TIONS.—In addition to amounts authorized to be appro-  
23 priated for the Intelligence Community Management Ac-  
24 count by subsection (a), there are authorized to be appro-  
25 priated for the Intelligence Community Management Ac-

1 count for fiscal year 2023 such additional amounts as are  
2 specified in the classified Schedule of Authorizations re-  
3 ferred to in section 102(a).

4 **TITLE II—CENTRAL INTEL-**  
5 **LIGENCE AGENCY RETIRE-**  
6 **MENT AND DISABILITY SYS-**  
7 **TEM**

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for the Cen-  
10 tral Intelligence Agency Retirement and Disability Fund  
11 \$514,000,000 for fiscal year 2023.

12 **TITLE III—GENERAL INTEL-**  
13 **LIGENCE COMMUNITY MAT-**  
14 **TERS**

15 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
16 **ACTIVITIES.**

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

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

23 Appropriations authorized by this Act for salary, pay,  
24 retirement, and other benefits for Federal employees may  
25 be increased by such additional or supplemental amounts



1 as may be necessary for increases in such compensation  
2 or benefits authorized by law.

3 **SEC. 303. JOINT INTELLIGENCE COMMUNITY COUNCIL.**

4 (a) MEMBERSHIP.—Subsection (b) of section 101A  
5 of the National Security Act of 1947 (50 U.S.C. 3022)  
6 is amended—

7 (1) by redesignating paragraph (8) as para-  
8 graph (9); and

9 (2) by inserting after paragraph (7) the fol-  
10 lowing new paragraph:

11 “(8) The Director of the Central Intelligence  
12 Agency.”.

13 (b) FUNCTIONS.—Subsection (c) of such section is  
14 amended—

15 (1) in paragraph (1), by striking “; and” and  
16 inserting a semicolon;

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

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

21 “(3) ensuring that the intelligence community  
22 has efficient and effective mechanisms to receive and  
23 prioritize the intelligence needs of the departments  
24 and agencies of the United States Government that

1 are not part of the intelligence community or the  
2 Department of Defense.”.

3 (c) MEETINGS.—Subsection (d) of such section is  
4 amended by striking “as the Director considers appro-  
5 priate” and inserting “on an annual basis, or more fre-  
6 quently as the Director determines appropriate”.

7 **SEC. 304. REQUIRED POLICY FOR MINIMUM INSIDER**  
8 **THREAT STANDARDS.**

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

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

13 (2) by inserting after paragraph (7) the fol-  
14 lowing new paragraph:

15 “(8)(A) The Director of National Intelligence shall  
16 ensure there is established a policy for minimum insider  
17 threat standards that is consistent with the Presidential  
18 memorandum of November 21, 2012, titled ‘National In-  
19 sider Threat Policy and Minimum Standards for Executive  
20 Branch Insider Threat Programs’, or any successor there-  
21 to.

22 “(B) The head of each element of the intelligence  
23 community shall implement the policy under subparagraph  
24 (A) within that element, and, concurrent with the submis-  
25 sion to Congress of budget justification materials in sup-

1 port of the budget of the President for a fiscal year that  
2 is submitted to Congress under section 1105(a) of title  
3 31, United States Code, shall submit to Congress a certifi-  
4 cation as to whether the element is in compliance with  
5 such policy.

6 “(C) The Director shall conduct periodic audits to de-  
7 termine whether each element of the intelligence commu-  
8 nity is in compliance with the policy under subparagraph  
9 (A). The Director may refer any audit under this subpara-  
10 graph to the Inspector General of the Intelligence Commu-  
11 nity, who shall conduct such audit on behalf of the Direc-  
12 tor.”.

13 (b) CONFORMING AMENDMENT.—Section 102A(x)(3)  
14 of such Act (50 U.S.C. 3024(x)(3)) is amended by insert-  
15 ing “, including the policy under subsection (f)(8),” after  
16 “policies of the intelligence community”.

17 **SEC. 305. TIMELY SUBMISSION OF CLASSIFIED INTEL-**  
18 **LIGENCE BUDGET JUSTIFICATION MATE-**  
19 **RIALS.**

20 Title V of the National Security Act of 1947 (50  
21 U.S.C. 3091 et seq.) is amended by inserting after section  
22 506I the following new section (and conforming the table  
23 of contents at the beginning of such Act accordingly):

1 **“SEC. 506J. CLASSIFIED INTELLIGENCE BUDGET JUS-**  
2 **TIFICATION MATERIALS.**

3 “(a) **TIMELY SUBMISSION.**—At the same time as the  
4 President submits to Congress the budget for each fiscal  
5 year, the Director of National Intelligence shall submit to  
6 the congressional intelligence committees the classified in-  
7 telligence budget justification materials for the element for  
8 that budget.

9 “(b) **DEFINITIONS.**—In this section:

10 “(1) The term ‘budget’ has the meaning given  
11 the term ‘budget of the President’ in section 506A.

12 “(2) The term ‘classified intelligence budget  
13 justification materials’ means, with respect to a fis-  
14 cal year, the materials submitted to Congress by the  
15 Director of National Intelligence in support of the  
16 budget for that fiscal year that are classified or oth-  
17 erwise protected from public disclosure.”.

18 **SEC. 306. UNFUNDED PRIORITIES OF THE INTELLIGENCE**  
19 **COMMUNITY.**

20 Title V of the National Security Act of 1947 (50  
21 U.S.C. 3091 et seq.), as amended by section 305, is fur-  
22 ther amended by adding at the end the following new sec-  
23 tion (and conforming the table of contents at the begin-  
24 ning of such Act accordingly):

1 **“SEC. 514. UNFUNDED PRIORITIES OF THE INTELLIGENCE**  
2 **COMMUNITY: ANNUAL REPORT.**

3 “(a) ANNUAL REPORT.—Not later than 10 days after  
4 the date on which the budget of the President for a fiscal  
5 year is submitted to Congress pursuant to section 1105  
6 of title 31, United States Code, the head of each element  
7 of the intelligence community shall submit to the Director  
8 of National Intelligence and to the congressional intel-  
9 ligence committees a report on the unfunded priorities of  
10 the programs under the jurisdiction of such head.

11 “(b) ELEMENTS.—

12 “(1) IN GENERAL.—Each report under sub-  
13 section (a) shall specify, for each unfunded priority  
14 covered by such report, the following:

15 “(A) A summary description of such pri-  
16 ority, including the objectives to be achieved if  
17 such priority is funded (whether in whole or in  
18 part).

19 “(B) Whether such priority will satisfy a  
20 covert action or support collection against re-  
21 quirements identified in the National Intel-  
22 ligence Priorities Framework of the Office of  
23 the Director of National Intelligence (or any  
24 successor mechanism established for the  
25 prioritization of programs and activities), in-

1 including a description of such requirements and  
2 the related prioritization level.

3 “(C) The additional amount of funds rec-  
4 ommended in connection with the objectives  
5 under subparagraph (A).

6 “(D) Budget information with respect to  
7 the unfunded priority, including—

8 “(i) the appropriation account;

9 “(ii) the expenditure center; and

10 “(iii) the project and, if applicable,  
11 subproject.

12 “(2) PRIORITIZATION OF PRIORITIES.—Each  
13 report shall present the unfunded priorities covered  
14 by such report in overall order of urgency of priority  
15 among unfunded priorities.

16 “(c) UNFUNDED PRIORITY DEFINED.—In this sec-  
17 tion, the term ‘unfunded priority’, in the case of a fiscal  
18 year, means a program, activity, or mission requirement  
19 of an element of the intelligence community that—

20 “(1) is not funded in the budget of the Presi-  
21 dent for the fiscal year as submitted to Congress  
22 pursuant to section 1105 of title 31, United States  
23 Code;

24 “(2) is necessary to fulfill a covert action or to  
25 satisfy an information requirement associated with

1 the collection, analysis, or dissemination of intel-  
2 ligence that has been documented within the Na-  
3 tional Intelligence Priorities Framework; and

4 “(3) would have been recommended for funding  
5 by the head of the element of the intelligence com-  
6 munity if—

7 “(A) additional resources had been avail-  
8 able for the budget to fund the program, activ-  
9 ity, or mission requirement; or

10 “(B) the program, activity, or mission re-  
11 quirement has emerged since the budget was  
12 formulated.”.

13 **SEC. 307. SUBMISSION OF CLASSIFIED ANNEXES TO EXECU-**  
14 **TIVE ORDERS AND OTHER DOCUMENTS.**

15 (a) REQUIREMENT.—Title V of the National Security  
16 Act of 1947 (50 U.S.C. 3091 et seq.), as amended by sec-  
17 tion 306, is further amended by adding at the end the  
18 following new section (and conforming the table of con-  
19 tents at the beginning of such Act accordingly):

20 **“SEC. 515. SUBMISSION OF CLASSIFIED ANNEXES TO EXEC-**  
21 **UTIVE ORDERS AND OTHER DOCUMENTS.**

22 “(a) REQUIREMENT.—Not later than 7 days after the  
23 date on which the President issues or amends a covered  
24 document, the Director of National Intelligence shall sub-  
25 mit to the congressional intelligence committees any classi-

1 fied annex accompanying that document if such annex  
2 contains a reference to any element of the intelligence  
3 community.

4 “(b) COVERED DOCUMENT DEFINED.—In this sec-  
5 tion, the term ‘covered document’ means any executive  
6 order, memorandum, or policy directive issued by the  
7 President, including national security Presidential memo-  
8 randa and Presidential policy directives, or such successor  
9 memoranda and directives.”.

10 (b) INITIAL SUBMISSION.—Not later than 60 days  
11 after the date of the enactment of this Act, the Director  
12 of National Intelligence shall submit to the congressional  
13 intelligence committees each classified annex required  
14 under section 515 of the National Security Act, as added  
15 by subsection (a), in effect as of the date of enactment  
16 of this Act.

17 **SEC. 308. IMPROVEMENTS TO PROGRAM ON RECRUITMENT**  
18 **AND TRAINING.**

19 Section 1022 of the National Security Act of 1947  
20 (50 U.S.C. 3222) is amended to read as follows:

21 **“SEC. 1022. PROGRAM ON RECRUITMENT AND TRAINING.**

22 “(a) PROGRAM.—

23 “(1) REQUIREMENT.—The Director of National  
24 Intelligence, in consultation with the heads of the  
25 elements of the intelligence community, shall carry



1 out a program to ensure that selected individuals are  
2 provided funds for academic training (including with  
3 respect to both undergraduate and postgraduate  
4 education), or to reimburse for academic training  
5 previously obtained—

6 “(A) in capabilities, missions, or skillsets,  
7 especially in the fields of science, technology,  
8 math, and engineering, to address workforce re-  
9 quirements in which the intelligence community  
10 is deficient or likely to be deficient in the fu-  
11 ture; or

12 “(B) for such individuals who have back-  
13 grounds or experiences that the Director has  
14 identified as being underrepresented in the in-  
15 telligence community or likely to be underrep-  
16 resented in the future.

17 “(2) COMMITMENT.—An individual selected for  
18 participation in the program shall commit to employ-  
19 ment with an element of the intelligence community  
20 for a period that the Director determines is com-  
21 mensurate with the amount of funding provided to  
22 the individual under the program and under such  
23 terms and conditions as the Director considers ap-  
24 propriate.

1           “(3) DESIGNATION.—The program shall be  
2 known as the Pat Roberts Intelligence Scholars Pro-  
3 gram.

4           “(4) OUTREACH.—The Director, in consultation  
5 with the heads of the elements of the intelligence  
6 community, shall maintain a publicly available inter-  
7 net website on the program that describes—

8                   “(A) the intent of the program;

9                   “(B) the conditions and requirements for  
10 selection and participation;

11                   “(C) application instructions;

12                   “(D) the areas covered by the program  
13 pursuant to the review conducted under sub-  
14 section (b)(2); and

15                   “(E) any other details the Director deter-  
16 mines appropriate.

17           “(b) ELEMENTS.—In carrying out the program under  
18 subsection (a), the Director shall—

19                   “(1) establish such requirements relating to the  
20 academic training of participants as the Director  
21 considers appropriate to ensure that participants are  
22 prepared for employment as intelligence profes-  
23 sionals; and

24                   “(2) on an annual basis, review the areas that  
25 will contribute to the capabilities, missions, and

1 skillsets in which the intelligence community is defi-  
2 cient or is likely to be deficient in the future.

3 “(c) USE OF FUNDS.—Funds made available for the  
4 program under subsection (a) shall be used—

5 “(1) to provide a monthly stipend for each  
6 month that a participant is pursuing a course of  
7 study;

8 “(2) to pay the partial or full tuition or other  
9 appropriate education expenses of a participant for  
10 the completion of such course of study;

11 “(3) to reimburse a participant for tuition or  
12 other appropriate education expenses paid by the  
13 participant before becoming an employee of an ele-  
14 ment of the intelligence community, including with  
15 respect to providing payments for student loans used  
16 for such tuition and expenses;

17 “(4) to pay for books and materials that the  
18 participant requires or required to complete such  
19 course of study;

20 “(5) to pay the expenses of the participant for  
21 travel requested by an element of the intelligence  
22 community in relation to such program; or

23 “(6) for such other purposes the Director con-  
24 siders reasonably appropriate to carry out such pro-  
25 gram.”.

1 **SEC. 309. MEASURES TO MITIGATE COUNTERINTEL-**  
2 **LIGENCE THREATS FROM PROLIFERATION**  
3 **AND USE OF FOREIGN COMMERCIAL**  
4 **SPYWARE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The proliferation of foreign commercial  
7 spyware poses an acute and emergent threat to the  
8 national security of the United States.

9 (2) Foreign entities have developed and sup-  
10 plied foreign commercial spyware to other foreign  
11 governments that used these tools to maliciously tar-  
12 get officials of the United States Government. Many  
13 of those foreign governments have, in service of their  
14 repressive activities, targeted journalists,  
15 businesspeople, activists, academics, and other per-  
16 sons.

17 (3) Furthermore, public reports suggest that  
18 foreign companies involved in the proliferation of  
19 foreign commercial spyware maintain close ties to  
20 foreign governments and their intelligence services.  
21 This close relationship between foreign governments  
22 and the companies selling foreign commercial  
23 spyware furthers the already substantial counter-  
24 intelligence concerns for any end-user of these prod-  
25 ucts, including potential end-users in the United  
26 States.

1           (4) To mitigate the grave counterintelligence  
2 threat posed by the rapid spread of these tools—as  
3 well as to improve the digital security of citizens of  
4 the United States, combat cyber threats, and miti-  
5 gate unlawful surveillance—the United States on  
6 January 19, 2022, finalized a rule establishing con-  
7 trols on the export, reexport, or in-country transfer  
8 of certain items that can be used for malicious cyber  
9 activities.

10           (5) In furtherance of the same national security  
11 objectives, the Commerce Department on November  
12 4, 2021, released a rule adding four foreign compa-  
13 nies to the Entity List for engaging in activities that  
14 are contrary to the national security or foreign pol-  
15 icy interests of the United States. This rule had the  
16 practical effect of preventing the listed companies  
17 from receiving American technologies.

18           (6) Subsequent public reports indicate that at  
19 least one of the four companies added to the Entity  
20 List attempted to evade these and other restrictions,  
21 and a private consultancy which oversees that com-  
22 pany informed the European Parliament in 2022  
23 that it could not confirm the blacklisted company is  
24 complying with all relevant laws and regulatory  
25 frameworks.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that the intelligence community, with its unique au-  
3 thorities, foreign intelligence mission, analytical capabili-  
4 ties, and other capabilities, is best positioned to lead the  
5 efforts of the United States Government to mitigate the  
6 counterintelligence threats posed by the rapidly expanding  
7 ecosystem of foreign commercial spyware, including by de-  
8 vising and implementing strategies to protect personnel of  
9 the United States Government from being maliciously tar-  
10 geted.

11 (c) STATEMENT OF POLICY.—It shall be the policy  
12 of the United States to decisively act against counterintel-  
13 ligence threats posed by foreign commercial spyware, as  
14 well as the individuals who lead entities selling foreign  
15 commercial spyware and who are reasonably believed to  
16 be involved, have been involved, or pose a significant risk  
17 to being or becoming involved, in activities contrary to the  
18 national security or foreign policy interests of the United  
19 States.

20 (d) MEASURES TO MITIGATE COUNTERINTEL-  
21 LIGENCE THREATS.—Title XI of the National Security  
22 Act of 1947 (50 U.S.C. 3231 et seq.) is amended by in-  
23 serting after section 1102 the following new section (and  
24 conforming the table of contents at the beginning of such  
25 Act accordingly):

1 **“SEC. 1102A. MEASURES TO MITIGATE COUNTERINTEL-**  
2 **LIGENCE THREATS FROM PROLIFERATION**  
3 **AND USE OF FOREIGN COMMERCIAL**  
4 **SPYWARE.**

5 “(a) ANNUAL ASSESSMENTS OF COUNTERINTEL-  
6 LIGENCE THREATS.—

7 “(1) REQUIREMENT.—Not later than March 1,  
8 2023, and annually thereafter, the Director of Na-  
9 tional Intelligence, in coordination with the Director  
10 of the Central Intelligence Agency, the Director of  
11 the National Security Agency, and the Director of  
12 the Federal Bureau of Investigation, shall submit to  
13 the congressional intelligence committees a report  
14 containing an assessment of the counterintelligence  
15 threats and other risks to the national security of  
16 the United States posed by the proliferation of for-  
17 eign commercial spyware. The assessment shall in-  
18 corporate all credible data, including open-source in-  
19 formation.

20 “(2) ELEMENTS.—Each report under para-  
21 graph (1) shall include the following, if known:

22 “(A) A list of the most significant foreign  
23 companies, as determined by the Director of  
24 National Intelligence, selling, leasing, or other-  
25 wise providing foreign commercial spyware, and  
26 associated foreign commercial entities, assessed

1 by the intelligence community to be the most  
2 significant foreign actors in the global prolifera-  
3 tion of foreign commercial spyware.

4 “(B) A description of the foreign commer-  
5 cial spyware marketed by the foreign companies  
6 identified under subparagraph (A) and an as-  
7 sessment by the intelligence community of the  
8 foreign commercial spyware.

9 “(C) An assessment of the counterintel-  
10 ligence risk to personnel of the intelligence com-  
11 munity posed by such spyware.

12 “(D) Details of where each foreign com-  
13 pany identified under subparagraph (A) is dom-  
14 icated, as well as any foreign country in which  
15 the company has subsidiaries or resellers acting  
16 as the local agent on behalf of the foreign par-  
17 ent company.

18 “(E) A description of how each such for-  
19 eign company is financed, where the foreign  
20 company acquired its capital, and the major in-  
21 vestors in the foreign company.

22 “(F) An assessment by the intelligence  
23 community of any relationship between each  
24 such foreign company and a foreign govern-



1           ment, including any export controls and proc-  
2           esses to which the foreign company is subject.

3           “(G) To the extent such information is ob-  
4           tainable through clandestine collection or open  
5           source intelligence, a list of the foreign cus-  
6           tomers of each such foreign company, including  
7           the understanding by the intelligence commu-  
8           nity of the organizations and end-users within  
9           any foreign government that procured the  
10          spyware of that foreign company.

11          “(H) With respect to each foreign cus-  
12          tomer identified under subparagraph (G), an  
13          assessment by the intelligence community re-  
14          garding how the foreign customer is using the  
15          spyware, including whether the spyware has  
16          been used to target personnel of the intelligence  
17          community.

18          “(I) With respect to the first report, a  
19          mitigation plan to reduce the exposure of per-  
20          sonnel of the intelligence community to foreign  
21          commercial spyware.

22          “(J) With respect to each report following  
23          the first report, details of steps taken by the in-  
24          telligence community since the previous report  
25          to implement measures to reduce the exposure

1 of personnel of the intelligence community to  
2 foreign commercial spyware.

3 “(3) FORM.—Each report under paragraph (1)  
4 shall be submitted in classified form.

5 “(4) DISSEMINATION.—The Director of Na-  
6 tional Intelligence shall share each report under  
7 paragraph (1) with the heads of other appropriate  
8 Federal departments and agencies, including the  
9 President, the heads of all elements of the intel-  
10 ligence community, the Secretary of State, the At-  
11 torney General, the Director of the Federal Bureau  
12 of Investigation, the Secretary of Commerce, and the  
13 heads of any other agencies the Director determines  
14 appropriate.

15 “(b) CLASSIFIED WATCHLIST.—

16 “(1) SUBMITTAL TO CONGRESS.—The Director  
17 of National Intelligence shall submit to the appro-  
18 priate congressional committees a list of companies  
19 selling, leasing, or otherwise providing foreign com-  
20 mercial spyware that the Director determines are en-  
21 gaged in activities that pose a counterintelligence  
22 risk to personnel of the intelligence community.

23 “(2) UPDATES.—The Director shall update the  
24 list under paragraph (1) not less frequently than an-  
25 nually.

1           “(3) FORM.—Each list under paragraph (1)  
2 shall be submitted in classified form.

3           “(4) DISSEMINATION.—The Director of Na-  
4 tional Intelligence shall share each list under para-  
5 graph (1) with the heads of other appropriate Fed-  
6 eral departments and agencies, including the Presi-  
7 dent, the heads of all elements of the intelligence  
8 community, the Secretary of State, the Attorney  
9 General, the Director of the Federal Bureau of In-  
10 vestigation, the Secretary of Commerce, and the  
11 heads of any other agencies the Director determines  
12 appropriate.

13           “(c) AUTHORITY TO PROHIBIT PURCHASE OR USE  
14 BY INTELLIGENCE COMMUNITY.—

15           “(1) FOREIGN COMMERCIAL SPYWARE FROM  
16 FOREIGN SPYWARE COMPANY.—

17           “(A) IN GENERAL.—The Director of Na-  
18 tional Intelligence may prohibit any element of  
19 the intelligence community from procuring,  
20 leasing, or otherwise acquiring on the commer-  
21 cial market, or extending or renewing a con-  
22 tract to procure, lease, or otherwise acquire,  
23 foreign commercial spyware from a foreign  
24 spyware company.

1           “(B) CONSIDERATIONS.—In determining  
2 whether and how to exercise the authority  
3 under subparagraph (A), the Director of Na-  
4 tional Intelligence shall consider—

5           “(i) the assessment of the intelligence  
6 community of the counterintelligence  
7 threats or other risks to the United States  
8 posed by the foreign commercial spyware;  
9 and

10           “(ii) the assessment of the intelligence  
11 community of whether the foreign commer-  
12 cial spyware has been used to target  
13 United States Government personnel.

14           “(2) DOMESTIC COMPANY PROVIDING FOREIGN  
15 COMMERCIAL SPYWARE.—

16           “(A) AUTHORITY TO PROHIBIT PUR-  
17 CHASE.—The Director of National Intelligence  
18 may prohibit the purchase or use by the intel-  
19 ligence community of spyware from a domestic  
20 company if the Director determines that the  
21 spyware was originally sourced, in whole or in  
22 part, from a foreign company.

23           “(B) CONSIDERATIONS.—In considering  
24 whether and how to exercise the authority  
25 under subparagraph (A) with respect to

1 spyware, the Director of National Intelligence  
2 shall consider—

3 “(i) whether the original owner or de-  
4 veloper retains any of the physical property  
5 or intellectual property associated with the  
6 spyware;

7 “(ii) whether the original owner or de-  
8 veloper has verifiably destroyed all copies  
9 of the data collected by or associated with  
10 the spyware;

11 “(iii) whether the personnel of the  
12 original owner or developer retain any ac-  
13 cess to data collected by or associated with  
14 the spyware;

15 “(iv) whether the use of the spyware  
16 requires the user to connect to an informa-  
17 tion system of the original owner or devel-  
18 oper or of a foreign government; and

19 “(v) whether the spyware poses a  
20 counterintelligence risk to the United  
21 States or any other threat to the national  
22 security of the United States.

23 “(3) DOMESTIC COMPANY THAT HAS ACQUIRED  
24 FOREIGN COMMERCIAL SPYWARE.—

1           “(A) AUTHORITY.—The Director of Na-  
2           tional Intelligence may prohibit any element of  
3           the intelligence community from entering into  
4           any contract or other agreement for any pur-  
5           pose with a domestic company that has ac-  
6           quired, in whole or in part, any foreign com-  
7           mercial spyware.

8           “(B) CONSIDERATIONS.—In considering  
9           whether and how to exercise the authority  
10          under subparagraph (A) with respect to domes-  
11          tic company that has acquired foreign commer-  
12          cial spyware, the Director of National Intel-  
13          ligence shall consider—

14               “(i) whether the original owner or de-  
15               veloper of the spyware retains any of the  
16               physical property or intellectual property  
17               associated with the spyware;

18               “(ii) whether the original owner or de-  
19               veloper of the spyware has verifiably de-  
20               stroyed all copies of the data collected by  
21               or associated with the spyware;

22               “(iii) whether the personnel of the  
23               original owner or developer of the spyware  
24               retain any access to data collected by or  
25               associated with the spyware;

1           “(iv) whether the use of the spyware  
2           requires the user to connect to an informa-  
3           tion system of the original owner or devel-  
4           oper or of a foreign government; and

5           “(v) whether the spyware poses a  
6           counterintelligence risk to the United  
7           States or any other threat to the national  
8           security of the United States.

9           “(4) WAIVER AUTHORITY.—

10           “(A) IN GENERAL.—The head of an ele-  
11           ment of the intelligence community may request  
12           from the Director of National Intelligence the  
13           waiver of a prohibition made under paragraph  
14           (1), (2), or (3). The Director may issue such a  
15           waiver in response to such a request if—

16           “(i) such waiver is in the national se-  
17           curity interest of the United States; and

18           “(ii) the Director submits to the con-  
19           gressional intelligence committees the no-  
20           tice described in subparagraph (B).

21           “(B) NOTICE.—Not later than 30 days  
22           after issuing a waiver under subparagraph (A),  
23           the Director of National Intelligence shall sub-  
24           mit to the congressional intelligence committees  
25           notice of the waiver. Such notice shall include—

1                   “(i) an identification of the head of  
2                   the element of the intelligence community  
3                   that requested the waiver;

4                   “(ii) the rationale for issuing the  
5                   waiver; and

6                   “(iii) the considerations that informed  
7                   the ultimate determination of the Director  
8                   to issue the waiver.

9                   “(5) TERMINATION OF PROHIBITION.—The Di-  
10                  rector of National Intelligence may terminate a pro-  
11                  hibition made under paragraph (1), (2), or (3) at  
12                  any time.

13                  “(d) NOTIFICATIONS.—

14                  “(1) IN GENERAL.—Not later than 30 days  
15                  after the date on which the Director of National In-  
16                  telligence exercises the authority to issue a prohibi-  
17                  tion under subsection (c), the Director of National  
18                  Intelligence shall notify the congressional intelligence  
19                  committees of such exercise of authority. Such notice  
20                  shall include—

21                  “(A) a description of the circumstances  
22                  under which the prohibition was issued;

23                  “(B) an identification of the company or  
24                  product covered by the prohibition;



1           “(C) any information that contributed to  
2           the decision of the Director to exercise the au-  
3           thority, including any information relating to  
4           counterintelligence or other risks to the national  
5           security of the United States posed by the com-  
6           pany or product, as assessed by the intelligence  
7           community; and

8           “(D) an identification of each element of  
9           the intelligence community to which the prohibi-  
10          tion has been applied.

11          “(2)     COUNTERINTELLIGENCE     NOTIFICA-  
12          TIONS.—Not later than 30 days after the date on  
13          which an element of the intelligence community be-  
14          comes aware that a Government-issued mobile device  
15          was targeted or compromised by foreign commercial  
16          spyware, the Director of National Intelligence, in co-  
17          ordination with the Director of the Federal Bureau  
18          of Investigation, shall notify the congressional intel-  
19          ligence committees of such determination, includ-  
20          ing—

21                 “(A) the component of the element and the  
22                 location of the personnel whose device was tar-  
23                 geted or compromised;

24                 “(B) the number of devices compromised  
25                 or targeted;

1           “(C) an assessment by the intelligence  
2 community of the damage to national security  
3 of the United States resulting from any loss of  
4 data or sensitive information;

5           “(D) an assessment by the intelligence  
6 community of any foreign government, or for-  
7 eign organization or entity, and, to the extent  
8 possible, the foreign individuals, who directed  
9 and benefitted from any information acquired  
10 from the targeting or compromise; and

11           “(E) as appropriate, an assessment by the  
12 intelligence community of the capacity and will  
13 of such governments or individuals to continue  
14 targeting personnel of the United States Gov-  
15 ernment.

16           “(e) DEFINITIONS.—In this section:

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

20           “(A) the Committee on Foreign Affairs,  
21 the Committee on Armed Services, and the Per-  
22 manent Select Committee on Intelligence of the  
23 House of Representatives; and

1           “(B) the Committee on Foreign Relations,  
2           the Committee on Armed Services, and the Se-  
3           lect Committee on Intelligence of the Senate.

4           “(2) DOMESTIC COMPANY.—The term ‘domestic  
5           company’ means a commercial entity, or any sub-  
6           sidiary or affiliate of the entity, incorporated or  
7           domiciled in the United States that—

8                   “(A) sells, leases, or otherwise provides  
9                   foreign commercial spyware, including by rea-  
10                  son of—

11                           “(i) taking ownership, in whole or in  
12                           part, of a foreign spyware company; or

13                           “(ii) entering into a partnership with  
14                           a foreign spyware company; or

15                           “(B) otherwise owns, leases, or has access  
16                           to foreign commercial spyware.

17           “(3) FOREIGN COMMERCIAL SPYWARE.—The  
18           term ‘foreign commercial spyware’ means a tool (or  
19           set of tools) sold, leased, marketed, or otherwise pro-  
20           vided as an end-to-end system originally developed  
21           or owned by a foreign spyware company that pro-  
22           vides a purchaser remote access to information  
23           stored on or transiting through an electronic device  
24           connected to the internet, including end-to-end sys-  
25           tems that—

1           “(A) allow malign actors to infect mobile  
2           and internet-connected devices with malware  
3           over both wireless internet and cellular data  
4           connections, including without any action re-  
5           quired by the user of the device;

6           “(B) can record telephone calls and other  
7           audio;

8           “(C) track the location of the device; or

9           “(D) access and retrieve information on  
10          the device, including text messages, files, e-  
11          mails, transcripts of chats, contacts, photos,  
12          and browsing history.

13          “(4) FOREIGN SPYWARE COMPANY.—The term  
14          ‘foreign spyware company’ means an entity that is—

15               “(A) incorporated or domiciled outside the  
16               United States; and

17               “(B) not subject to the laws and regula-  
18               tions of the United States regulating the sur-  
19               veillance of citizens of the United States and  
20               foreign citizens.

21          “(5) GOVERNMENT-ISSUED MOBILE DEVICE.—

22          The term ‘Government-issued mobile device’ means  
23          a smartphone, tablet, or laptop, or similar portable  
24          computing device, that is issued to personnel if the  
25          intelligence community by a department or agency of

1 the United States Government for official use by the  
2 personnel.

3 “(6) UNITED STATES PERSON.—The term  
4 ‘United States person’ has the meaning given that  
5 term in Executive Order 12333 (50 U.S.C. 3001  
6 note), or any successor order.”.

7 (e) GOVERNMENT-ISSUED MOBILE DEVICES.—

8 (1) REQUIREMENT.—Not later than 120 days  
9 after the date of the enactment of this Act, the Di-  
10 rector of National Intelligence shall—

11 (A) issue standards, guidance, best prac-  
12 tices, and policies for elements of the intel-  
13 ligence community to protect Government-  
14 issued mobile devices from being compromised  
15 by foreign commercial spyware;

16 (B) survey elements of the intelligence  
17 community regarding the processes used by the  
18 elements to routinely monitor Government-  
19 issued mobile devices for known indicators of  
20 compromise associated with foreign commercial  
21 spyware; or

22 (C) submit to the appropriate congres-  
23 sional committees a report on the sufficiency of  
24 the measures in place to routinely monitor Gov-  
25 ernment-issued mobile devices of appropriate

1 personnel of the intelligence community for  
2 known indicators of compromise associated with  
3 foreign commercial spyware.

4 (2) FORM.—The report under subparagraph  
5 (B) may be submitted in classified form.

6 (3) PRIVATE SECTOR PARTNERSHIPS.—Section  
7 904(d)(7) of the Counterintelligence Enhancement  
8 Act of 2002 (50 U.S.C. 3383(d)(7)) is amended by  
9 adding at the end the following new paragraph:

10 “(E) VULNERABILITIES FROM FOREIGN  
11 COMMERCIAL SPYWARE.—

12 “(i) CONSULTATION.—In carrying out  
13 efforts to secure Government-issued mobile  
14 devices, to consult with the private sector  
15 of the United States and reputable third-  
16 party researchers to identify vulnerabilities  
17 from foreign commercial spyware and  
18 maintain effective security measures for  
19 such devices.

20 “(ii) DEFINITIONS.—In this subpara-  
21 graph, the terms ‘Government-issued mo-  
22 bile devices’ and ‘foreign commercial  
23 spyware’ have the meaning given those  
24 terms in section 1102A of the National Se-  
25 curity Act of 1947.”.

1 (f) IMPOSITION OF SANCTIONS AGAINST CERTAIN  
2 PERSONS ENGAGED IN PROLIFERATION OR USE OF FOR-  
3 EIGN COMMERCIAL SPYWARE.—

4 (1) DISCRETIONARY SANCTIONS.—The Presi-  
5 dent may impose the sanctions described in para-  
6 graph (2) with respect to—

7 (A) a foreign company the President deter-  
8 mines, based on credible evidence, to pose a  
9 counterintelligence or other risk to the national  
10 security of the United States, such as a com-  
11 pany included on the watchlist required by sub-  
12 section (b) of section 1102A of the National Se-  
13 curity Act of 1947, as added to subsection (d).

14 (B) any foreign individual who—

15 (i) is a current or former senior execu-  
16 tive officer employed by a company de-  
17 scribed in subparagraph (A); and

18 (ii) is responsible for or complicit in,  
19 or has directly or indirectly engaged in, the  
20 proliferation of foreign commercial spyware  
21 that could enable the targeting of United  
22 States Government officials or personnel of  
23 the intelligence community;

24 (C) any foreign individual who—

1 (i) is a current or former official of a  
2 foreign government or is acting for or on  
3 behalf of such official; and

4 (ii) is responsible for or complicit in,  
5 or has directly or indirectly engaged in, the  
6 targeting of United States Government of-  
7 ficials or personnel of the intelligence com-  
8 munity through the use of foreign commer-  
9 cial spyware; or

10 (D) any foreign person that has materially  
11 assisted, sponsored, or provided financial, mate-  
12 rial, or technological support for, or goods or  
13 services to or in support of—

14 (i) a foreign company selling, leasing,  
15 or otherwise providing foreign commercial  
16 spyware; or

17 (ii) the targeting of United States  
18 Government officials or personnel of the  
19 intelligence community through the use of  
20 foreign commercial spyware.

21 (2) SANCTIONS DESCRIBED.—The sanctions de-  
22 scribed in this paragraph are the following:

23 (A) BLOCKING OF PROPERTY.—The Presi-  
24 dent shall exercise all of the powers granted to  
25 the President under the International Emer-



1           agency Economic Powers Act (50 U.S.C. 1701 et  
2           seq.) (except that the requirements of section  
3           202 of such Act (50 U.S.C. 1701) shall not  
4           apply) to the extent necessary to block and pro-  
5           hibit all transactions in property and interests  
6           in property of a person determined by the  
7           President to be subject to paragraph (1) if such  
8           property and interests in property are in the  
9           United States, come within the United States,  
10          or come within the possession or control of a  
11          United States person.

12                   (B) INADMISSIBILITY TO THE UNITED  
13                   STATES AND REVOCATION OF VISA OR OTHER  
14                   DOCUMENTATION.—

15                           (i) INELIGIBILITY FOR VISA, ADMIS-  
16                           SION, OR PAROLE.—In the case of a for-  
17                           eign person determined by the President to  
18                           be subject to paragraph (1) who is an indi-  
19                           vidual, the foreign person is—

20                                   (I) inadmissible to the United  
21                                   States;

22                                   (II) ineligible to receive a visa or  
23                                   other documentation to enter the  
24                                   United States; and

1 (III) otherwise ineligible to be  
2 admitted or paroled into the United  
3 States or to receive any other benefit  
4 under the Immigration and Nation-  
5 ality Act (8 U.S.C. 1101 et seq.).

6 (ii) CURRENT VISA REVOKED.—In the  
7 case of a foreign person determined by the  
8 President to be subject to paragraph (1)  
9 who is an individual, the visa or other  
10 entry documentation of the person shall be  
11 revoked, regardless of when such visa or  
12 other entry documentation is or was  
13 issued. A revocation under this subpara-  
14 graph shall take effect immediately and  
15 automatically cancel any other valid visa or  
16 entry documentation that is in the person's  
17 possession.

18 (iii) EXCEPTION TO COMPLY WITH  
19 INTERNATIONAL OBLIGATIONS.—Sanctions  
20 under this paragraph shall not apply with  
21 respect to a foreign person if admitting or  
22 paroling the person into the United States  
23 is necessary to permit the United States to  
24 comply with the Agreement regarding the  
25 Headquarters of the United Nations,

1 signed at Lake Success June 26, 1947,  
2 and entered into force November 21, 1947,  
3 between the United Nations and the  
4 United States, or other applicable inter-  
5 national obligations.

6 (3) IMPLEMENTATION; PENALTIES.—

7 (A) IMPLEMENTATION.—The President  
8 may exercise all authorities provided under sec-  
9 tions 203 and 205 of the International Emer-  
10 gency Economic Powers Act (50 U.S.C. 1702  
11 and 1704) to carry out this subsection and shall  
12 issue such regulations, licenses, and orders as  
13 are necessary to carry out this subsection.

14 (B) PENALTIES.—Any person that vio-  
15 lates, attempts to violate, conspires to violate,  
16 or causes a violation of this subsection or any  
17 regulation, license, or order issued to carry out  
18 subparagraph (A) shall be subject to the pen-  
19 alties provided for in subsections (b) and (c) of  
20 section 206 of the International Emergency  
21 Economic Powers Act (50 U.S.C. 1705) to the  
22 same extent as a person that commits an un-  
23 lawful act described in subsection (a) of that  
24 section.

1           (4) EXCEPTION RELATING TO IMPORTATION OF  
2           GOODS.—

3           (A) IN GENERAL.—The authorities to im-  
4           pose sanctions authorized under this subsection  
5           shall not include the authority to impose sanc-  
6           tions on the importation of goods.

7           (B) GOOD DEFINED.—In this paragraph,  
8           the term “good” means any article, natural or  
9           man-made substance, material, supply or manu-  
10          factured product, including inspection and test  
11          equipment, and excluding technical data.

12          (5) TERMINATION.—The President may termi-  
13          nate the application of sanctions under this sub-  
14          section at any time.

15          (g) REPORT ON HARMONIZATION AMONG FIVE EYES  
16          PARTNERSHIP.—

17          (1) REQUIREMENT.—Not later than 30 days  
18          after the date of the enactment of this Act, the Di-  
19          rector of National Intelligence shall submit to the  
20          congressional intelligence committees a report on the  
21          potential for the United States to lead an effort to  
22          devise and implement a common approach with the  
23          Five Eyes Partnership to mitigate the counterintel-  
24          ligence risks posed by the proliferation of foreign  
25          commercial spyware, including by seeking commit-

1       ments from partner countries of the Five Eyes Part-  
2       nership to implement measures similar to the re-  
3       quirements under this section and section 1102A of  
4       the National Security Act of 1947 (50 U.S.C. 3231  
5       et seq.), as added by this section.

6           (2) FORM.—The report under paragraph (1)  
7       shall be submitted in unclassified form, but may  
8       contain a classified annex, consistent with the pro-  
9       tection of intelligence sources and methods.

10       (h) DEFINITIONS.—In this section:

11           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
12       TEES.—The term “appropriate congressional com-  
13       mittees” means—

14           (A) the Committee on Foreign Affairs, the  
15       Committee on Armed Services, and the Perma-  
16       nent Select Committee on Intelligence of the  
17       House of Representatives; and

18           (B) the Committee on Foreign Relations,  
19       the Committee on Armed Services, and the Se-  
20       lect Committee on Intelligence of the Senate.

21           (2) FOREIGN COMMERCIAL SPYWARE; FOREIGN  
22       SPYWARE COMPANY; GOVERNMENT-ISSUED MOBILE  
23       DEVICE.—The terms “foreign commercial spyware”,  
24       “foreign spyware company”, and “Government-  
25       issued mobile device” have the meanings given those

1 terms in section 1102A of the National Security Act  
2 of 1947 (50 U.S.C. 3231 et seq.), as added by this  
3 section.

4 (3) FIVE EYES PARTNERSHIP.—The term “Five  
5 Eyes Partnership” means the intelligence alliance  
6 comprising Australia, Canada, New Zealand, the  
7 United Kingdom, and the United States.

8 (4) FOREIGN PERSON.—The term “foreign per-  
9 son” means a person that is not a United States  
10 person.

11 (5) PERSON.—The term “person” means an in-  
12 dividual or an entity (including a company).

13 **SEC. 310. EXPANSION OF TREATMENT OF MOVING EX-**  
14 **PENSES.**

15 (a) DEDUCTION.—Section 217(k) of the Internal  
16 Revenue Code of 1986 is amended by inserting “or an em-  
17 ployee or new appointee of the intelligence community (as  
18 defined in section 3 of the National Security Act of 1947  
19 (50 U.S.C. 3003)) (other than a member of the Armed  
20 Forces of the United States) who moves pursuant to a  
21 change in assignment that requires relocation” after “to  
22 whom subsection (g) applies”.

23 (b) EXCLUSION FOR QUALIFIED MOVING EXPENSE  
24 REIMBURSEMENTS.—Section 132(g)(2) of the Internal  
25 Revenue Code of 1986 is amended by inserting “or an em-

1 ployee or new appointee of the intelligence community (as  
2 defined in section 3 of the National Security Act of 1947  
3 (50 U.S.C. 3003)) (other than a member of the Armed  
4 Forces of the United States) who moves pursuant to a  
5 change in assignment that requires relocation” after  
6 “change of station”.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply to taxable years beginning after  
9 December 31, 2021.

10 **SEC. 311. PERSONNEL VETTING PERFORMANCE MEASURES.**

11 (a) MEASURES.—Not later than 180 days after the  
12 date of the enactment of this Act, the Director of National  
13 Intelligence, acting as the Security Executive Agent, and  
14 in coordination with the Chair and other principals of the  
15 Council, shall develop performance measures to assess the  
16 vetting of personnel, including measures to assess contin-  
17 uous vetting and the quality of each phase of the security  
18 clearance process, including the initiation, investigation,  
19 and adjudication phases.

20 (b) REPORT.—

21 (1) REQUIREMENT.—Not later than 180 days  
22 after the date of the enactment of this Act, the Di-  
23 rector of National Intelligence shall submit to the  
24 congressional intelligence committees a report de-

1 scribing the performance measures developed under  
2 subsection (a).

3 (2) ELEMENTS.—The report under paragraph  
4 (1) shall include the following:

5 (A) A description of how departments and  
6 agencies of the United States Government have  
7 implemented Security Executive Agent Direc-  
8 tive 6 titled “Continuous Evaluation” and re-  
9 lated personnel vetting performance measures  
10 to ensure that implementation is efficient and  
11 effective, including the resources expended by  
12 each department or agency for continuous vet-  
13 ting and whether departments and agencies are  
14 identifying security-relevant information in a  
15 timely manner.

16 (B) A description of the performance  
17 measures the Director of National Intelligence  
18 and the Secretary of Defense use to assess the  
19 quality of each phase of the security clearance  
20 process, including initiation, investigation, adju-  
21 dication, reinvestigation, and continuous vet-  
22 ting.

23 (C) How such performance measures meet  
24 key attributes for successful performance meas-  
25 ures as described in the report of the Comp-



1 troller General of the United States titled “Per-  
2 sonnel Vetting: Actions Needed to Implement  
3 Reforms, Address Challenges, and Improve  
4 Planning” (GAO–22–104093).

5 (D) Any impediments or constraints relat-  
6 ing to the implementation of Security Executive  
7 Agent Directive 6 or the development of such  
8 performance measures to assess the quality of  
9 the clearance process.

10 (c) DEFINITIONS.—The terms “continuous vetting”,  
11 “Council”, and “Security Executive Agent” have the  
12 meanings given those terms in section 6601 of the Damon  
13 Paul Nelson and Matthew Young Pollard Intelligence Au-  
14 thorization Act for Fiscal Years 2018, 2019, and 2020  
15 (50 U.S.C. 3352).

16 **SEC. 312. PROACTIVE CYBERSECURITY.**

17 (a) SURVEY OF ELEMENTS.—Pursuant to section  
18 103G(b)(1) of the National Security Act (50 U.S.C.  
19 3032(b)(1)), not later than 1 year after the date of the  
20 enactment of this Act, the Chief Information Officer of  
21 the Intelligence Community shall conduct a survey of each  
22 element of the intelligence community on the use by that  
23 element of proactive cybersecurity initiatives, continuous  
24 monitoring, and active defense techniques.

25 (b) REPORT BY CHIEF INFORMATION OFFICER.—

1           (1) REPORT.—Not later than 1 year after the  
2           date of the completion of the survey under sub-  
3           section (a), the Chief Information Officer of the In-  
4           telligence Community shall submit to the congress-  
5           sional intelligence committees a report on proactive  
6           cybersecurity initiatives, continuous monitoring, and  
7           active defense techniques. Such report shall include  
8           the following:

9                   (A) The results of the survey of each ele-  
10                  ment of the intelligence community conducted  
11                  under subsection (a), including—

12                           (i) examples of any successes against  
13                           attackers who unlawfully breached an in-  
14                           formation system of an element of the in-  
15                           telligence community; and

16                           (ii) concerns, limitations, and associ-  
17                           ated recommendations relating to innova-  
18                           tive uses of proactive cybersecurity initia-  
19                           tives.

20                   (B) An analysis of the feasibility, costs,  
21                   and benefits of consolidating oversight and im-  
22                   plementation of such methods within the intel-  
23                   ligence community, including whether such con-  
24                   solidation would significantly enhance defense.

1 (C) An analysis of any statutory or policy  
2 limitations on the ability of the Director of Na-  
3 tional Intelligence, or the head of any element  
4 of the intelligence community, to carry out such  
5 methods on behalf of an element of the intel-  
6 ligence community or multiple such elements.

7 (D) An analysis of the relationships be-  
8 tween and among the intelligence community,  
9 the Department of Defense, the Cybersecurity  
10 and Intelligence Security Agency of the Depart-  
11 ment of Homeland Security, national labora-  
12 tories, and the private sector, and whether such  
13 relationships should be enhanced to protect na-  
14 tional security systems of the intelligence com-  
15 munity through proactive cybersecurity meas-  
16 ures.

17 (E) With respect to active defense tech-  
18 niques, a discussion of the effectiveness of such  
19 techniques to protect the information systems  
20 of the elements of the intelligence community,  
21 any constraints that hinder such techniques,  
22 and associated recommendations.

23 (F) With respect to continuous monitoring,  
24 a discussion of—

1 (i) how an information system oper-  
2 ates under normal and intended use, com-  
3 pared to how such system operates under  
4 a variety of adverse conditions and sce-  
5 narios; and

6 (ii) the feasibility of the adoption of  
7 continuous monitoring among the intel-  
8 ligence community.

9 (G) Recommendations for legislative action  
10 and further resources relating to the successful  
11 use of proactive cybersecurity initiatives, decep-  
12 tion environments, and continuous monitoring.

13 (2) FORM.—The report under paragraph (1)  
14 may be submitted in classified form.

15 (c) DEFINITIONS.—In this section:

16 (1) ACTIVE DEFENSE TECHNIQUE.—The term  
17 “active defense technique” means an action taken on  
18 an information system of an element of the intel-  
19 ligence community to increase the security of such  
20 system against an attacker, including—

21 (A) the use of a deception technology or  
22 other purposeful feeding of false or misleading  
23 information to an attacker accessing such sys-  
24 tem; or

1 (B) proportional action taken in response  
2 to an unlawful breach.

3 (2) CONTINUOUS MONITORING.—The term  
4 “continuous monitoring” means continuous experi-  
5 mentation conducted by an element of the intel-  
6 ligence community on an information system of such  
7 element to evaluate the resilience of such system  
8 against a malicious attack or condition that could  
9 compromise such system for the purpose of improv-  
10 ing design, resilience, and incident response with re-  
11 spect to such system.

12 (3) DECEPTION TECHNOLOGY.—The term “de-  
13 ception technology” means an isolated digital envi-  
14 ronment, system, or platform containing a replica-  
15 tion of an active information system with realistic  
16 data flows to attract, mislead, and observe an  
17 attacker.

18 (4) INTELLIGENCE COMMUNITY INFORMATION  
19 ENVIRONMENT.—The term “intelligence community  
20 information environment” has the meaning given the  
21 term in Intelligence Community Directive 121, or  
22 any successor document.

23 (5) NATIONAL LABORATORY.—The term “na-  
24 tional laboratory” has the meaning given that term

1 in section 2 of the Energy Policy Act of 2005 (42  
2 U.S.C. 15801).

3 (6) NATIONAL MANAGER FOR NATIONAL SECUR-  
4 RITY SYSTEMS.—The term “National Manager for  
5 National Security Systems” means the Director of  
6 National Security, or successor official, serving as  
7 the National Manager for National Security Systems  
8 pursuant to National Security Directive 42, or any  
9 successor document.

10 (7) NATIONAL SECURITY SYSTEM.—The term  
11 “national security system” has the meaning given  
12 that term in section 3552 of title 44, United States  
13 Code.

14 (8) PROACTIVE CYBERSECURITY INITIATIVES.—  
15 The term “proactive cybersecurity initiatives” means  
16 actions performed periodically and continuously  
17 within an organization, focused on identifying and  
18 eliminating vulnerabilities within the network infra-  
19 structure, preventing security breaches, and evalu-  
20 ating the effectiveness of the business security pos-  
21 ture in real-time, including threat hunting, endpoint  
22 and network monitoring, and cybersecurity aware-  
23 ness and training.

1 **SEC. 313. LIMITATION ON AVAILABILITY OF FUNDS FOR IN-**  
2 **TELLIGENCE COMMUNITY MANAGEMENT AC-**  
3 **COUNT PENDING SUBMISSION OF REPORT**  
4 **ON DOMESTIC ACTIVITIES OF INTELLIGENCE**  
5 **COMMUNITY.**

6 Of the funds authorized to be appropriated by this  
7 Act or otherwise made available for fiscal year 2023 for  
8 the Intelligence Community Management Account, 5 per-  
9 cent may not be obligated or expended until the date on  
10 which the Director of National Intelligence submits the  
11 report required by section 505(c) of the Intelligence Au-  
12 thorization Act for Fiscal Year 2022 (division X of Public  
13 Law 117–103; 50 U.S.C. 3112 note).

14 **TITLE IV—MATTERS RELATING**  
15 **TO ELEMENTS OF THE INTEL-**  
16 **LIGENCE COMMUNITY**  
17 **Subtitle A—Office of the Director**  
18 **of National Intelligence**

19 **SEC. 401. MODIFICATIONS TO RESPONSIBILITIES AND AU-**  
20 **THORITIES OF DIRECTOR OF NATIONAL IN-**  
21 **TELLIGENCE.**

22 Section 102A of the National Security Act of 1947  
23 (50 U.S.C. 3024), as amended by section 304, is further  
24 amended—

25 (1) in subsection (c)—

1 (A) in paragraph (1)(A), by striking “guid-  
2 ance” and inserting “specific requirements”;

3 (B) in paragraph (3)(B), by inserting “es-  
4 tablish specific requirements and” after “shall”;

5 and

6 (C) in paragraph (5)(C), by striking  
7 “may” and inserting “shall”;

8 (2) in subsection (h)—

9 (A) in paragraph (1)(A)—

10 (i) by striking “encourage” and in-  
11 sserting “require”; and

12 (ii) by inserting “and apolitical” after  
13 “sound”; and

14 (B) by amending paragraph (3) to read as  
15 follows;

16 “(3) ensure that substantial differences in ana-  
17 lytic judgment are fully considered, brought to the  
18 attention of policymakers, and documented in ana-  
19 lytic products; and”;

20 (3) in subsection (i)—

21 (A) in paragraph (1), by inserting “estab-  
22 lish and enforce policies to” after “shall”;

23 (B) in paragraph (2), by striking “guide-  
24 lines” and inserting “requirements”; and



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

3 “(4) Each head of an element of the intelligence com-  
4 munity shall ensure that any congressionally mandated re-  
5 port submitted to Congress by the head, other than such  
6 a report submitted solely to the congressional intelligence  
7 committees, shall be consistent with the protection of intel-  
8 ligence sources and methods in accordance with the poli-  
9 cies established by the Director under paragraph (1), re-  
10 gardless of whether the provision of law mandating the  
11 report explicitly requires such protection.”; and

12 (4) in subsection (x)—

13 (A) in the matter preceding paragraph (1),  
14 by striking “the head of each department of the  
15 Federal Government that contains an element  
16 of the intelligence community and the Director  
17 of the Central Intelligence Agency” and insert-  
18 ing “the heads of the elements of the intel-  
19 ligence community”; and

20 (B) in paragraph (1)—

21 (i) in subparagraph (A), by striking “;  
22 and” and inserting a semicolon;

23 (ii) in subparagraph (B), by striking  
24 the semicolon and inserting “; and”; and

1 (iii) by adding at the end the fol-  
2 lowing new subparagraph:

3 “(C) each contract awarded by an element  
4 of the intelligence community includes provi-  
5 sions granting consent for the network moni-  
6 toring by the element of any information tech-  
7 nology network used to perform work under  
8 such contract, regardless of the classification  
9 level of such network.”.

10 **SEC. 402. ANNUAL SUBMISSION TO CONGRESS OF NA-**  
11 **TIONAL INTELLIGENCE PRIORITIES FRAME-**  
12 **WORK.**

13 (a) ANNUAL SUBMISSION.—Section 102A(p) of the  
14 National Security Act of 1947 (50 U.S.C. 3023(p)) is  
15 amended by inserting at the end the following new para-  
16 graph:

17 “(3) Not later than October 1 of each year, the Direc-  
18 tor of National Intelligence shall submit to the congres-  
19 sional intelligence committees a copy of the most recently  
20 updated National Intelligence Priorities Framework of the  
21 Office of the Director of National Intelligence (or any such  
22 successor mechanism).”.

23 (b) LIMITATION ON AVAILABILITY OF FUNDS FOR  
24 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—  
25 Of the funds authorized to be appropriated by this Act

1 or otherwise made available for fiscal year 2023 for the  
2 Intelligence Community Management Account, 5 percent  
3 may not be obligated or expended until the date on which  
4 the Director of National Intelligence submits the first copy  
5 required under paragraph (3) of such section 102A(p), as  
6 added by subsection (a).

7 **SEC. 403. DISPOSITION OF RECORDS OF OFFICE OF THE DI-**  
8 **RECTOR OF NATIONAL INTELLIGENCE.**

9 Section 1096(a) of the Intelligence Reform and Ter-  
10 rorism Prevention Act of 2004 (Public Law 108–458; 50  
11 U.S.C. 3001 note) is amended—

12 (1) by inserting “(1)” before “Upon”;

13 (2) by adding at the end the following new sen-  
14 tence: “Any records of the Office of the Director of  
15 National Intelligence that are maintained by the  
16 agency as a service for the Office of the Director of  
17 National Intelligence under section 1535 of title 31,  
18 United States Code, (popularly known as the ‘Econ-  
19 omy Act’) may be treated as the records of the agen-  
20 cy when dispositioned as required by law, and any  
21 disclosure of such records between the two agencies  
22 shall not be subject to any otherwise applicable legal  
23 consent requirements or disclosure accounting re-  
24 quirements.”; and

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

3           “(2) The records of the Office of the Director of Na-  
4           tional Intelligence may not be dispositioned pursuant to  
5           paragraph (1) without the authorization of the Director  
6           of National Intelligence.”.

7           **Subtitle B—Central Intelligence**  
8           **Agency**

9           **SEC. 411. AUTHORITY OF CENTRAL INTELLIGENCE AGENCY**  
10           **TO PROVIDE PROTECTION FOR CERTAIN**  
11           **PERSONNEL.**

12           (a) **AUTHORITY.**—Paragraph (4) of section 5(a) of  
13           the Central Intelligence Agency Act of 1949 (50 U.S.C.  
14           3506(a)) is amended to read as follows:

15           “(4) Authorize personnel designated by the Director  
16           to carry firearms to the extent necessary for the perform-  
17           ance of the Agency’s authorized functions, except that,  
18           within the United States, such authority shall be limited  
19           to the purposes of—

20           “(A) the training of Agency personnel and  
21           other authorized persons in the use of firearms;

22           “(B) the protection of classified materials and  
23           information;

24           “(C) the protection of installations and property  
25           of the Agency;

1 “(D) the protection of—

2 “(i) current and former Agency personnel  
3 and their immediate families;

4 “(ii) individuals nominated by the Presi-  
5 dent to the position of Director (including with  
6 respect to an individual whom a President-elect  
7 (as defined in section 3(e) of the Presidential  
8 Transition Act of 1963 (3 U.S.C. 102 note) has  
9 declared an intent to nominate) and their im-  
10 mediate families; and

11 “(iii) defectors and their immediate fami-  
12 lies, and other persons in the United States  
13 under Agency auspices; and

14 “(E) with respect to the Office of the Director  
15 of National Intelligence, the protection of—

16 “(i) installations and property of the Office  
17 of the Director of National Intelligence pursu-  
18 ant to section 15(a)(1);

19 “(ii) the Director of National Intelligence;

20 “(iii) current and former personnel of the  
21 Office of the Director of National Intelligence  
22 and their immediate families as the Director of  
23 National Intelligence may designate; and

24 “(iv) individuals nominated by the Presi-  
25 dent to the position of Director of National In-

1 intelligence (including with respect to an indi-  
2 vidual whom a President-elect has declared an  
3 intent to nominate) and their immediate fami-  
4 lies;”.

5 (b) CONFORMING AMENDMENT.—Section 15(d)(1) of  
6 such Act (50 U.S.C. 3515(d)(1)) is amended by striking  
7 “designated by the Director under section 5(a)(4) to carry  
8 firearms for the protection of current or former Agency  
9 personnel and their immediate families, defectors and  
10 their immediate families, and other persons in the United  
11 States under Agency auspices,” and inserting the fol-  
12 lowing: “designated by the Director to carry firearms  
13 under subparagraph (D) of section 5(a)(4) or clause (ii),  
14 (iii), or (iv) of subparagraph (E) of such section,”.

15 (c) TECHNICAL AMENDMENT.—Paragraphs (7) and  
16 (8) of section 5(a) of such Act (50 U.S.C. 3506(a)) are  
17 amended by adjusting the margins to conform with the  
18 other paragraphs in such section.

19 **SEC. 412. NOTIFICATION OF USE OF CERTAIN EXPENDI-**  
20 **TURE AUTHORITIES.**

21 (a) CIA.—Section 8 of the Central Intelligence Agen-  
22 cy Act of 1949 (50 U.S.C. 3510) is amended by adding  
23 at the end the following new subsection:

24 “(c) NOTIFICATION.—Not later than 30 days after  
25 the date on which the Director makes a novel or signifi-

1 cant expenditure pursuant to subsection (a), the Director  
2 shall notify the Permanent Select Committee on Intel-  
3 ligence of the House of Representatives and the Select  
4 Committee on Intelligence of the Senate of such expendi-  
5 ture.”.

6 (b) OTHER ELEMENTS.—Section 102A of the Na-  
7 tional Security Act of 1947 (50 U.S.C. 3024), as amended  
8 by section 402, is further amended—

9 (1) in subsection (m)(1), by inserting before the  
10 period at the end the following: “, including with re-  
11 spect to the notification requirement under section  
12 8(c) of such Act (50 U.S.C. 3510(c))”; and

13 (2) in subsection (n), by adding at the end the  
14 following new paragraph:

15 “(5) Any authority provided to the Director of Na-  
16 tional Intelligence or the head of an element of the intel-  
17 ligence community pursuant to this subsection to make an  
18 expenditure referred to in subsection (a) of section 8 of  
19 the Central Intelligence Agency Act of 1949 (50 U.S.C.  
20 3510) is subject to the notification requirement under sub-  
21 section (c) of such section. If the Director of National In-  
22 telligence is required to make a notification for a specific  
23 expenditure pursuant to both this paragraph and para-  
24 graph (4)(G), the Director may make a single notifica-  
25 tion.”.

1 **SEC. 413. CLARIFICATION OF AUTHORITIES RELATING TO**  
2 **SECURITY PERSONNEL AT OFFICE OF DIREC-**  
3 **TOR OF NATIONAL INTELLIGENCE FACILI-**  
4 **TIES AND INSTALLATIONS.**

5 (a) AUTHORITY OF CENTRAL INTELLIGENCE AGEN-  
6 CY SECURITY PERSONNEL.—

7 (1) AUTHORITY.—Section 15(a)(1) of the Cen-  
8 tral Intelligence Agency Act of 1949 (50 U.S.C.  
9 3515(a)(1)) is amended—

10 (A) in subparagraph (C), by striking “;  
11 and” and inserting a semicolon;

12 (B) by redesignating subparagraph (D) as  
13 subparagraph (E);

14 (C) by inserting after subparagraph (C)  
15 the following new subparagraph:

16 “(D) within any facility or installation operated  
17 by the Director of National Intelligence; and”;

18 (D) in subparagraph (E), as redesignated  
19 by subparagraph (B), by striking “subpara-  
20 graph (C)” and inserting “subparagraph (C) or  
21 (D),”.

22 (2) RULES AND REGULATIONS.—Section  
23 15(a)(4) of such Act (50 U.S.C. 3515(a)(4) is  
24 amended—



1 (A) by striking “The rules” and inserting  
2 “(A) Except as provided in subparagraph (B),  
3 the rules”; and

4 (B) by adding at the end the following new  
5 subparagraph:

6 “(B) With respect to the areas referred to in subpara-  
7 graph (D) of paragraph (1), the rules and regulations en-  
8 forced by such personnel and applicable to such areas shall  
9 be the rules and regulations prescribed by the Director,  
10 in coordination with the Director of National Intel-  
11 ligence.”.

12 (3) CONFORMING AMENDMENT.—Section  
13 15(a)(2) of such Act (50 U.S.C. 3515(a)(2)) is  
14 amended by striking “(D)” and inserting “(E)”.

15 (b) AUTHORITY OF OFFICE OF DIRECTOR OF NA-  
16 TIONAL INTELLIGENCE SECURITY PERSONNEL.—Section  
17 102A(m) of the National Security Act of 1947 (50 U.S.C.  
18 3024(m)), as amended by section 412(b)(1), is further  
19 amended by adding at the end the following new para-  
20 graph:

21 “(3) In addition to the authority provided to the Di-  
22 rector of the Central Intelligence Agency to authorize se-  
23 curity personnel of the Central Intelligence Agency within,  
24 and in certain streets, sidewalks, and open areas with re-  
25 spect to, a facility or installation operated by the Director

1 of National Intelligence under section 15(a) of the Central  
2 Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)), the  
3 Director of National Intelligence may exercise with respect  
4 to the security personnel of the Office of the Director of  
5 National Intelligence such authority to the same extent,  
6 and subject to the same conditions and limitations, that  
7 the Director of the Central Intelligence Agency may exer-  
8 cise such authority with respect to security personnel of  
9 the Central Intelligence Agency.”.

10 **SEC. 414. OFFICE OF WORKFORCE SUPPORT OF CENTRAL**  
11 **INTELLIGENCE AGENCY.**

12 (a) **ESTABLISHMENT.**—Not later than 120 days after  
13 the date of the enactment of this Act, the Director shall  
14 establish an office, to be known as the “Office of Work-  
15 force Support”, to provide independent support and advo-  
16 cacy for the physical and mental health and well-being of  
17 current and former officers, employees, and contractors of  
18 the Agency.

19 (b) **DEPUTY DIRECTOR; ASSIGNED OFFICERS.**—

20 (1) **DEPUTY DIRECTOR.**—The Director shall ap-  
21 point a Deputy Director for Workforce Support as  
22 the head of the Office of Workforce Support, who  
23 shall report directly to the Director.

24 (2) **FULL-TIME ASSIGNED OFFICERS.**—To as-  
25 sist in performing the functions under subsection

1 (c), the Director shall ensure there is assigned to the  
2 Office of Workforce Support not fewer than 10 offi-  
3 cers of the Agency, who shall have no official duties  
4 other than duties related to such Office while so as-  
5 signed.

6 (c) FUNCTIONS.—The functions of the Office of  
7 Workforce Support shall be, with respect to eligible indi-  
8 viduals under subsection (e), as follows:

9 (1) Providing to such individuals independent  
10 and confidential advice and assistance, and advo-  
11 cating on behalf of such individuals, on matters re-  
12 lating to health and well-being, including with re-  
13 spect to physical health, mental health, retirement  
14 benefits, disability compensation, and other related  
15 programs and benefits for which the individual may  
16 be eligible (without regard to whether such programs  
17 and benefits are administered or funded by the  
18 United States Government or the private sector).

19 (2) Maintaining, and making available to such  
20 individuals, the following:

21 (A) A list of physicians and mental health  
22 care providers (including from the private sec-  
23 tor, as applicable), who hold an appropriate se-  
24 curity clearance, or are eligible to hold an ap-  
25 propriate security clearance, and are qualified

1 to provide confidential services and support to  
2 such individuals.

3 (B) A list of private attorneys who hold an  
4 appropriate security clearance and are qualified  
5 to provide to such individuals confidential legal  
6 advice, including with respect to physical  
7 health, mental health, retirement benefits, dis-  
8 ability compensation, and other related matters.

9 (d) PROVISION OF SERVICES TO FORMER OFFICERS,  
10 EMPLOYEES, AND CONTRACTORS.—In the case of an indi-  
11 vidual specified in subsection (e)(2), services under the Of-  
12 fice of Workforce Support shall be provided upon the re-  
13 quest of the individual.

14 (e) ELIGIBILITY.—An individual is eligible for receiv-  
15 ing a service under the Office of Workforce Support if the  
16 individual is—

17 (1) an officer, employee, or contractor of the  
18 Agency; or

19 (2) a former officer, employee, or contractor of  
20 the Agency whose employment or contract with the  
21 Agency, as the case may be, concluded not more  
22 than 10 years prior to the date on which the indi-  
23 vidual seeks the service.

24 (f) BRIEFINGS.—On a biannual basis until the date  
25 of termination under subsection (g), the Director shall

1 provide to the congressional intelligence committees a  
2 briefing on the status of the Office of Workforce Support,  
3 including on—

4 (1) the number of officers assigned to such Of-  
5 fice pursuant to subsection (b)(2); and

6 (2) the number of eligible individuals under  
7 subsection (e) who have received services under such  
8 Office, and the type of services so received.

9 (g) **TERMINATION.**—The Office of Workforce Sup-  
10 port shall terminate on the date that is 3 years after the  
11 date on which such Office is established.

12 **SEC. 415. ESTABLISHMENT OF EXTERNAL ADVISORY**  
13 **BOARD FOR TALENT FOR THE CENTRAL IN-**  
14 **TELLIGENCE AGENCY.**

15 (a) **SENSE OF CONGRESS.**—It is the sense of Con-  
16 gress that—

17 (1) the Central Intelligence Agency plays one of  
18 the most critical roles in national defense;

19 (2) the intelligence provided by the officers of  
20 the Agency protects the United States;

21 (3) to carry out this mission, the Agency needs  
22 to attract, train, lead, and retain the most talented  
23 and diverse workforce possible;

24 (4) therefore, the Director must ensure the  
25 Agency is incorporating best practices from the pri-

1 vate sector to hire, lead, manage, and retain the  
2 most important element of the organization, Agency  
3 personnel; and

4 (5) An External Advisory Board for Talent will  
5 provide the Agency an important mechanism to im-  
6 prove how the Agency recruits, leads, and manages  
7 Agency personnel.

8 (b) ESTABLISHMENT.—Not later than 180 days after  
9 the date of the enactment of this Act, the Director of the  
10 Central Intelligence Agency shall establish an advisory  
11 board for the Central Intelligence Agency, to be known  
12 as the “External Advisory Board for Talent” (in this sec-  
13 tion referred to as the “Board”).

14 (c) DUTIES.—The duties of the Board shall be to ad-  
15 vise the Director and the head of the Talent Center of  
16 the Agency, or such successor organizational element,  
17 on—

18 (1) the most up-to-date best practices and inno-  
19 vations in the areas of hiring, leadership, manage-  
20 ment practices, and talent retention; and

21 (2) the fostering of a culture of continuous im-  
22 provement within the Agency, whereby each succes-  
23 sive generation of officers of the Agency become  
24 more effective leaders and improve the mission per-  
25 formance of the Agency organically and from within.

1 (d) MEMBERSHIP.—

2 (1) COMPOSITION.—The Board shall be com-  
3 posed of at least 7 members selected from a diverse  
4 range of private sector industries, each of whom  
5 shall be, in the determination of the Director, a  
6 highly accomplished executive or thought leader in  
7 the field of human resource management with a  
8 demonstrated history of leading, or advising, high-  
9 functioning organizations.

10 (2) PAY.—Each member of the Board shall be  
11 compensated at a rate prescribed by the Director for  
12 each day (including travel time) during which the  
13 member is engaged in the actual performance of du-  
14 ties vested in the Board.

15 (3) TRAVEL EXPENSES.—Each member of the  
16 Board may receive travel expenses, including per  
17 diem in lieu of subsistence, in accordance with appli-  
18 cable provisions under subchapter I of chapter 57 of  
19 title 5, United States Code, for travel between the  
20 residence of the member and the metropolitan Wash-  
21 ington, D.C., area.

22 (e) MEETINGS.—On a basis that is at least quarterly  
23 until the date of termination under subsection (h), the  
24 Board shall hold a meeting with the Director to provide  
25 the views of the Board on the state of the Agency work-

1 force, a summary of the minutes of which shall be distrib-  
2 uted among the Agency workforce to ensure transparency.

3 (f) IMPLEMENTATION OF RECOMMENDATIONS.—

4 (1) ASSISTANCE FROM TALENT CENTER.—The  
5 head of the Talent Center of the Agency, or such  
6 successor organizational element, shall assist the  
7 Board in carrying out any studies necessary for the  
8 fulfilment of the duties of the Board and shall assist  
9 the Director in implementing any recommendations  
10 of the Board.

11 (2) AUTHORITY OF DIRECTOR.—The Director  
12 shall retain final authority with respect to the imple-  
13 mentation of any such recommendations.

14 (g) REPORTS AND BRIEFINGS.—

15 (1) ANNUAL REPORTS.—On an annual basis  
16 until the date of termination under subsection (h),  
17 the Board shall submit to the Director and the con-  
18 gressional intelligence committees a report on the  
19 state of the Agency workforce.

20 (2) PERIODIC BRIEFINGS.—On a regular basis  
21 until the date of termination under subsection (h),  
22 the members of the Board shall provide briefings to  
23 the congressional intelligence committees, and the  
24 staff members of such committees.



1 (h) TERMINATION.—The Board shall terminate on  
2 the date that is 3 years after the date on which the Board  
3 is established.

4 (i) DEFINITIONS.—In this section, the terms “Agen-  
5 cy” and “Director” have the meaning given those terms  
6 in section 1 of the Central Intelligence Agency Act of 1949  
7 (50 U.S.C. 3501).

8 **SEC. 416. STUDY ON RELATIONSHIP BETWEEN CENTRAL IN-**  
9 **TELLIGENCE AGENCY AND CONGRESS.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) In 2008, the Center for the Study of Intel-  
12 ligence of the Central Intelligence Agency published  
13 an unclassified manuscript of a study titled “The  
14 Agency and the Hill: CIA’s Relationship with Con-  
15 gress, 1946-2004”.

16 (2) The study, organized thematically, provides  
17 a valuable primer for officials of the Agency, mem-  
18 bers of Congress, congressional staff, and the gen-  
19 eral public about the necessarily secret business of  
20 intelligence oversight.

21 (b) STUDY.—

22 (1) REQUIREMENT.—Not later than 2 years  
23 after the date of the enactment of this Act, the Di-  
24 rector of the Central Intelligence Agency, acting  
25 through the Center for the Study of Intelligence,

1 shall prepare a study, in book form, describing the  
2 relationship between the Central Intelligence Agency  
3 and Congress between the 2004 and 2022. The Di-  
4 rector shall ensure that the study is modeled on the  
5 manuscript described in subsection (a)(1), including  
6 with respect to the organizational structure.

7 (2) ELEMENTS.—The study under paragraph  
8 (1) shall document the following:

9 (A) Major legislation affecting the Agency.

10 (B) Programs and budget.

11 (C) Oversight of analysis.

12 (D) Oversight of collection.

13 (E) Oversight of covert action.

14 (F) Oversight of security and personnel  
15 matters.

16 (G) The process by which officials of the  
17 Agency are appointed by the President, by and  
18 with the advice and consent of the Senate.

19 (H) For each of the elements specified in  
20 subparagraphs (A) through (G), highlights of  
21 the principal issues before Congress and a dis-  
22 cussion of how those issues were handled.

23 (I) Any other matters the Director deter-  
24 mines appropriate.

1           (3) SUBMISSION.—The Director shall submit to  
2           the congressional intelligence committees the study  
3           prepared under paragraph (1).

4           (4) FORM.—The study under paragraph (1)  
5           shall be made in unclassified form, but the Director  
6           may submit to the congressional intelligence commit-  
7           tees a classified annex.

8   **SEC. 417. HISTORICAL ADVISORY PANEL OF CENTRAL IN-**  
9                                   **TELLIGENCE AGENCY.**

10          (a) SENSE OF CONGRESS.—It is the sense of Con-  
11          gress that Congress expresses its appreciation—

12                 (1) to the Director of the Central Intelligence  
13                 Agency for reconstituting the Historical Advisory  
14                 Panel; and

15                 (2) for the important work of the Historical Ad-  
16                 visory Panel, especially for—

17                         (A) the efforts of the Panel to aid with the  
18                         declassification of materials that enrich the his-  
19                         torical national security record; and

20                         (B) the assistance of the Panel in liaison  
21                         with the scholarly community.

22          (b) REPORTING REQUIREMENT.—The Historical Ad-  
23          visory Panel shall report directly to the Director of the  
24          Central Intelligence Agency.

1 (c) HISTORICAL ADVISORY PANEL DEFINED.—The  
2 term “Historical Advisory Panel” means the panel of the  
3 Central Intelligence Agency, regardless of the name of the  
4 panel, that assists in conducting declassification reviews  
5 and providing other assistance with respect to matters of  
6 historical interest.

7 **Subtitle C—Elements of the**  
8 **Defense Intelligence Enterprise**

9 **SEC. 421. DEPUTY DIRECTOR FOR DEFENSE INTELLIGENCE**  
10 **RESPONSIBLE FOR WARFIGHTER SUPPORT.**

11 Section 137 of title 10, United States Code, is  
12 amended by adding at the end the following new sub-  
13 section:

14 “(e) The Secretary of Defense shall ensure that not  
15 fewer than one of the Deputy Directors for Defense Intel-  
16 ligence (or such successor positions) is responsible for  
17 warfighter support. An individual appointed to that posi-  
18 tion shall be a general or flag officer serving in a joint  
19 duty assignment.”.

20 **SEC. 422. COVER ENHANCEMENT AUTHORITIES.**

21 Part II of title 10, United States Code, is amended  
22 by inserting after chapter 88 the following new chapter  
23 (and conforming the table of chapters at the beginning  
24 of such part accordingly):

1       **“CHAPTER 89—COVER ENHANCEMENT**  
2   **AUTHORITIES**

- “1801. Definitions.
- “1802. Cover enhancement authority.
- “1803. Compensation.
- “1804. Retirement benefits.
- “1805. Health insurance benefits.
- “1806. Life insurance benefits.
- “1807. Exemption from certain requirements.
- “1808. Taxation and social security.
- “1809. Regulations.
- “1810. Finality of decisions.
- “1811. Subsequently enacted laws.

3       **“§ 1801. Definitions**

4                “In this chapter:

5                       “(1) The term ‘designated employee’ means an  
6                       employee of the Department of Defense designated  
7                       by the Secretary of Defense under section 1802(b).

8                       “(2) The term ‘designated member’ means a  
9                       member of the armed forces designated by the Sec-  
10                      retary of Defense under section 1802(b).

11                      “(3) The term ‘Federal retirement system’ in-  
12                      cludes the Federal Employees’ Retirement System  
13                      (including the Thrift Savings Plan).

14                      “(4) The term ‘military retirement system’ in-  
15                      cludes military retired pay programs under chapters  
16                      61, 63, 65, and 67 of this title and the Survivor  
17                      Benefit Plan established by chapter 73 of this title.

18       **“§ 1802. Cover enhancement authority**

19                “(a) AUTHORITY.—Notwithstanding any other provi-  
20                sion of law, the Secretary of Defense may exercise the au-

1 thorties under this chapter to protect from unauthorized  
2 disclosure—

3 “(1) intelligence operations of the Department  
4 of Defense;

5 “(2) the identities of undercover officers;

6 “(3) intelligence sources and methods; or

7 “(4) cover mechanisms.

8 “(b) DESIGNATION OF EMPLOYEES AND MEM-  
9 BERS.—(1) Subject to paragraph (2), the Secretary of De-  
10 fense may designate any employee of the Department of  
11 Defense or member of the armed forces who is under cover  
12 to be an employee or a member to whom this chapter ap-  
13 plies.

14 “(2) The Secretary of Defense may not designate  
15 more than 15 persons under paragraph (1) in a fiscal year  
16 unless the Secretary provides notice of the intent to des-  
17 ignate more than 15 persons in such fiscal year to the  
18 congressional defense committees and the congressional  
19 intelligence committees (as such term is defined in section  
20 3 of the National Security Act of 1957 (50 U.S.C. 3003)).

21 “(3) A designation may be made under this sub-  
22 section with respect to any or all authorities exercised  
23 under this chapter.

24 “(c) INTERAGENCY COORDINATION AND SUPPORT.—  
25 Establishment of any such cover enhancement authority

1 for intelligence operations of the Department of Defense  
2 shall be pre-coordinated using processes and procedures  
3 for intelligence community deconfliction mutually agreed  
4 upon by the Secretary of Defense and the Director of the  
5 Central Intelligence Agency.

6 **“§ 1803. Compensation**

7       “The Secretary of Defense may pay a designated em-  
8 ployee or designated member salary, allowances, and other  
9 benefits in an amount and in a manner consistent with  
10 the cover of that employee or member, without regard to  
11 any limitation that is otherwise applicable to a Federal  
12 employee or member of the armed forces. A designated  
13 employee or designated member may accept, use, and, to  
14 the extent authorized by regulations prescribed under this  
15 chapter, retain any salary, allowances, and other benefits  
16 provided under this chapter.

17 **“§ 1804. Retirement benefits**

18       “(a) ESTABLISHMENT OF RETIREMENT SYSTEM.—  
19 The Secretary of Defense may establish, administer, con-  
20 tract for, or implement through another Federal depart-  
21 ment or agency, a cover retirement system for designated  
22 employees and designated members (and the spouse,  
23 former spouses, and survivors of such designated employ-  
24 ees and designated members). A designated employee or  
25 designated member may not receive credit for service

1 under the retirement system established under this para-  
2 graph and another Federal retirement system for the same  
3 time period.

4 “(b) CONVERSION TO OTHER FEDERAL RETIRE-  
5 MENT SYSTEM.—A designated employee or designated  
6 member participating in the retirement system established  
7 under subsection (a) may convert to coverage under the  
8 Federal retirement system or military retirement system  
9 that would otherwise apply to such employee or member  
10 at any appropriate time determined by the Secretary of  
11 Defense (including at the time of separation of service by  
12 reason of retirement), if the Secretary of Defense deter-  
13 mines that the participation of the employee or member  
14 in the retirement system established under this subsection  
15 is no longer necessary to protect from unauthorized dislo-  
16 sure—

- 17 “(1) intelligence operations;  
18 “(2) the identities of undercover officers;  
19 “(3) intelligence sources and methods; or  
20 “(4) cover mechanisms.

21 “(c) CONVERSION TREATMENT.—Upon a conversion  
22 under subsection (b)—

- 23 “(1) all periods of service under the retirement  
24 system established under this section shall be  
25 deemed periods of creditable service under the appli-



1 cable Federal retirement system or military retire-  
2 ment system;

3 “(2) the Secretary of Defense shall transmit an  
4 amount for deposit in any applicable fund of that  
5 Federal retirement system or military retirement  
6 system that—

7 “(A) is necessary to cover all employee or  
8 member and agency contributions including—

9 “(i) interest as determined by the  
10 head of the agency administering the Fed-  
11 eral retirement system or military retire-  
12 ment system into which the employee or  
13 member is converting; or

14 “(ii) in the case of an employee or  
15 member converting into the Federal Em-  
16 ployee’s Retirement System or military re-  
17 tirement system, interest as determined  
18 under chapter 84 of title 5 or chapter 74  
19 of this title, as the case may be; and

20 “(B) ensures that such conversion does not  
21 result in any unfunded liability to that fund;  
22 and

23 “(3) in the case of a designated employee or  
24 designated member who participated in an employee  
25 or member investment retirement system established

1       under subsection (a) and is converted to coverage  
2       under the Federal retirement system or military re-  
3       tirement system, the Secretary of Defense may  
4       transmit any or all amounts of that designated em-  
5       ployee or designated member in that employee or  
6       military investment retirement system (or similar  
7       part of that retirement system) to the Thrift Sav-  
8       ings Fund.

9       “(d) TRANSMITTED AMOUNTS.—(1) Amounts de-  
10      scribed under subsection (c)(2) shall be paid from any  
11      fund the Secretary of Defense deems appropriate.

12      “(2) The Secretary of Defense may use amounts con-  
13      tributed by the designated employee or designated member  
14      to a retirement system established under subsection (a)  
15      to offset amounts paid under paragraph (1).

16      “(e) RECORDS.—The Secretary of Defense shall  
17      transmit all necessary records relating to a designated em-  
18      ployee or designated member who converts to a Federal  
19      retirement system or military retirement system under  
20      subsection (b) (including records relating to periods of  
21      service which are deemed to be periods of creditable serv-  
22      ice under subsection (c)(1)) to the head of the agency ad-  
23      ministering that Federal retirement system or military re-  
24      tirement system.

1 **“§ 1805. Health insurance benefits**

2 “(a) IN GENERAL.—The Secretary of Defense may  
3 establish, administer, contract for, or implement through  
4 another Federal agency, a cover health insurance program  
5 for designated employees and designated members and eli-  
6 gible family members. A designated employee or des-  
7 igned member may not participate in the health insur-  
8 ance program established under this section and the pro-  
9 gram under chapter 89 of title 5 or chapter 55 of this  
10 title at the same time.

11 “(b) CONVERSION TO FEDERAL EMPLOYEES  
12 HEALTH BENEFITS PROGRAM.—A designated employee  
13 participating in the health insurance program established  
14 under subsection (a) may convert to coverage under the  
15 program under chapter 89 of title 5, and a designated  
16 member participating in the program established under  
17 subsection (a) may convert to coverage under the program  
18 under chapter 55 of this title or chapter 17 of title 38,  
19 at any appropriate time determined by the Secretary of  
20 Defense (including at the time of separation of service by  
21 reason of retirement), if the Secretary of Defense deter-  
22 mines that the participation of the employee or member  
23 in the health insurance program established under this  
24 subsection is no longer necessary to protect from unau-  
25 thorized disclosure—

26 “(1) intelligence operations;

1           “(2) the identities of undercover officers;

2           “(3) intelligence sources and methods; or

3           “(4) cover mechanisms.

4           “(c) CONVERSION TREATMENT.—Upon a conversion  
5 of a designated employee under subsection (b)—

6           “(1) the employee (and family, if applicable)  
7 shall be entitled to immediate enrollment and cov-  
8 erage under chapter 89 of title 5;

9           “(2) any requirement of prior enrollment in a  
10 health benefits plan under chapter 89 of title 5 for  
11 continuation of coverage purposes shall not apply;

12           “(3) the employee shall be deemed to have had  
13 coverage under chapter 89 of title 5 from the first  
14 opportunity to enroll for purposes of continuing cov-  
15 erage; and

16           “(4) the Secretary of Defense shall transmit an  
17 amount for deposit in the Employees’ Health Bene-  
18 fits Fund that is necessary to cover any costs of  
19 such conversion.

20           “(d) TRANSMITTED AMOUNTS.—Any amount de-  
21 scribed under subsection (c)(4) shall be paid from any  
22 fund the Secretary of Defense deems appropriate.

23           “(e) ELIGIBLE FAMILY MEMBER DEFINED.—In this  
24 section, the term ‘eligible family member’ means—

1           “(1) with respect to an employee, a member of  
2           a family as defined in section 8901 of title 5; and

3           “(2) with respect to a member of the armed  
4           forces, a dependent as defined in section 1072 of  
5           this title.

6   **“§ 1806. Life insurance benefits**

7           “(a) IN GENERAL.—The Secretary of Defense may  
8           establish, administer, contract for, or implement through  
9           another Federal agency, a cover life insurance program  
10          for designated employees and designated members (and  
11          the family of such designated employees or designated  
12          members). A designated employee or designated member  
13          may not participate in the life insurance program estab-  
14          lished under this section and the program under chapter  
15          87 of title 5 for the same time period.

16          “(b) CONVERSION TO FEDERAL EMPLOYEES GROUP  
17          LIFE INSURANCE PROGRAM.—A designated employee par-  
18          ticipating in the life insurance program established under  
19          subsection (a) may convert to coverage under the program  
20          under chapter 87 of title 5, and a designated member par-  
21          ticipating in the life insurance program established under  
22          subsection (a) may convert to coverage under the program  
23          under chapter 19 of title 38, at any appropriate time de-  
24          termined by the Secretary of Defense (including at the  
25          time of separation of service by reason of retirement), if

1 the Secretary of Defense determines that the participation  
2 of the employee or member in the life insurance program  
3 established under this section is no longer necessary to  
4 protect from unauthorized disclosure—

5 “(1) intelligence operations;

6 “(2) the identities of undercover officers;

7 “(3) intelligence sources and methods; or

8 “(4) cover mechanisms.

9 “(c) CONVERSION TREATMENT.—Upon a conversion  
10 of a designated employee under subsection (b)—

11 “(1) the employee (and family, if applicable)  
12 shall be entitled to immediate coverage under chap-  
13 ter 87 of title 5;

14 “(2) any requirement of prior enrollment in a  
15 life insurance program under chapter 87 of title 5  
16 for continuation of coverage purposes shall not  
17 apply;

18 “(3) the employee shall be deemed to have had  
19 coverage under chapter 87 of title 5 for the full pe-  
20 riod of service during which the employee would  
21 have been entitled to be insured for purposes of con-  
22 tinuing coverage; and

23 “(4) the Secretary of Defense shall transmit an  
24 amount for deposit in the Employees’ Life Insurance

1 Fund that is necessary to cover any costs of such  
2 conversion.

3 “(d) TRANSMITTED AMOUNTS.—Any amount de-  
4 scribed under subsection (c)(4) shall be paid from any  
5 fund the Secretary of Defense deems appropriate.

6 **“§ 1807. Exemption from certain requirements**

7 “The Secretary of Defense may exempt a designated  
8 employee or designated member from mandatory compli-  
9 ance with any Federal regulation, rule, standardized ad-  
10 ministrative policy, process, or procedure that the Sec-  
11 retary of Defense determines—

12 “(1) would be inconsistent with the cover of  
13 that employee or member; and

14 “(2) could expose that employee to detection as  
15 a Federal employee or that member as a member of  
16 the armed forces.

17 **“§ 1808. Taxation and social security**

18 “(a) IN GENERAL.—Notwithstanding any other pro-  
19 vision of law, a designated employee or designated mem-  
20 ber—

21 “(1) shall file a Federal or State tax return as  
22 if that employee or member is not a Federal em-  
23 ployee or member of the armed forces and may  
24 claim and receive the benefit of any exclusion, de-  
25 duction, tax credit, or other tax treatment that

1 would otherwise apply if that designated employee  
2 was not a Federal employee or that designated mem-  
3 ber was not a member of the armed forces, if the  
4 Secretary of Defense determines that taking any ac-  
5 tion under this subsection is necessary to protect  
6 from unauthorized disclosure—

7 “(A) intelligence operations;

8 “(B) the identities of undercover officers;

9 “(C) intelligence sources and methods; or

10 “(D) cover mechanisms; and

11 “(2) shall receive social security benefits based  
12 on the social security contributions made.

13 “(b) COMPENSATION FOR CERTAIN INCREASED TAX  
14 LIABILITY.—In the case of a designated employee or des-  
15 ignated member who files a tax return as provided in sub-  
16 section (a)(1), the Secretary may increase (on a grossed-  
17 up basis) the compensation of such employee or member  
18 under section 1803 to account for any increased income  
19 tax liability attributable to having so filed.

20 “(c) INTERNAL REVENUE SERVICE REVIEW.—The  
21 Secretary of Defense shall establish procedures to carry  
22 out this section. The procedures shall be subject to peri-  
23 odic review by the Internal Revenue Service.



1 **“§ 1809. Regulations**

2 “The Secretary of Defense shall prescribe regulations  
3 to carry out this chapter. The regulations shall ensure that  
4 the combination of salary, allowances, and benefits that  
5 an employee or member designated under this chapter  
6 may retain does not significantly exceed, except to the ex-  
7 tent determined by the Secretary of Defense to be nec-  
8 essary to exercise the authority in this chapter, the com-  
9 bination of salary, allowances, and benefits otherwise re-  
10 ceived by employees or members not designated under this  
11 chapter.

12 **“§ 1810. Finality of decisions**

13 “Any determinations authorized by this chapter to be  
14 made by the Secretary of Defense or a designee of the  
15 Secretary shall be final and conclusive and may not be  
16 subject to review by any court.

17 **“§ 1811. Subsequently enacted laws**

18 “No law enacted after the effective date of this chap-  
19 ter shall affect the authorities and provisions of this chap-  
20 ter unless such law specifically refers to this chapter.”.

21 **SEC. 423. AUTHORITY OF ARMY COUNTERINTELLIGENCE**  
22 **AGENTS TO EXECUTE WARRANTS AND MAKE**  
23 **ARRESTS.**

24 (a) **AUTHORITY TO EXECUTE WARRANTS AND MAKE**  
25 **ARRESTS.**—Section 7377 of title 10, United States Code,  
26 is amended—

1 (1) in the section heading, by inserting “**AND**  
2 **ARMY COUNTERINTELLIGENCE COMMAND**” be-  
3 fore the colon; and

4 (2) in subsection (b)—

5 (A) by striking “any employee of the De-  
6 partment of the Army who is a special agent”  
7 and inserting the following: “any employee of  
8 the Department of the Army who is—  
9 “(1) a special agent”;

10 (B) in paragraph (1), as designated by  
11 subparagraph (A), by striking the period at the  
12 end and inserting “; or”; and

13 (C) by adding at the end the following new  
14 paragraph:

15 “(2) a special agent of the Army Counterintel-  
16 ligence Command (or a successor to that command)  
17 whose duties include conducting, supervising, or co-  
18 ordinating counterintelligence investigations involv-  
19 ing potential or alleged violations punishable under  
20 chapter 37, 113B, or 115 of title 18, and similar of-  
21 fenses punishable under this title.”.

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

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

1 **SEC. 424. INCLUSION OF SPACE FORCE AS ELEMENT OF IN-**  
2 **TELLIGENCE COMMUNITY.**

3 Section 3(4)(H) of the National Security Act of 1947  
4 (50 U.S.C. 3003(4)(H)) is amended by inserting “the  
5 Space Force,” after “the Marine Corps,”.

6 **SEC. 425. MILITARY INTELLIGENCE COLLECTION AND**  
7 **ANALYSIS PARTNERSHIPS.**

8 (a) USE OF APPROPRIATED FUNDS.—The Director  
9 of the Defense Intelligence Agency may use not more than  
10 \$10,000,000 of appropriated funds available to the De-  
11 fense Intelligence Agency for each fiscal year to pay for  
12 the expenses of partnerships with foreign countries, re-  
13 gional organizations with defense, intelligence, or security  
14 components, and security alliances of which the United  
15 States is a member for military intelligence collection and  
16 analysis activities.

17 (b) USE OF FUNDS OTHER THAN APPROPRIATED  
18 FUNDS.—Notwithstanding any other provision of law, the  
19 Director may use funds other than appropriated funds to  
20 pay for the expenses of partnerships with foreign coun-  
21 tries, regional organizations with defense or security com-  
22 ponents, and security alliances of which the United States  
23 is a member for military intelligence collection and anal-  
24 ysis activities, except that—

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

5           (2) proceeds from the sale of military intel-  
6           ligence collection and analysis items may be used  
7           only to purchase replacement items similar to the  
8           items that are sold; and

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

12          (c) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.—  
13          Notwithstanding any other provision of law, the Director  
14          may exercise the authority under this section to pay for,  
15          or otherwise facilitate, the logistic support, supplies, and  
16          services associated with partnerships with foreign coun-  
17          tries, regional organizations with defense or security com-  
18          ponents, and security alliances of which the United States  
19          is a member.

20          (d) COORDINATION WITH SECRETARY OF STATE.—  
21          The Director of the Defense Intelligence Agency shall co-  
22          ordinate the military intelligence collection and analysis  
23          activities funded pursuant to this section with the Sec-  
24          retary of State.

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

6 (f) BUDGET EXHIBIT.—With respect to each fiscal  
7 year in which this section is carried out, the Secretary of  
8 Defense shall ensure that the defense budget materials in-  
9 clude a budget exhibit detailing the receipt and disburse-  
10 ments of funds to be used by the Director of the Defense  
11 Intelligence Agency under subsections (a) and (b).

12 (g) SUNSET.—

13 (1) IN GENERAL.—Subject to paragraph (2),  
14 the authority to carry out this section shall termi-  
15 nate on the date that is 5 years after the date of the  
16 enactment of this Act.

17 (2) EXCEPTION.—A military intelligence collec-  
18 tion and analysis activity for which funds have been  
19 obligated under this section before the date on which  
20 the authority to carry out this section terminates  
21 under paragraph (1) may continue until the comple-  
22 tion of the activity.

23 (h) DEFINITIONS.—In this section:

24 (1) DEFENSE BUDGET MATERIALS.—The term  
25 “defense budget materials” has the meaning given

1 that term in section 231 of title 10, United States  
2 Code.

3 (2) **MILITARY INTELLIGENCE COLLECTION AND**  
4 **ANALYSIS ACTIVITY.**—The term “military intel-  
5 ligence collection and analysis activity” means—

6 (A) the conduct of a combined human in-  
7 telligence and counterintelligence activity;

8 (B) the collection, processing, exploitation,  
9 analysis, and dissemination of all-source intel-  
10 ligence;

11 (C) the conduct of a foreign defense intel-  
12 ligence liaison relationship or defense intel-  
13 ligence exchange program; or

14 (D) the research, development, acquisition,  
15 and sustainment of an information technology  
16 system or telecommunication capability in sup-  
17 port of an activity described in subparagraph  
18 (A), (B), or (C).

19 **SEC. 426. INTELLIGENCE ASSESSMENT OF EFFECTS OF**  
20 **COUNTERTERRORISM STRIKES.**

21 (a) **SENSE OF CONGRESS.**—It is the sense of Con-  
22 gress that—

23 (1) the intelligence community is responsible for  
24 ensuring that products compliant with analytic

1 tradecraft are available to the operational elements  
2 of the Department of Defense;

3 (2) such products must be prepared with the  
4 rigor necessary to determine the status of a poten-  
5 tial terrorist target, the role of the target, how crit-  
6 ical the target is to the operations of a terrorist  
7 group, and the effect removing that individual would  
8 have on the strategic threat to the United States,  
9 United States persons overseas, members of the  
10 United States Armed Forces overseas, or facilities of  
11 the United States overseas; and

12 (3) the intelligence community is also respon-  
13 sible for assessing the strategic impact of counterter-  
14 rorism strikes to determine whether the anticipated  
15 or desired impact on the terrorist group or network  
16 was achieved.

17 (b) INTELLIGENCE ASSESSMENT.—The Director of  
18 the Defense Intelligence Agency, in coordination with the  
19 directorates of intelligence of the combatant commands,  
20 shall produce an intelligence assessment of the effects of  
21 counterterrorism strikes conducted by the Armed Forces  
22 on targets outside of areas of active hostilities during the  
23 5-year period preceding the date of the enactment of this  
24 Act.

1 (c) ELEMENTS.—The assessment under subsection  
2 (b) shall include the following:

3 (1) With respect to the counterterrorism strikes  
4 covered by the assessment—

5 (A) the short- and long-term effects of the  
6 strike on the planned external operations of the  
7 respective terrorist group, particularly the oper-  
8 ations targeting the United States, United  
9 States persons overseas, members of the United  
10 States Armed Forces overseas, or facilities of  
11 the United States overseas;

12 (B) the effects of the strike on the intent  
13 of the respective terrorist group to conduct ex-  
14 ternal operations, particularly the operations  
15 targeting the United States, United States per-  
16 sons overseas, members of the United States  
17 Armed Forces overseas, or facilities of the  
18 United States overseas;

19 (C) the effects of the strike on the recruit-  
20 ment of the respective terrorist group;

21 (D) the effects of the strike on the local  
22 perception of the respective terrorist group, the  
23 host country, and the United States; and



1                   (E) the effects of the strike on the capa-  
2                   bilities of the host country to conduct oper-  
3                   ations against the targeted group.

4                   (2) An identification of the number and quality  
5                   of finished intelligence products that assessed the ef-  
6                   fects that a counterterrorism strike of the United  
7                   States would have, or did have, against specific ter-  
8                   rorist individuals or groups.

9                   (3) Recommendations to improve the efficacy,  
10                  accuracy, and timeliness of intelligence analysis to  
11                  increase the strategic effect of counterterrorism  
12                  strikes.

13                 (d) REPORT.—

14                   (1) REQUIREMENT.—Not later than 180 days  
15                   after the date of the enactment of this Act, the Di-  
16                   rector shall submit to the appropriate congressional  
17                   committees a report containing the intelligence as-  
18                   sessment under subsection (b) and the judgments  
19                   under paragraph (2).

20                   (2) JUDGMENTS.—The report shall include the  
21                   following judgments:

22                   (A) What percentage of counterterrorism  
23                   strikes covered by the intelligence assessment  
24                   under subsection (b) had a short-term effect on  
25                   the planned external operations of the respec-

1           tive terrorist group, particularly the operations  
2           targeting the United States, United States per-  
3           sons overseas, members of the United States  
4           Armed Forces overseas, or facilities of the  
5           United States overseas.

6           (B) What percentage of counterterrorism  
7           strikes covered by the intelligence assessment  
8           under subsection (b) had a long-term effect on  
9           the planned external operations of the respec-  
10          tive terrorist group, particularly the operations  
11          targeting the United States, United States per-  
12          sons overseas, members of the United States  
13          Armed Forces overseas, or facilities of the  
14          United States overseas.

15          (C) A qualitative assessment of the effects  
16          of the counterterrorism strikes.

17          (3) FORM.—The report under paragraph (1)  
18          may be submitted in classified form, except that the  
19          judgments under paragraph (2) shall be in unclassi-  
20          fied form.

21          (e) DEFINITIONS.—In this section:

22           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
23           TEES.—The term “appropriate congressional com-  
24           mittees” means the following:

1 (A) The congressional intelligence commit-  
2 tees.

3 (B) The congressional defense committees  
4 (as defined in section 101(a)(16) of title 10,  
5 United States Code).

6 (2) COUNTERTERRORISM STRIKE.—The term  
7 “counterterrorism strike” means an air strike con-  
8 ducted by the United States Armed Forces targeting  
9 a specific individual that is not a defensive strike  
10 conducted to reduce imminent danger to the United  
11 States Armed Forces or specifically designated part-  
12 ner forces of the United States.

13 (3) EXTERNAL OPERATIONS.—The term “exter-  
14 nal operations”, with respect to a terrorist groups,  
15 means violent or lethal operations conducted outside  
16 the country or region of origin of the terrorist group.

17 **SEC. 427. SUBMISSION OF CERTAIN LEGISLATIVE PRO-**  
18 **POSALS.**

19 (a) REQUIREMENT.—In submitting a covered legisla-  
20 tive proposal, the Secretary of Defense shall also simulta-  
21 neously submit to the congressional intelligence commit-  
22 tees the proposal, including a brief explanation of the pro-  
23 posal.

1 (b) FORM.—A covered legislative proposal submitted  
2 under subsection (a) shall be submitted in unclassified  
3 form, but may contain a classified annex.

4 (c) COVERED LEGISLATIVE PROPOSAL DEFINED.—  
5 In this section, the term “covered legislative proposal”  
6 means a provision of legislation proposed by the Secretary  
7 of Defense to Congress that is approved by the Office of  
8 Management and Budget and involves the grant, expan-  
9 sion, modification, or cessation of authority involving the  
10 intelligence, intelligence-related, or tactical intelligence ac-  
11 tivities of the Department of Defense.

12 **SEC. 428. OVERSIGHT OF DEFENSE INTELLIGENCE AGENCY**  
13 **CULTURE.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) The Defense Intelligence Agency has not  
16 taken sufficient steps to address an unhealthy cul-  
17 ture at the Agency.

18 (2) In the report of the Permanent Select Com-  
19 mittee on Intelligence of the House of Representa-  
20 tives accompanying H.R. 5412 of the 117th Con-  
21 gress (H. Rept. 117–156), the Committee mandated  
22 several reports and briefings for which the Defense  
23 Intelligence Agency failed to respond in a timely  
24 manner.

1           (3) The Agency has committed to improving  
2 Agency culture and leadership; however, actions  
3 taken to date fall short of addressing the permissive  
4 environment for management abuses.

5           (b) MANDATORY PROVISION OF EXIT SURVEY OR  
6 INTERVIEW.—

7           (1) IN GENERAL.—The Director of the Defense  
8 Intelligence Agency shall ensure that each employee  
9 of such Agency who leaves employment with such  
10 Agency (but not including any detail assignment)  
11 completes an exit survey or exit interview prior to  
12 such departure, to the extent practicable.

13           (2) ANNUAL SUBMISSIONS TO CONGRESS.—On  
14 an annual basis during the 3-year period beginning  
15 on the date of the enactment of this Act, the Direc-  
16 tor of the Defense Intelligence Agency shall submit  
17 to the congressional intelligence committees a writ-  
18 ten analysis of the results of the exit surveys or exit  
19 interviews completed pursuant to paragraph (1) dur-  
20 ing the year covered by the report together with a  
21 plan of the Director to address any issues identified  
22 pursuant to such results to improve retention and  
23 culture.

24           (c) CONGRESSIONAL OVERSIGHT RELATING TO  
25 WORKFORCE CLIMATE SURVEYS.—

1           (1) NOTIFICATIONS OF AD-HOC WORKFORCE  
2           CLIMATE SURVEYS.—Not later than 14 days after  
3           the date on which the Director of the Defense Intel-  
4           ligence Agency conducts an ad-hoc workforce climate  
5           survey (including in response to a specific incident  
6           or concern), the Director shall notify the congres-  
7           sional intelligence committees.

8           (2) REPORTS ON FINAL RESULTS.—Not later  
9           than 90 days after the date on which the Director  
10          of the Defense Intelligence Agency concludes the  
11          conduct of any workforce climate survey, the Direc-  
12          tor shall submit to the congressional intelligence  
13          committees a report containing the final results of  
14          such workforce climate survey. Such report shall in-  
15          clude the following:

16                   (A) The topic of the workforce climate sur-  
17                   vey, and the workforce level surveyed.

18                   (B) The rationale for conducting the work-  
19                   force climate survey.

20                   (C) The measures in place to ensure the  
21                   accessibility of the workforce climate survey.

22                   (D) The lead official or entity conducting  
23                   the workforce climate survey.

1 (E) Any actions the Director intends to  
2 take, or is considering, in response to the re-  
3 sults of the workforce climate survey.

4 (3) ACCESSIBILITY OF WORKFORCE CLIMATE  
5 SURVEYS.—The Director of the Defense Intelligence  
6 Agency shall ensure that, to the extent practicable,  
7 and consistent with the protection of intelligence  
8 sources and methods, workforce climate surveys are  
9 accessible to employees of such Agency on classified  
10 and unclassified systems.

11 (d) FEASIBILITY REPORT.—Not later than 270 days  
12 after the date of enactment of this Act, the Director of  
13 the Defense Intelligence Agency shall submit to the con-  
14 gressional intelligence committees a report containing an  
15 analysis of the feasibility (including the anticipated cost,  
16 personnel requirements, necessary authorities, and such  
17 other matters as may be determined appropriate by the  
18 Director for purposes of analyzing feasibility) of—

19 (1) conducting 360-degree performance reviews  
20 among employees of the Defense Intelligence Agen-  
21 cy; and

22 (2) including leadership suitability assessments  
23 (including personality evaluations, communication  
24 style assessments, and emotional intelligence apti-  
25 tude assessments) for promotions of such employees

1 to a position within grade GS-14 or above of the  
2 General Schedule.

3 (e) **WORKFORCE CLIMATE SURVEY DEFINED.**—In  
4 this section, the term “workforce climate survey”—

5 (1) means a workforce engagement or climate  
6 survey conducted at the agency, directorate, career  
7 field, or integrated intelligence center level, without  
8 regard to whether the survey is conducted on an an-  
9 nual or ad-hoc basis; and

10 (2) does not include an exit survey specified in  
11 subsection (b).

12 **SEC. 429. CYBER INTELLIGENCE SURVEILLANCE RECON-**  
13 **NAISSANCE INFORMATION.**

14 (a) **QUARTERLY BRIEFINGS.**—On a quarterly basis,  
15 the Secretary of Defense shall provide to the appropriate  
16 congressional committees a briefing on, with respect to the  
17 period covered by the briefing, the intelligence activities  
18 occurring in cyberspace in support of current and future  
19 offensive cyberspace operations or defensive cyberspace  
20 operations.

21 (b) **ANNUAL CERTIFICATIONS.**—Not later than 180  
22 days after the date of the enactment of this Act, and annu-  
23 ally thereafter for 5 years, the Secretary of Defense shall  
24 certify to the appropriate congressional committees that,  
25 with respect to the period covered by the certification, the



1 Secretary has reported to such committees all intelligence  
2 activities occurring in cyberspace in support of current  
3 and future offensive cyberspace operations or defensive  
4 cyberspace operations.

5 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
6 FINED.—In this section, the term “appropriate congres-  
7 sional committees” means the following:

8 (1) The congressional intelligence committees.

9 (2) The congressional defense committees (as  
10 defined in section 101(a)(16) of title 10, United  
11 States Code).

12 **SEC. 430. INFORMATION ON COVER ACTIVITIES OF DE-**  
13 **PARTMENT OF DEFENSE.**

14 (a) INFORMATION.—Not less frequently than quar-  
15 terly, the Secretary of Defense shall provide to the appro-  
16 priate congressional committees information on the cover  
17 activities of the Department of Defense.

18 (b) ELEMENTS.—The Secretary shall ensure that the  
19 information provided under subsection (a) includes, with  
20 respect to the period covered by the information, the fol-  
21 lowing:

22 (1) A detailed description of each cover activity  
23 or cover support activity provided by an element of  
24 the Department of Defense to an activity, operation,  
25 or other initiative of the Department of Defense or

1 other department or agency of the United States  
2 Government, including—

3 (A) a description of the specific activity;

4 and

5 (B) when such activity was approved or de-  
6 commissioned.

7 (2) Any other matters the Secretary determines  
8 appropriate.

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

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
12 DEFINED.—In this section, the term “appropriate con-  
13 gressional committees” means—

14 (1) the congressional intelligence committees;

15 and

16 (2) the congressional defense committees (as  
17 defined in section 101(a)(16) of title 10, United  
18 States Code).

## 19 **Subtitle D—Other Elements**

### 20 **SEC. 441. AUTHORIZATION RELATING TO CERTAIN INTEL- 21 LIGENCE AND COUNTERINTELLIGENCE AC- 22 TIVITIES OF COAST GUARD.**

23 (a) AUTHORIZATION.—Subject to subsection (b), and  
24 consistent with the policies, procedures, and coordination  
25 required pursuant to section 811 of the Counterintel-

1 ligen­ce and Security Enhance­ments Act of 1994 (50  
2 U.S.C. 3381) and section 902 of the Counterintelligence  
3 Enhance­ment Act of 2002 (50 U.S.C. 3382), the Com-  
4 mandant of the Coast Guard may expend amounts made  
5 available for the intelligence and counterintelligence activi-  
6 ties of the Coast Guard to conduct such an activity with-  
7 out regard to any other provision of law or regulation re-  
8 lating to the expenditure of Government funds, if—

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

11           (2) following each such expenditure, the Com-  
12           mandant submits to the congressional intelligence  
13           committees a certification that the object of the ac-  
14           tivity conducted was of a nature described in para-  
15           graph (1).

16           (b) LIMITATION.—Of the funds made available for a  
17           fiscal year for the intelligence and counterintelligence ac-  
18           tivities of the Coast Guard, not more than 5 percent may  
19           be expended during the fiscal year under subsection (a)  
20           to conduct such activities in accordance with such sub-  
21           section unless, for each intended expenditure in excess of  
22           such percentage—

23           (1) the Commandant submits to the congres-  
24           sional intelligence committees a notification of the  
25           intent to expend the amounts; and

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

4           (c) ANNUAL REPORT.—

5           (1) SUBMISSION.—Not later than December 1  
6 of each year, the Commandant shall submit to the  
7 congressional intelligence committees a report on all  
8 expenditures during the preceding fiscal year under  
9 subsection (a).

10           (2) MATTERS.—Each report under paragraph  
11 (1) shall include, for each individual expenditure cov-  
12 ered by such report that is in excess of the percent-  
13 age specified in subsection (b) for the relevant fiscal  
14 year, the following:

15           (A) A detailed description of the purpose  
16 of such expenditure.

17           (B) The amount of such expenditure.

18           (C) An identification of the approving au-  
19 thority for such expenditure.

20           (D) A justification as to why other au-  
21 thorities available to the Coast Guard could not  
22 be used for such expenditure.

23           (E) Any other matters the Commandant  
24 considers appropriate.

1 (d) CONGRESSIONAL INTELLIGENCE COMMITTEES  
2 DEFINED.—In this section, the term “congressional intel-  
3 ligence committees” has the meaning given such term in  
4 section 3 of the National Security Act of 1947 (50 U.S.C.  
5 3003).

6 (e) SUNSET.—This section shall cease to have effect  
7 on the date that is 3 years after the date of the enactment  
8 of this Act.

9 **SEC. 442. STUDY ON PERSONNEL UNDER STRATEGIC INTEL-**  
10 **LIGENCE PARTNERSHIP PROGRAM.**

11 (a) STUDY.—The Director of National Intelligence  
12 and the Director of the Office of Intelligence and Counter-  
13 intelligence of the Department of Energy, in consultation  
14 with the National Laboratories Directors’ Council, shall  
15 jointly conduct a study of the skills, recruitment, and re-  
16 tention of the personnel at the national laboratories who  
17 carry out projects under the Strategic Intelligence Part-  
18 nership Program.

19 (b) ELEMENTS.—The study under subsection (a)  
20 shall address the following:

21 (1) The degree to which the personnel at the  
22 national laboratories who carry out projects under  
23 the Strategic Intelligence Partnership Program have  
24 the requisite training, skillsets, or expertise in crit-  
25 ical science, technology, and engineering areas to

1 support ongoing and anticipated projects under such  
2 Program, and the sufficiency of such personnel.

3 (2) Whether such personnel have compensation,  
4 benefits, and pay scales that are competitive with  
5 comparable roles in the private sector in the geo-  
6 graphic market in which the relevant national lab-  
7 oratory is located.

8 (3) Any challenges associated with the retention  
9 of such personnel.

10 (4) The talent composition of such personnel,  
11 broken down by career phase and degree status, to  
12 include any relevant exit survey data.

13 (5) A description of current or previous pro-  
14 grams to enabling such personnel to rotate between  
15 elements of the intelligence community and the na-  
16 tional laboratories, including the number of per-  
17 sonnel on nonreimbursable or reimbursable assign-  
18 ment to an element of the intelligence community.

19 (6) The degree to which such projects and per-  
20 sonnel support or augment other ongoing mission  
21 areas and capacities at the national laboratories.

22 (c) RECOMMENDATIONS.—Upon completing the  
23 study under subsection (a), the Directors shall jointly de-  
24 velop findings and recommendations based on the results  
25 of the study regarding the recruitment and retention of

1 personnel at the national laboratories who carry out  
2 projects under the Strategic Intelligence Partnership Pro-  
3 gram, including with respect to the following:

4 (1) New or alternative business models, spon-  
5 sorship arrangements, or work scope agreements.

6 (2) Extending eligibility for existing, or estab-  
7 lishing new, recruitment, retention, or other career  
8 incentive programs, including student loan repay-  
9 ment and forgiveness programs, to such personnel.

10 (3) Initiating geographically flexible or remote  
11 work arrangements for such personnel.

12 (4) Enabling such personnel to participate in  
13 training at elements of the intelligence community,  
14 or obtain academic training at the National Intel-  
15 ligence University.

16 (5) Establishing new, or enhancing existing, op-  
17 portunities for detailee or rotational programs  
18 among the intelligence community and the national  
19 laboratories.

20 (6) Using a compensation system modeled on  
21 the Cyber Talent Management System of the De-  
22 partment of Homeland Security for such personnel.

23 (7) Any other recommendations the Directors  
24 determine relevant.

25 (d) REPORT.—

1           (1) REQUIREMENT.—Not later than one year  
2 after the date of the enactment of this Act, the Di-  
3 rectors shall jointly submit to the congressional in-  
4 telligence committees a report containing the study  
5 under subsection (a) and the recommendations  
6 under subsection (c).

7           (2) FORM.—The report under paragraph (1)  
8 shall be submitted in unclassified form, but may in-  
9 clude a classified annex.

10       (e) NATIONAL LABORATORIES DEFINED.—In this  
11 section, the term “national laboratories” means—

12           (1) each national security laboratory (as defined  
13 in section 3281(1) of the National Nuclear Security  
14 Administration Act (50 U.S.C. 2471(1))); and

15           (2) each national laboratory of the Department  
16 of Energy.

17 **SEC. 443. ASSESSMENT OF HANDLING OF CERTAIN INFOR-**  
18 **MATION RELATING TO DELIBERATIONS OF**  
19 **BUREAU OF INDUSTRY AND SECURITY.**

20       (a) INSPECTORS GENERAL ASSESSMENT.—

21           (1) REQUIREMENT.—Not later than 270 days  
22 after the date of the enactment of this Act, the In-  
23 spector General of the Intelligence Community, in  
24 coordination with the Inspector General of the De-  
25 partment of Commerce, shall submit to the appro-



1        appropriate congressional committees an assessment of  
2        practices for handling covered information that may,  
3        in isolation or in aggregate, cause harm to the na-  
4        tional security of the United States.

5            (2) MITIGATION.—The report under paragraph  
6        (1) shall include recommended steps, should any be  
7        necessary, to improve the secure handling of covered  
8        information, including with respect to whether the  
9        decisions and deliberations of the Bureau of Indus-  
10       try and Security of the Department of Commerce  
11       that involve covered information should be solely  
12       conducted on classified networks.

13           (3) FORM.—The report under paragraph (1)  
14       may be submitted in classified form, consistent with  
15       the protection of sources and methods.

16        (b) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS-  
17       MENT.—

18           (1) REQUIREMENT.—Not later than 180 days  
19       after the date of the enactment of this Act, the Di-  
20       rector of National Intelligence shall conduct an as-  
21       sessment of how covered information is transmitted,  
22       stored, and secured.

23           (2) MATTERS INCLUDED.—The assessment  
24       under paragraph (1) shall include—

1 (A) the projected cost of installing classi-  
2 fied information systems for use by the Bureau  
3 of Industry and Security; and

4 (B) the feasibility of identifying secured of-  
5 fice space for such systems.

6 (3) SUBMISSION.—Not later than 210 days  
7 after the date of enactment of this Act, the Director  
8 shall submit to the appropriate congressional com-  
9 mittees the findings of the assessment under para-  
10 graph (1).

11 (c) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
13 TEES.—The term “appropriate congressional com-  
14 mittees” means—

15 (A) the congressional intelligence commit-  
16 tees;

17 (B) the Committee on Energy and Com-  
18 merce of the House of Representatives; and

19 (C) the Committee on Commerce, Science,  
20 and Transportation of the Senate.

21 (2) COVERED INFORMATION.—The term “cov-  
22 ered information” means information provided by an  
23 element of the intelligence community to the Bureau  
24 of Industry and Security of the Department of Com-  
25 merce as part of decisions or deliberations by the

1 Bureau or information or material derived from clas-  
2 sified deliberative or decisional interagency policy  
3 documents.

4 **TITLE V—MATTERS RELATING**  
5 **TO EMERGING TECHNOLOGIES**  
6 **Subtitle A—General Matters**

7 **SEC. 501. DEFINITIONS.**

8 In this title:

9 (1) **EMERGING TECHNOLOGY COMPANY.**—The  
10 term “emerging technology company” means a com-  
11 pany that is in the business of maturing and selling  
12 technology that is in a developmental stage, or that  
13 may be developed during the 10-year period begin-  
14 ning on January 1, 2022, including with respect to  
15 biotechnology, quantum information science, future  
16 generation wireless technology, advanced materials,  
17 artificial intelligence, nanotechnology, microelec-  
18 tronics, space technology, renewable energy genera-  
19 tion and storage, advanced computing, and human-  
20 machine interfaces.

21 (2) **SMALL- OR MEDIUM-SIZED EMERGING**  
22 **TECHNOLOGY COMPANY.**—The term “small- or me-  
23 dium-sized emerging technology company” means an  
24 emerging technology company with fewer than 1,000  
25 employees.

1 **SEC. 502. OFFICIALS RESPONSIBLE FOR ARTIFICIAL INTEL-**  
2 **LIGENCE POLICIES OF THE INTELLIGENCE**  
3 **COMMUNITY.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that—

6 (1) the intelligence community must rapidly  
7 adopt artificial intelligence into its workflows to  
8 compete with United States adversaries, and keep  
9 pace with and leverage commercial cutting-edge  
10 technologies;

11 (2) while pockets of success are present across  
12 the intelligence community, Congress is concerned  
13 that artificial intelligence has not scaled appro-  
14 priately and continues to lag behind industry;

15 (3) broadly, Congress believes that the Director  
16 of National Intelligence should be primarily respon-  
17 sible for setting the policies and procedures as they  
18 relate to artificial intelligence adoption, acquiring  
19 any necessary common infrastructure such as train-  
20 ing data, intelligence community-wide contracts for  
21 data labelers, cloud storage and compute capabili-  
22 ties, and other infrastructure necessary for intel-  
23 ligence community elements rapidly to adopt artifi-  
24 cial intelligence; and

25 (4) the heads of the elements of the intelligence  
26 community should be primarily responsible for ac-

1       quiring and developing agency-specific artificial in-  
2       telligence applications, in coordination with the Di-  
3       rector and the heads of the elements of the intel-  
4       ligence community, and assisting the Director with  
5       preparing the necessary infrastructure such as data,  
6       hardware, and software for the intelligence commu-  
7       nity to adopt artificial intelligence applications.

8       (b) REQUIREMENT TO DEVELOP DEFINITION.—Sec-  
9       tion 309(a) of the Intelligence Authorization Act for Fiscal  
10      Year 2022 (50 U.S.C. 3316c(a)) is amended—

11           (1) by redesignating paragraphs (3) through  
12           (24) as paragraphs (4) through (25), respectively;  
13           and

14           (2) by inserting after paragraph (2) the fol-  
15           lowing new paragraph:

16           “(3) Artificial intelligence.”.

17      (c) DIRECTOR OF NATIONAL INTELLIGENCE.—Sec-  
18      tion 102A(n) of the National Security Act of 1947 (50  
19      U.S.C. 3024(n)), as amended by section 412(b)(2), is fur-  
20      ther amended by adding at the end the following new para-  
21      graph:

22           “(6) The Director of National Intelligence, in con-  
23           sultation with the heads of the elements of the intelligence  
24           community and the Director of Science and Technology,  
25           shall establish policies and procedures relating to the ac-

1 quision and use of artificial intelligence by the intel-  
2 ligence community, including with respect to data, com-  
3 puting, storage, and models necessary for the intelligence  
4 community to leverage, incorporate, adopt, and maintain  
5 artificial intelligence applications.”.

6 (d) DIRECTOR OF SCIENCE AND TECHNOLOGY.—

7 (1) DUAL-HATTED AS CHIEF TECHNOLOGY OF-  
8 FICER.—Subsection (a) of section 103E of such Act  
9 (50 U.S.C. 3030) is amended by inserting at the end  
10 the following new sentence: “The Director of Science  
11 and Technology shall also serve as the Chief Tech-  
12 nology Officer of the Office of the Director of Na-  
13 tional Intelligence.”.

14 (2) APPOINTMENT.—Subsection (b) of such sec-  
15 tion is amended to read as follows:

16 “(b) REQUIREMENT RELATING TO APPOINTMENT.—  
17 An individual appointed as Director of Science and Tech-  
18 nology shall have a professional background and experi-  
19 ence appropriate for the duties of the Director of Science  
20 and Technology. In making such appointment, the Direc-  
21 tor of National Intelligence shall give preference to an in-  
22 dividual with varied professional experiences, including ex-  
23 perience outside of the United States Government.”.

24 (3) POLICIES.—Such section is amended—

1 (A) by redesignating subsection (d) as sub-  
2 section (f); and

3 (B) by inserting after subsection (c) the  
4 following new subsection:

5 “(d) POLICIES.—The Director of Science and Tech-  
6 nology shall—

7 “(1) recommend to the Director of National In-  
8 telligence policies and procedures for the intelligence  
9 community relating to incorporating artificial intel-  
10 ligence in accordance with section 102A(n);

11 “(2) conduct reviews of the policies and proce-  
12 dures of the intelligence community relating to the  
13 adoption and integration of technology into the intel-  
14 ligence community, including with respect to, as ap-  
15 propriate—

16 “(A) incentives and policies relating to  
17 human resources;

18 “(B) incentives and policies relating to ac-  
19 quisition and contracting;

20 “(C) incentives and policies relating to fi-  
21 nancial management and budgeting; and

22 “(D) technology standards and policies;

23 “(3) make recommendations to the Director of  
24 National Intelligence with respect to the budgets of  
25 the elements of the intelligence community regarding

1 the matters covered by this section, including with  
2 respect to reprogramming funds to carry out the in-  
3 telligence community-wide artificial intelligence mis-  
4 sion of the Director of National Intelligence;

5 “(4) coordinate with the Under Secretary of  
6 Defense for Research and Engineering on initiatives,  
7 policies, and programs carried out jointly between  
8 the intelligence community and the Department of  
9 Defense;

10 “(5) coordinate with the Director of the Office  
11 of Science and Technology Policy to promote intel-  
12 ligence community-specific requirements and per-  
13 spectives within the initiatives of the Office of  
14 Science and Technology Policy; and

15 “(6) for purposes of integrating the priorities  
16 and requirements of the intelligence community into  
17 a broader national strategy on technology, coordi-  
18 nate with the heads of—

19 “(A) the National Institute for Standards  
20 and Technology;

21 “(B) the National Science Foundation; and

22 “(C) any other department or agency of  
23 the United States Government, federally funded  
24 research and development center, or other enti-



1           ty that the Director of Science and Technology  
2           determines appropriate.”.

3           (4) CLARIFICATION OF ROLE.—Such section is  
4           amended by inserting after subsection (d), as added  
5           by paragraph (3), the following new subsection:

6           “(e) CLARIFICATION OF ROLE.—The Director of  
7           Science and Technology may not have operational control  
8           over any program directly managed by an element of the  
9           intelligence community other than the Office of the Direc-  
10          tor of National Intelligence.”.

11          (e) CHIEF DATA OFFICER.—

12           (1) IN GENERAL.—The National Security Act  
13           of 1947 (50 U.S.C. 3001 et seq.) is amended by in-  
14           serting after section 103J the following new section  
15           (and conforming the table of contents at the begin-  
16           ning of such Act accordingly):

17          **“SEC. 103K. CHIEF DATA OFFICER.**

18           “(a) DIRECTOR OF SCIENCE AND TECHNOLOGY.—  
19           There is a Chief Data Officer within the Office of the Di-  
20           rector of National Intelligence who shall be appointed by  
21           the Director of National Intelligence. The Chief Data Offi-  
22           cer is the Chief Data Officer of the Office of the Director  
23           of National Intelligence for purposes of section 3520 of  
24           title 44, United States Code.

1       “(b) REQUIREMENT RELATING TO APPOINTMENT.—

2 An individual appointed as the Chief Data Officer shall  
3 have a professional background and experience appro-  
4 priate for the duties of the Chief Data Officer. In making  
5 such appointment, the Director of National Intelligence  
6 shall give preference to an individual with varied profes-  
7 sional experiences, including experience outside of the  
8 United States Government.

9       “(c) DUTIES.—In addition to any other functions and  
10 responsibilities specified in section 3520 of title 44, United  
11 States Code, the Chief Data Officer—

12           “(1) shall recommend to the Director of Na-  
13 tional Intelligence policies and procedures for the in-  
14 telligence community regarding the acquisition and  
15 use of artificial intelligence with respect to the data  
16 needs of the intelligence community in support of  
17 adopting emerging technologies, in accordance with  
18 section 102A(n) and subject to the approval by the  
19 Director of National Intelligence, the Director of  
20 Science and Technology, and the Chief Information  
21 Officer;

22           “(2) shall conduct reviews of the policies and  
23 procedures of the intelligence community relating to  
24 data, including with respect to data curation, data  
25 labeling, data acquisition, data security, data inter-

1 operability, and data accessibility, except with re-  
2 spect to such policies and procedures established  
3 pursuant to a provision of law or executive order re-  
4 lating to the control, use, retention, collection, or  
5 dissemination of data;

6 “(3) shall conduct ongoing reviews of the data  
7 policies of the intelligence community, including to  
8 ensure that such policies promote interoperability  
9 and accessibility with commercial software providers,  
10 including by the promotion of open application pro-  
11 gramming interfaces;

12 “(4) shall coordinate with the Chief Data Offi-  
13 cer of the Department of Defense and other relevant  
14 officials of the Department to ensure consistent data  
15 policies and, to the extent practicable and advisable,  
16 consistent standards and policies that ensure data is  
17 accessible between relevant elements of the intel-  
18 ligence community and the Department;

19 “(5) may make recommendations to the Direc-  
20 tor of National Intelligence, acting through the Chief  
21 Technology Officer, with respect to the budgets of  
22 the elements of the intelligence community regarding  
23 data, if such recommendations are—

24 “(A) consistent with the policies estab-  
25 lished by the Director; and

1           “(B) made in furtherance of accelerating  
2           the transition to digital business practices  
3           across the intelligence community, including  
4           with respect to the acquisition, curation, dis-  
5           semination, and other data practices necessary  
6           to adopt artificial intelligence capabilities and  
7           other emerging technologies within the intel-  
8           ligence community; and

9           “(6) shall perform other such duties as may be  
10          prescribed by the Director of National Intelligence,  
11          the Director of Science and Technology, or specified  
12          by law.

13          “(d) IDENTIFICATION OF CONFLICTS.—Not later  
14          than 60 days after the date on which the Chief Data Offi-  
15          cer identifies a policy of the intelligence community, in-  
16          cluding with respect to policies governing the access to  
17          data, that restricts the Chief Data Officer from carrying  
18          out subsection (c), the Chief Data Officer shall notify the  
19          Director of National Intelligence and the congressional in-  
20          telligence committees of such policy and restriction.”.

21          (2) INCUMBENT.—The individual serving in the  
22          position of Chief Data Officer of the Office of the  
23          Director of National Intelligence as of the date of  
24          the enactment of this Act may continue to serve in  
25          such position without further appointment pursuant

1 to section 103K of the National Security Act of  
2 1947, as added by paragraph (1).

3 **Subtitle B—Improvements Relating**  
4 **to Procurement**

5 **SEC. 511. ADDITIONAL TRANSACTION AUTHORITY.**

6 (a) ADDITIONAL TRANSACTION AUTHORITY.—The  
7 National Security Act of 1947 (50 U.S.C. 3001 et seq.),  
8 as amended by section 502, is further amended by insert-  
9 ing after section 102A the following new section (and con-  
10 forming the table of contents at the beginning of such Act  
11 accordingly):

12 **“SEC. 102B. ADDITIONAL TRANSACTION AUTHORITY.**

13 “(a) IN GENERAL.—In addition to other acquisition  
14 authorities, the head of an element of the intelligence com-  
15 munity may exercise the authorities under subsections (b),  
16 (c), and (d).

17 “(b) COOPERATIVE AGREEMENTS AND GRANTS.—

18 The head of an element of the intelligence community may  
19 use cooperative agreements and grants, in accordance with  
20 chapter 63 of title 31, United States Code, to carry out  
21 basic, applied, and advanced research and development,  
22 and prototype projects in support of intelligence activities.

23 “(c) OTHER TRANSACTION AUTHORITY.—The head

24 of an element of the intelligence community may enter into  
25 transactions (other than contracts, cooperative agree-

1 ments, and grants) under the authority of this subsection  
2 to carry out basic, applied, and advanced research projects  
3 in support of intelligence activities.

4 “(d) AUTHORITY OF ELEMENTS OF THE INTEL-  
5 LIGENCE COMMUNITY TO CARRY OUT CERTAIN PROTO-  
6 TYPE PROJECTS.—

7 “(1) AUTHORITY.—The head of an element of  
8 the intelligence community may, under the authority  
9 of subsection (c), enter into a transaction to carry  
10 out a prototype project in support of intelligence ac-  
11 tivities only if each party to the transaction, other  
12 than the Federal Government, is a covered con-  
13 tractor.

14 “(2) FOLLOW-ON PRODUCTION CONTRACTS OR  
15 TRANSACTIONS.—

16 “(A) IN GENERAL.—A transaction entered  
17 into under this subsection for a prototype  
18 project may provide for the award of a follow-  
19 on production contract or a follow-on produc-  
20 tion transaction to the participants in the  
21 transaction. A transaction includes all indi-  
22 vidual prototype subprojects awarded under the  
23 transaction to a consortium of United States in-  
24 dustry and academic institutions.

1           “(B) FOLLOW-ON PRODUCTION CON-  
2 TRACTS.—A follow-on production contract pro-  
3 vided for in a transaction under subparagraph  
4 (A) may be awarded to the participants in the  
5 transaction without the use of any competitive  
6 procedure that would otherwise apply if the fol-  
7 lowing criteria are satisfied:

8           “(i) The authorizing official of the rel-  
9 evant element of the intelligence commu-  
10 nity determines that Government users of  
11 the proposed production product or pro-  
12 duction service have been consulted.

13           “(ii) In the case of a proposed produc-  
14 tion product that is software, there are  
15 mechanisms in place for Government users  
16 to provide feedback to participants to the  
17 follow-on production contract.

18           “(iii) In the case of a proposed pro-  
19 duction product that is software, the fol-  
20 low-on production contract includes a re-  
21 quirement that, for the duration of such  
22 contract (or such other period of time as  
23 may be agreed to as a term of such con-  
24 tract)—

1                   “(I) the participants provide to  
2                   the head of the relevant element of  
3                   the intelligence community the most  
4                   up-to-date version of the production  
5                   product that is available in the com-  
6                   mercial marketplace; and

7                   “(II) there are mechanisms in  
8                   place for the participants to provide  
9                   real-time updates to the production  
10                  product.

11                  “(C) FOLLOW-ON PRODUCTION TRANS-  
12                  ACTIONS.—A follow-on production transaction  
13                  provided for in a transaction under subpara-  
14                  graph (A) may be awarded to the participants  
15                  in the transaction without the use of any com-  
16                  petitive procedure that would otherwise apply.

17                  “(e) RECOVERY OF FUNDS.—

18                  “(1) IN GENERAL.—A cooperative agreement  
19                  authorized by subsection (a) and a transaction au-  
20                  thorized by subsection (c) or (d) may include a  
21                  clause that requires a person to make payments to  
22                  the Office of the Director of National Intelligence or  
23                  any other element of the intelligence community as  
24                  a condition for receiving support under the agree-  
25                  ment or other transaction.



1           “(2) ACCOUNTING FOR RECOVERED FUNDS.—

2           The amount of any payment received by the Federal  
3           Government pursuant to a requirement imposed  
4           under paragraph (1) may be credited to the appro-  
5           priate account for research and development or pro-  
6           curement. Amounts so credited shall be merged with  
7           other funds in the account and shall be available for  
8           the same purposes and the same period for which  
9           other funds in such account are available.

10          “(f) EDUCATION.—The Director of National Intel-  
11         ligence and the heads of the elements of the intelligence  
12         community shall ensure that management, technical, and  
13         contracting personnel of the elements of the intelligence  
14         community who are involved in the award or administra-  
15         tion of transactions under subsection (c) or (d), or alter-  
16         native acquisition pathways, are afforded opportunities for  
17         adequate education and training relating to such award  
18         or administration.

19          “(g) AGREEMENTS OFFICERS.—To ensure adequate  
20         availability of staff warranted as Agreements Officers, by  
21         not later than October 1, 2024, at least 50 percent of the  
22         contracting staff within the intelligence community that  
23         hold at least some responsibility for buying technology  
24         shall have received the appropriate training to become  
25         warranted as Agreements Officers, who are given author-

1 ity to execute and administer the agreements, grants, and  
2 transactions authorized by this section.

3 “(h) DELEGATION REQUIRED.—The Director of Na-  
4 tional Intelligence and the heads of the elements of the  
5 intelligence community shall, to the maximum extent prac-  
6 ticable, delegate the authority to make a determination or  
7 decision referred to in this section to the official respon-  
8 sible for technology adoption in the relevant element of  
9 the intelligence community, regardless of whether such of-  
10 ficial serves in an acquisition position.

11 “(i) DEFINITIONS.—In this section:

12 “(1) COMMERCIAL PRODUCT.—The term ‘com-  
13 mercial product’ has the meaning given that term in  
14 section 103 of title 41, United States Code.

15 “(2) COMMERCIAL SERVICE.—The term ‘com-  
16 mercial service’ has the meaning given that term in  
17 section 103a of title 41, United States Code.

18 “(3) COVERED CONTRACTOR.—The term ‘cov-  
19 ered contractor’ means a contractor of an element of  
20 the intelligence community that is a small- or me-  
21 dium-sized emerging technology company.

22 “(4) EMERGING TECHNOLOGY COMPANY.—The  
23 term ‘emerging technology company’ means a com-  
24 pany that is in the business of maturing and selling  
25 technology that is in a developmental stage, or that

1        may be developed during the 10-year period begin-  
2        ning on January 1, 2022, including with respect to  
3        biotechnology, quantum information science, future  
4        generation wireless technology, advanced materials,  
5        artificial intelligence, nanotechnology, microelec-  
6        tronics, space technology, renewable energy genera-  
7        tion and storage, advanced computing, and human-  
8        machine interfaces.

9            “(5) PRODUCTION PRODUCT.—The term ‘pro-  
10        duction product’ means any commercial product that  
11        is not a prototype or development product and is in-  
12        tended to provide capability to the United States  
13        Government at scale as determined by the author-  
14        izing official of the relevant element of the intel-  
15        ligence community.

16            “(6) PRODUCTION SERVICE.—The term ‘pro-  
17        duction service’ means any commercial service that  
18        is not a prototype or development service and is in-  
19        tended to provide capability to the United States  
20        Government at scale as determined by the author-  
21        izing official of the relevant element of the intel-  
22        ligence community.

23            “(7) SMALL- OR MEDIUM-SIZED EMERGING  
24        TECHNOLOGY COMPANY.—The term ‘small- or me-  
25        dium-sized emerging technology company’ means an

1 emerging technology company with fewer than 1,000  
2 employees.”.

3 (b) GUIDANCE.—Not later than 180 days after the  
4 date of the enactment of this Act, the Director of National  
5 Intelligence shall issue guidance for carrying out the  
6 amendments made by subsection (a).

7 **SEC. 512. OFFICES OF COMMERCIAL INTEGRATION.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that—

10 (1) Congress is concerned that the administra-  
11 tive and technical burdens on small- and medium-  
12 sized emerging technology companies to do business  
13 with the intelligence community is inadvertently pre-  
14 cluding the most cutting-edge, advanced companies  
15 from contracting with the United States Govern-  
16 ment;

17 (2) this dynamic has significant negative con-  
18 sequences for United States national security, in-  
19 cluding United States global technological competi-  
20 tiveness in the fields of artificial intelligence, quan-  
21 tum computing, and advanced manufacturing,  
22 among others;

23 (3) some such companies have attempted still to  
24 contract with the intelligence community by spend-  
25 ing valuable capital and time on government affairs

1 experts to navigate the challenges of integrating into  
2 the intelligence community, yet, the administrative  
3 and technical burdens of contracting with the intel-  
4 ligence community are often too high even for the  
5 companies that are able to afford this consulting;

6 (4) Congress believes that the United States  
7 Government has both an obligation and an oppor-  
8 tunity to assist these technology companies navigate  
9 the hurdles it takes to work with the intelligence  
10 community to ensure that the Federal Government  
11 benefits from the best that the private sector has to  
12 offer; and

13 (5) doing so will help cultivate an ecosystem of  
14 cutting-edge technology companies that can provide  
15 products and services that are essential to the mis-  
16 sions of the intelligence community, and advance the  
17 goal of ensuring United States adversaries do not  
18 outpace the United States in these critical fields.

19 (b) PLAN FOR ESTABLISHMENT.—

20 (1) SUBMISSION.—Not later than 1 year after  
21 the date of the enactment of this Act, the Director  
22 of National Intelligence, in coordination with the  
23 heads of the elements of the intelligence community,  
24 shall submit to the congressional intelligence com-  
25 mittees a plan for the establishment of an office

1 within each element, to be known as the “Office of  
2 Commercial Integration” of that element, for the  
3 purpose of providing administrative assistance to  
4 covered contractors.

5 (2) ELEMENTS.—The plan under paragraph (1)  
6 shall include the following:

7 (A) A proposal for the designation of a  
8 senior official of the Office of the Director of  
9 National Intelligence who shall be responsible  
10 for the coordination across the Offices of Com-  
11 mercial Integration.

12 (B) Guidelines requiring each Director of  
13 Commercial Integration to share best practices  
14 and other information, and coordinate, with the  
15 other Directors of Commercial Integration.

16 (C) A timeline of the steps necessary to es-  
17 tablish each Office of Commercial Integration  
18 by the date that is not later than 2 years after  
19 the date of the enactment of this Act.

20 (D) An assessment of the personnel re-  
21 quirements, and any other resource require-  
22 ments, necessary to establish each Office of  
23 Commercial Integration by such date, including  
24 an identification of—

1 (i) each Director of Commercial Inte-  
2 gration;

3 (ii) the amount of personnel necessary  
4 for the establishment of each Office of  
5 Commercial Integration; and

6 (iii) the necessary qualifications of  
7 any such personnel.

8 (E) Policies regarding the types of admin-  
9 istrative assistance that may be provided to cov-  
10 ered contractors by each Office of Commercial  
11 Integration, taking into account the role of such  
12 assistance as an incentive for emerging tech-  
13 nology companies to enter into contracts with  
14 the heads of the elements of the intelligence  
15 community. In developing such policies, the Di-  
16 rector of National Intelligence shall prioritize  
17 assistance to reduce administrative burdens  
18 faced by preferred contractors.

19 (F) Eligibility criteria for determining the  
20 types of covered contractors that may receive  
21 administrative assistance provided by each Of-  
22 fice of Commercial Integration.

23 (G) Guidelines that outline, with respect to  
24 a contract, at what stage covered contractors  
25 determined eligible pursuant to the criteria

1 specified in subparagraph (F) may receive such  
2 administrative assistance.

3 (H) Policies regarding outreach efforts to  
4 be conducted by each Director of Commercial  
5 Integration with respect to such eligible covered  
6 contractors.

7 (I) Policies regarding how the intelligence  
8 community will coordinate with the Director of  
9 the Federal Bureau of Investigation to provide  
10 proactive counterintelligence risk analysis and  
11 assistance to private entities.

12 (J) Such other intelligence community-wide  
13 policies as the Director of National Intelligence  
14 may prescribe relating to the improvement of  
15 commercial integration (and the coordination of  
16 such improvements) by and among the elements  
17 of the intelligence community.

18 (c) DEADLINE FOR ESTABLISHMENT.—Not later  
19 than 2 years after the date of the enactment of this Act,  
20 each head of an element of the intelligence community  
21 shall establish within that element, in accordance with the  
22 plan under subsection (b), an Office of Commercial Inte-  
23 gration of that element.

24 (d) STAFF; DETAILEES.—



1           (1) STAFF.—Each Director of Commercial In-  
2           tegration may appoint personnel as the Director de-  
3           termines appropriate.

4           (2) DETAILEES.—Upon request of a Director of  
5           Commercial Integration, the head of any Federal de-  
6           partment of agency may detail, on a reimbursable  
7           basis, any of the personnel of such department or  
8           agency to the Office of Commercial Integration con-  
9           cerned.

10          (3) EXPERTISE.—In appointing personnel  
11          under paragraph (1) and accepting detailed per-  
12          sonnel pursuant to paragraph (2), each Director of  
13          Commercial Integration shall seek to appoint and  
14          accept personnel with expertise in a range of dis-  
15          ciplines necessary for the accelerated integration of  
16          commercial technologies into the intelligence commu-  
17          nity (as determined by the Director), including ex-  
18          pertise in the administrative burdens associated with  
19          the following:

20                   (A) Authorization to operate certifications.

21                   (B) Contracting.

22                   (C) Facility clearances.

23                   (D) Security clearances.

24          (e) REPORTS REQUIRED.—

1           (1) REPORTS.—Not later than 2 years after the  
2           date of the enactment of this Act, and annually  
3           thereafter for 3 years, each Director of Commercial  
4           Integration shall submit to the congressional intel-  
5           ligence committees a report on the status of the Of-  
6           fice of Commercial Integration concerned, including  
7           the following, with respect to the year covered by the  
8           report:

9                   (A) A description of the assistance offered  
10                  by the Director.

11                  (B) A description of the methods by which  
12                  the Director advertised such assistance.

13                  (C) Any updates to the policies of such Of-  
14                  fice.

15                  (D) Statistics on the types of covered con-  
16                  tractors that received administrative assistance  
17                  provided by such Office, and the extent of the  
18                  use of the assistance by such covered contrac-  
19                  tors.

20                  (E) A summary of any successes relating  
21                  to administrative assistance provided by such  
22                  Office.

23                  (F) Recommendations on how to improve  
24                  the efficiency or effectiveness of such Office.

1 (G) An identification of any additional re-  
2 sources or authorities necessary for such Office  
3 to fulfill the duties of the Office.

4 (2) COORDINATION.—In carrying out para-  
5 graph (1), each Director of Commercial Integration  
6 shall coordinate with the senior official designated  
7 pursuant to subsection (b)(2)(A).

8 (f) DEFINITIONS.—In this section:

9 (1) COVERED CONTRACTOR.—The term “cov-  
10 ered contractor” has the meaning given that term in  
11 section 514(c).

12 (2) DIRECTOR OF COMMERCIAL INTEGRA-  
13 TION.—The term “Director of Commercial Integra-  
14 tion” means the head of an Office of Commercial In-  
15 tegration.

16 (3) OFFICE OF COMMERCIAL INTEGRATION  
17 CONCERNED.—The term “Office of Commercial In-  
18 tegration concerned”, with respect to a Director of  
19 Commercial Integration, means the Office of Com-  
20 mercial Integration of which that Director is head.

21 (4) PREFERRED CONTRACTOR.—The term  
22 “preferred contractor” means a contractor described  
23 in section 514(c)(4).

1 **SEC. 513. PILOT PROGRAM FOR DESIGNATION OF CERTAIN**  
2 **SBIR AND STTR PROJECTS AS ENTREPRE-**  
3 **NEURIAL INNOVATION PROJECTS.**

4 (a) PILOT PROGRAM.—The Director of National In-  
5 telligence shall carry out a pilot program to more effec-  
6 tively transition eligible projects that present the potential  
7 to meet the operational needs of covered elements of the  
8 intelligence community to Phase III through the designa-  
9 tion of eligible projects as Entrepreneurial Innovation  
10 Projects.

11 (b) DESIGNATION.—

12 (1) IN GENERAL.—Under the pilot program  
13 under subsection (a), each head of a covered element  
14 of the intelligence community, in consultation with  
15 the Director of National Intelligence, shall designate  
16 not fewer than 5 eligible projects per year as Entre-  
17 preneurial Innovation Projects.

18 (2) REQUIRED CRITERIA.—The head of a cov-  
19 ered element of the intelligence community may des-  
20 ignate an eligible project as an Entrepreneurial In-  
21 novation Project under paragraph (1) if the head de-  
22 termines the eligible project meets the following cri-  
23 teria:

24 (A) The eligible project demonstrates the  
25 potential to—

1 (i) advance the national security capa-  
2 bilities of the United States;

3 (ii) provide new technologies or proc-  
4 esses, or new applications of existing tech-  
5 nologies, that will enable new alternatives  
6 to existing programs, systems, and initia-  
7 tives of the intelligence community;

8 (iii) provide future cost savings; or

9 (iv) significantly reduce the time to  
10 deliver capabilities to the intelligence com-  
11 munity.

12 (B) Any other criteria that the head deter-  
13 mines appropriate.

14 (3) MITIGATION OF CONFLICTS OF INTER-  
15 EST.—Each head of a covered element of the intel-  
16 ligence community, in consultation with the Director  
17 of National Intelligence, shall establish procedures  
18 designed to mitigate, to the greatest extent prac-  
19 ticable, organizational conflicts of interest relating to  
20 the designation of projects under paragraph (1), in-  
21 cluding conflicts of interest from within a depart-  
22 ment or agency of the United States Government for  
23 which the designation and successful completion of  
24 an Entrepreneurial Innovation Project may rep-  
25 resent a competing alternative to an existing or pro-

1 posed program or other activity of such department  
2 or agency.

3 (4) APPLICATIONS.—An eligible project seeking  
4 a designation under paragraph (1) shall submit to  
5 the head of the covered element of the intelligence  
6 community from which such designation is sought  
7 an application containing—

8 (A) an explanation as to how the eligible  
9 project meets the criteria specified in paragraph  
10 (2); and

11 (B) such other information as the head, in  
12 consultation with the Director of National Intel-  
13 ligence, considers appropriate.

14 (5) REVOCATION OF DESIGNATION.—If the  
15 head of a covered element of the intelligence commu-  
16 nity that previously designated a project under para-  
17 graph (1) determines such project no longer meets  
18 the required criteria specified in paragraph (2), or  
19 that the technology that is the subject of such  
20 project has become irrelevant, such head may revoke  
21 the Entrepreneurial Innovation Project designation  
22 for such project.

23 (c) BENEFITS OF DESIGNATION.—

24 (1) INCLUSION IN MULTIYEAR NATIONAL IN-  
25 TELLIGENCE PROGRAM PLAN.—The Director of Na-

1 tional Intelligence shall include in the relevant  
2 multiyear national intelligence program plan sub-  
3 mitted to Congress under section 1403 of the Na-  
4 tional Defense Authorization Act for Fiscal Year  
5 1991 (50 U.S.C. 3301) the estimated expenditures  
6 of each designated project.

7 (2) INCLUSION UNDER SEPARATE HEADING.—  
8 The designating head shall ensure that each des-  
9 ignated project is included under a separate heading  
10 in the relevant multiyear national intelligence pro-  
11 gram plan submitted to Congress under such section  
12 1403 of the National Defense Authorization Act for  
13 Fiscal Year 1991 (50 U.S.C. 3301).

14 (3) CONSIDERATION IN PROGRAMMING AND  
15 BUDGETING.—Each designated project shall be  
16 taken into consideration by the designating head in  
17 the programming and budgeting phases of the intel-  
18 ligence planning, programming, budgeting, and eval-  
19 uation process.

20 (d) REPORTS TO CONGRESS.—

21 (1) ANNUAL REPORTS.—On an annual basis for  
22 each fiscal year during which the pilot program  
23 under subsection (a) is carried out, concurrently  
24 with the submission of the budget of the President  
25 for that fiscal year under section 1105(a) of title 31,

1 United States Code, the Director of National Intel-  
2 ligence shall submit to the appropriate congressional  
3 committees a report that includes the following:

4 (A) A description of each designated  
5 project.

6 (B) A summary of the potential of each  
7 designated project, as specified in subsection  
8 (b)(2)(A).

9 (C) For each designated project, a descrip-  
10 tion of the progress made toward delivering on  
11 such potential.

12 (D) A description of the progress made to-  
13 ward inclusion of the designated project in the  
14 future-years intelligence program.

15 (E) Such other information on the status  
16 of such pilot program as the Director considers  
17 appropriate.

18 (2) FINAL REPORT.—In the final report sub-  
19 mitted under paragraph (1) prior to the date of ter-  
20 mination under subsection (e), the Director of Na-  
21 tional Intelligence shall include a recommendation on  
22 whether to extend the pilot program under sub-  
23 section (a) and the appropriate duration of such ex-  
24 tension, if any.



1 (e) TERMINATION DATE.—The authority to carry out  
2 the pilot program under subsection (a) shall terminate on  
3 December 31, 2027.

4 (f) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees” means—

8 (A) the congressional intelligence commit-  
9 tees;

10 (B) the Committee on Small Business of  
11 the House of Representatives; and

12 (C) the Committee on Small Business and  
13 Entrepreneurship of the Senate.

14 (2) COVERED ELEMENT OF THE INTELLIGENCE  
15 COMMUNITY.—The term “covered element of the in-  
16 telligence community” means the following:

17 (A) The Office of the Director of National  
18 Intelligence.

19 (B) The Central Intelligence Agency.

20 (C) The National Security Agency.

21 (D) The National Geospatial-Intelligence  
22 Agency.

23 (E) The National Reconnaissance Office.

24 (3) DESIGNATED PROJECT.—The term “des-  
25 ignated project” means a project that has been des-

1       ignated as an Entrepreneurial Innovation Project  
2       under the pilot program under subsection (a) and  
3       for which such designation has not been revoked  
4       under subsection (b)(5).

5           (4) DESIGNATING HEAD.—The term “desig-  
6       nating head” means, with respect to the designation  
7       of a project as an Entrepreneurial Innovation  
8       Project under the pilot program under subsection  
9       (a), the head of the covered element of the intel-  
10      ligence community making such designation.

11          (5) ELIGIBLE PROJECT.—The term “eligible  
12      project” means a project for which a small business  
13      concern has completed a Phase II SBIR or STTR  
14      award.

15          (6) PHASE II; PHASE III; SBIR; STTR.—The  
16      terms “Phase II”, “Phase III”, “SBIR”, and  
17      “STTR” have the meanings given such terms in sec-  
18      tion 9(e) of the Small Business Act (15 U.S.C.  
19      638(e)).

20          (7) SMALL BUSINESS CONCERN.—The term  
21      “small business concern” has the meaning given  
22      such term under section 3 of the Small Business Act  
23      (15 U.S.C. 632).

1 **SEC. 514. REDUCTION OF BARRIERS RELATING TO CON-**  
2 **TRACTS FOR ARTIFICIAL INTELLIGENCE AND**  
3 **OTHER EMERGING TECHNOLOGIES.**

4 (a) FINDINGS; SENSE OF CONGRESS.—

5 (1) FINDINGS.—Congress finds the following:

6 (A) Authorizations to operate are essential  
7 to maintaining network and system security.

8 (B) However, Congress is concerned that  
9 the executive branch does not have a user-  
10 friendly platform or process to adjudicate and  
11 review authority to operate applications.

12 (C) Nor is the executive branch resourced  
13 to meet the demand for authority to operate  
14 certifications from commercial vendors, leading  
15 to lengthy delays to bring commercial solutions  
16 into government networks and systems.

17 (D) These barriers handicap the executive  
18 branch when contracting for cutting-edge tech-  
19 nologies.

20 (2) SENSE OF CONGRESS.—It is the sense of  
21 Congress that—

22 (A) the intelligence community and the  
23 Secretary of Defense should develop a  
24 resourcing plan to address these issues, includ-  
25 ing developing common platforms for applica-  
26 tions and requirements to be shared with indus-

1 try, and a process for authority to operate cer-  
2 tification reciprocity across the Department of  
3 Defense and the intelligence community, with  
4 the appropriate safeguards;

5 (B) easing these administrative costs and  
6 burdens helps cultivate an ecosystem that  
7 incentivizes small- and medium-sized emerging  
8 technology companies to work with the Federal  
9 Government, which is essential for the United  
10 States to compete globally for technology su-  
11 premacy;

12 (C) sensitive compartmented information  
13 facilities are often requirements for companies  
14 that wish to conduct business with the intel-  
15 ligence community;

16 (D) unfortunately, the process to accredit  
17 and certify a facility as a sensitive compart-  
18 mented information facility is time consuming  
19 and expensive, which further raises the barriers  
20 to entry for small- and medium-sized emerging  
21 technology companies; and

22 (E) lowering those barriers is an important  
23 function of the intelligence community to gain  
24 access to the cutting-edge technology offered by  
25 such companies.

1 (b) PROTOCOL ON AUTHORITY TO OPERATE CER-  
2 TIFICATIONS.—

3 (1) PROTOCOL.—Not later than 180 days after  
4 the date of the enactment of this Act, the Director  
5 of National Intelligence, in coordination with the  
6 Secretary of Defense, shall develop and submit to  
7 the appropriate congressional committees a protocol  
8 setting forth policies and procedures relating to au-  
9 thority to operate certifications held by commercial  
10 providers.

11 (2) ELEMENTS.—The protocol under paragraph  
12 (1) shall include, at a minimum, the following:

13 (A) A policy that ensures reciprocal rec-  
14 ognition among the elements of the intelligence  
15 community and the Department of Defense of  
16 authority to operate certifications held by com-  
17 mercial providers. Such reciprocal recognition  
18 shall be limited to authority to operate certifi-  
19 cations for systems that store or provide access  
20 to data classified at an equal or higher classi-  
21 fication level.

22 (B) Procedures under which a commercial  
23 provider that is a contractor of an element of  
24 the intelligence community or the Department  
25 of Defense and holds an authority to operate

1 certification for a system that relates to the  
2 contract concerned may provide to head of such  
3 element or the Secretary of Defense, as the case  
4 may be, the most recently updated version of  
5 any software, data, or application under such  
6 system without being required to submit an ap-  
7 plication for a new or renewed authority to op-  
8 erate certification.

9 (C) Procedures for the automated review,  
10 renewal, and revocation of authority to operate  
11 certifications held by commercial providers, sub-  
12 ject to such conditions as may be prescribed by  
13 the Director of National Intelligence, in coordi-  
14 nation with the Secretary of Defense.

15 (D) Standard documentation requirements  
16 for commercial providers submitting applica-  
17 tions for authority to operate certifications.  
18 Such requirements shall be—

19 (i) established jointly by the Director  
20 of National Intelligence and the Secretary  
21 of Defense; and

22 (ii) except as provided in paragraph  
23 (3), uniform across the Department of De-  
24 fense and the elements of the intelligence

1 community for each appropriate level of se-  
2 curity.

3 (E) A requirement to establish a joint por-  
4 tal of the Office of the Director of National In-  
5 telligence and the Department of Defense for  
6 the maintenance of records, applications, and  
7 system requirements for authority to operate  
8 certifications. Such portal shall be designed to  
9 store unclassified information, but may provide  
10 for the storage of classified information to the  
11 extent determined necessary by the Director of  
12 National Intelligence and the Secretary of De-  
13 fense.

14 (F) A workforce plan that addresses the  
15 shortage of personnel of the intelligence com-  
16 munity who are authorized to grant an author-  
17 ity to operate certification, including rec-  
18 ommendations by the Director of National In-  
19 telligence for increased pay and other incentives  
20 to recruit and retain such personnel.

21 (G) Policies and procedures to ensure co-  
22 ordination across the elements of the intel-  
23 ligence community with respect to the protocol  
24 under paragraph (1), including a requirement  
25 for—

1 (i) the Director of National Intel-  
2 ligence to designate an official to lead such  
3 coordination across the intelligence com-  
4 munity; and

5 (ii) the head of each element of the  
6 intelligence community to designate an of-  
7 ficial of the element to oversee the imple-  
8 mentation of such protocol with respect to  
9 the element.

10 (H) Procedures to ensure data security  
11 and safety with respect to the implementation  
12 of the protocol under paragraph (1).

13 (I) A proposed timeline for the implemen-  
14 tation of the protocol under paragraph (1) by  
15 the deadline specified in such paragraph.

16 (3) EXCEPTION TO STANDARD DOCUMENTATION  
17 REQUIREMENTS.—The Director of National Intel-  
18 ligence and the Secretary of Defense may jointly es-  
19 tablish nonuniform documentation requirements for  
20 commercial providers submitting applications for au-  
21 thority to operate certifications, in addition to the  
22 requirements specified in paragraph (2)(D), only if,  
23 prior to such establishment, the Director and Sec-  
24 retary provide to the appropriate congressional com-



1       mittees a briefing on why such additional require-  
2       ments are necessary.

3           (4) DEFINITIONS.—In this subsection:

4           (A) The term “appropriate congressional  
5       committees” means—

6           (i) the congressional intelligence com-  
7       mittees; and

8           (ii) the Committees on Armed Serv-  
9       ices of the House of Representatives and  
10      the Senate.

11          (B) The term “authority to operate certifi-  
12      cation” means, with respect to a system, a for-  
13      mal designation by a designated approving au-  
14      thority that authorizes the operation of the sys-  
15      tem by a Federal department or agency and in-  
16      cludes an acknowledgment that the Federal de-  
17      partment or agency accepts the risk of such op-  
18      eration.

19          (C) The term “contract concerned”, with  
20      respect to a contractor of an element of the in-  
21      telligence community or the Department of De-  
22      fense, means the contract entered into by that  
23      contractor with the head of the element or the  
24      Secretary of Defense, as the case may be.

1 (c) PLAN TO EXPAND SENSITIVE COMPARTMENTED  
2 INFORMATION FACILITY ACCESS BY CERTAIN CONTRAC-  
3 TORS.—

4 (1) PLAN; BRIEFING.—Not later than 180 days  
5 after the date of the enactment of this Act, the Di-  
6 rector of National Intelligence and the Secretary of  
7 Defense, in consultation with the heads of such  
8 other elements of the intelligence community as the  
9 Director of National Intelligence may determine ap-  
10 propriate, shall jointly—

11 (A) develop a plan to expand access by  
12 covered contractors to sensitive compartmented  
13 information facilities for the purpose of pro-  
14 viding covered contractors with a facility to se-  
15 curely perform work under covered contracts;  
16 and

17 (B) provide to the appropriate congres-  
18 sional committees a briefing on such plan.

19 (2) MATTERS.—The plan under paragraph (1)  
20 shall include the following:

21 (A) An overview of the existing sensitive  
22 compartmented information facilities, if any,  
23 that may be repurposed for the purpose speci-  
24 fied in paragraph (1).

1 (B) An assessment of the feasibility of  
2 building additional sensitive compartmented in-  
3 formation facilities for such purpose.

4 (C) An assessment of the relative costs and  
5 benefits of repurposing existing, or building ad-  
6 ditional, sensitive compartmented information  
7 facilities for such purpose.

8 (D) The eligibility criteria for determining  
9 which covered contractors may be granted ac-  
10 cess to sensitive compartmented information fa-  
11 cilities for such purpose.

12 (E) An estimate of the maximum number  
13 of covered contractors that may be provided ac-  
14 cess to sensitive compartmented information fa-  
15 cilities for such purpose, taking into account  
16 the matters specified in subparagraphs (A) and  
17 (B).

18 (F) Policies to ensure the efficient and  
19 narrow use of sensitive compartmented informa-  
20 tion facilities for such purpose, including a  
21 timeline for the length of such use by a covered  
22 contractor and a detailed description of the  
23 process to terminate access to the sensitive  
24 compartmented information facility by a cov-  
25 ered contractor upon—

1 (i) the expiration of the covered con-  
2 tract of the covered contractor; or

3 (ii) a determination that the covered  
4 contractor no longer has a need for such  
5 access to fulfill the terms of such contract.

6 (G) Pricing structures for the use of sen-  
7 sitive compartmented information facilities by  
8 covered contractors for the purpose specified in  
9 paragraph (1). Such pricing structures—

10 (i) may include free use (for the pur-  
11 pose of incentivizing future covered con-  
12 tracts), with the potential for pricing to in-  
13 crease dependent on the length of the cov-  
14 ered contract, the size of the covered con-  
15 tractor, and the need for such use; and

16 (ii) shall ensure that the cumulative  
17 cost for a covered contractor to rent and  
18 independently certify a sensitive compart-  
19 mented information facility for such pur-  
20 pose does not exceed the market average  
21 for the Director of National Intelligence or  
22 the Secretary of Defense to build, certify,  
23 and maintain a sensitive compartmented  
24 information facility.

1           (H) A security plan for vetting each cov-  
2           ered contractor prior to the access of a sensitive  
3           compartmented information facility by the cov-  
4           ered contractor for the purpose specified in  
5           paragraph (1), and an assessment of potential  
6           security concerns regarding such access.

7           (I) A proposed timeline for the expansion  
8           of access to sensitive compartmented informa-  
9           tion facilities in accordance with paragraph (1).

10          (J) Such other matters as the Director of  
11          National Intelligence or the Secretary of De-  
12          fense considers relevant to such expansion.

13          (3) ELIGIBILITY CRITERIA FOR COVERED CON-  
14          TRACTORS.—Under the eligibility criteria specified in  
15          subparagraph (D)—

16                (A) unless the Director of National Intel-  
17                ligence determines the source of the financing  
18                of a covered contractor poses a national secu-  
19                rity risk, such source of financing may not be  
20                taken into consideration in making a deter-  
21                mination as to the eligibility of the covered con-  
22                tractor; and

23                (B) preference shall be given to any pre-  
24                ferred contractor described in paragraph (4).

1           (4) PREFERRED CONTRACTORS.—A preferred  
2 contractor described in this paragraph is a covered  
3 contractor—

4           (A) that is a small business concern that  
5 has a Phase I or Phase II SBIR award for a  
6 project under a covered contract and dem-  
7 onstrates a need for access to a sensitive com-  
8 partmented information facility with respect to  
9 such ongoing project; or

10           (B) the covered contract of which is a con-  
11 tract entered into with the Director of  
12 AFWERX of the Air Force (or such successor  
13 program), the Director of the Defense Innova-  
14 tion Unit of the Department of Defense, or the  
15 head of any other program or element of the  
16 Federal Government with a focus on technology  
17 or innovation.

18           (5) DEFINITIONS.—In this subsection:

19           (A) APPROPRIATE CONGRESSIONAL COM-  
20 MITTEES.—The term “appropriate congres-  
21 sional committees” means—

22                   (i) the congressional intelligence com-  
23 mittees; and

1                   (ii) the Committees on Armed Serv-  
2                   ices of the House of Representatives and  
3                   the Senate.

4                   (B) COVERED CONTRACT.—The term “cov-  
5                   ered contract” means a contract entered into by  
6                   a covered contractor with the head of an ele-  
7                   ment of the intelligence community or the Sec-  
8                   retary of Defense that relates to the develop-  
9                   ment of technology solutions for the intelligence  
10                  community or the Department of Defense, as  
11                  the case may be.

12                  (C) COVERED CONTRACTOR.—The term  
13                  “covered contractor” means a contractor of the  
14                  intelligence community or the Department of  
15                  Defense that the Director of National Intel-  
16                  ligence determines is a small- or medium-sized  
17                  technology company in an early stage of devel-  
18                  oping technology solutions pursuant to a cov-  
19                  ered contract.

20                  (D) PHASE I; PHASE II; SBIR.—The terms  
21                  “Phase I”, “Phase II”, and “SBIR” have the  
22                  meanings given those terms in section 9(e) of  
23                  the Small Business Act (15 U.S.C. 638(e)).

24                  (E) SMALL BUSINESS CONCERN.—The  
25                  term “small business concern” has the meaning

1           given that term in section 3 of the Small Busi-  
2           ness Act (15 U.S.C. 632).

3           (d) REPORTS ON EXPANSION OF SECURITY CLEAR-  
4           ANCES FOR CERTAIN CONTRACTORS.—

5           (1) REPORTS.—Not later than 180 days after  
6           the date of the enactment of this Act, and annually  
7           thereafter for 3 years, the Director of National In-  
8           telligence shall submit to the congressional intel-  
9           ligence committees a report on the extent to which  
10          security clearance requirements delay, limit, or oth-  
11          erwise disincentivize emerging technology companies  
12          from entering into contracts with the United States  
13          Government.

14          (2) MATTERS.—Each report under paragraph  
15          (1) shall include the following:

16                (A) Statistics on the periods of time be-  
17                tween the submission of applications for secu-  
18                rity clearances by employees of emerging tech-  
19                nology companies and the grant of such secu-  
20                rity clearances, disaggregated by the size of the  
21                respective company.

22                (B) The number of security clearances  
23                granted to employees of small- or medium-sized  
24                emerging technology companies during the pe-  
25                riod covered by the report.



1 (C) The number of applications for secu-  
2 rity clearances submitted by employees of  
3 emerging technology companies that have yet to  
4 be adjudicated as of the date on which the re-  
5 port is submitted.

6 (D) A projection, for the year following the  
7 date on which the report is submitted, of the  
8 number of security clearances necessary for em-  
9 ployees of emerging technology companies to  
10 perform work on behalf of the intelligence com-  
11 munity during such year, and an assessment of  
12 the capacity of the intelligence community to  
13 meet such demand.

14 (E) An identification of each occurrence,  
15 during the period covered by the report, in  
16 which an emerging technology company with-  
17 drew from or declined to accept a contract with  
18 the United States Government on the sole basis  
19 of delays, limitations, or other issues involving  
20 security clearances, and a description of the  
21 types of business the United States Government  
22 has lost as a result of such occurrences.

23 (F) Recommendations for expediting the  
24 grant of security clearances to employees of  
25 emerging technology companies, including with

1           respect to any additional resources, authorities,  
2           or personnel that the Director of National In-  
3           telligence determines may be necessary for such  
4           expedition.

5           (3) FORM.—Each report under paragraph (1)  
6           may be submitted in classified form, but if so sub-  
7           mitted shall include an unclassified executive sum-  
8           mary.

9           (4) PROPOSAL CONCURRENT WITH BUDGET  
10          SUBMISSION.—At the time that the President sub-  
11          mits to Congress the budget for fiscal year 2024  
12          pursuant to section 1105 of title 31, United States  
13          Code, the Director of National Intelligence shall sub-  
14          mit to the congressional intelligence committees a  
15          proposal to improve the capacity of the workforce re-  
16          sponsible for the investigation and adjudication of  
17          security clearances, with the goal of reducing the pe-  
18          riod of time specified in paragraph (2)(A) to less  
19          than 60 days. Such proposal shall include an identi-  
20          fication of any resources the Director determines  
21          necessary to expand the number of individuals au-  
22          thorized to conduct polygraphs on behalf of the in-  
23          telligence community, including by furnishing nec-  
24          essary training to such individuals.

1 **SEC. 515. COMPLIANCE BY THE INTELLIGENCE COMMU-**  
2 **NITY WITH REQUIREMENTS OF THE FEDERAL**  
3 **ACQUISITION REGULATION RELATING TO**  
4 **COMMERCIALLY AVAILABLE OFF-THE-SHELF**  
5 **ITEMS AND COMMERCIAL SERVICES.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that—

8 (1) parts 10 and 12 of the Federal Acquisition  
9 Regulation broadly require departments and agen-  
10 cies of the United States Government to conduct  
11 market research to determine whether commercially  
12 available off-the-shelf items, nondevelopmental items,  
13 or commercial services are available that could meet  
14 the requirements of the department or agency;

15 (2) the requirements under such parts 10 and  
16 12, among other important goals, reduce administra-  
17 tive costs and allow expedited acquisition and de-  
18 ployment of such items and services;

19 (3) however, such departments and agencies too  
20 often contract for custom products, rather than buy-  
21 ing existing commercial products and adapting those  
22 as necessary, which creates a fundamental compli-  
23 ance issue; and

24 (4) the intelligence community should adopt a  
25 culture shift to ensure better compliance with such  
26 parts 10 and 12.

1 (b) POLICY.—

2 (1) REQUIREMENT.—Not later than 1 year  
3 after the date of the enactment of this Act, the Di-  
4 rector of National Intelligence shall implement a pol-  
5 icy to ensure that each element of the intelligence  
6 community complies with parts 10 and 12 of the  
7 Federal Acquisition Regulation with respect to any  
8 procurement.

9 (2) ELEMENTS.—The policy under paragraph  
10 (1) shall include the following:

11 (A) Written criteria for an element of the  
12 intelligence community to evaluate when a pro-  
13 curement of a covered item or service is permis-  
14 sible, including—

15 (i) requiring the element to conduct  
16 an independent market analysis to deter-  
17 mine whether a commercially available off-  
18 the-shelf item, nondevelopmental item, or  
19 commercial service is viable; and

20 (ii) a description of the offeror for  
21 such covered item or service and how the  
22 covered item or service to be acquired will  
23 be integrated into existing systems of the  
24 intelligence community.

1 (B) If an element of the intelligence com-  
2 munity enters into a contract for artificial intel-  
3 ligence or other emerging technologies that is a  
4 covered item or service, not later than 45 days  
5 before entering into such contract, the head of  
6 the element shall notify the congressional intel-  
7 ligence committees in writing of the intent to  
8 enter into such contract, including a brief sum-  
9 mary of—

10 (i) the justification for not using a  
11 commercially available off-the-shelf item,  
12 nondevelopmental item, or commercial  
13 service; and

14 (ii) the independent market analysis  
15 conducted under subparagraph (A).

16 (C) A detailed set of performance incen-  
17 tives for the acquisition personnel of the intel-  
18 ligence community that—

19 (i) prioritizes and rewards adherence  
20 to parts 10 and 12 of the Federal Acquisi-  
21 tion Regulation; and

22 (ii) incentivizes reliance by the intel-  
23 ligence community on commercially avail-  
24 able off-the-shelf items, nondevelopmental  
25 items, or commercial services and

1           incentivizes such personnel that enter into  
2           contracts for covered items or services only  
3           when necessary.

4           (D) Methods to ensure the coordination  
5           across the elements of the intelligence commu-  
6           nity in carrying out the policy, including by des-  
7           ignating an official of each element to ensure  
8           implementation and incentives for elements to  
9           share best practices for entering into contracts  
10          for covered items or services.

11          (E) On an annual basis, the head of each  
12          element of the intelligence community shall cer-  
13          tify in writing to the congressional intelligence  
14          committees that each contract involving soft-  
15          ware development that was awarded during the  
16          year covered by the certification was awarded in  
17          adherence to section 3453 of title 10, United  
18          States Code, and such parts 10 and 12, as ap-  
19          plicable.

20          (F) Any other incentives for the acquisi-  
21          tion personnel of the intelligence community  
22          that the Director determines appropriate to im-  
23          prove the use of commercially available off-the-  
24          shelf items, nondevelopmental items, and com-  
25          mercial services in contracts for emerging tech-

1           nologies, including with respect to pay incen-  
2           tives, time off for training, and nonmonetary  
3           awards.

4           (3) SUBMISSION.—Not later than 180 days  
5           after the date of the enactment of this Act, the Di-  
6           rector of National Intelligence shall submit to the  
7           congressional intelligence committees—

8                   (A) the policy developed under paragraph  
9                   (1); and

10                   (B) a plan to implement the policy not  
11                   later than 1 year after the date of such enact-  
12                   ment.

13           (4) MARKET ANALYSIS.—In carrying out the  
14           independent market analysis pursuant to paragraph  
15           (1)(A)(ii), the Director may enter into a contract  
16           with an independent market research group with  
17           qualifications and expertise to find available com-  
18           mercially available off-the-shelf items, nondevelop-  
19           mental items, or commercial services to meet the  
20           needs of the intelligence community.

21           (c) ANNUAL REPORTS.—

22                   (1) REQUIREMENT.—Not later than 2 years  
23                   after the date of the enactment of this Act, and an-  
24                   nually thereafter for 3 years, the Director, in con-  
25                   sultation with the head of each element of the intel-

1 intelligence community, shall submit to the congressional  
2 intelligence committees a report on the policy devel-  
3 oped under subsection (a).

4 (2) ELEMENTS.—Each report under paragraph  
5 (1) shall include, with respect to the period covered  
6 by the report, the following:

7 (A) An evaluation of the success of the poli-  
8 cy, including with respect to the progress the  
9 elements have made in complying with parts 10  
10 and 12 of the Federal Acquisition Regulation.

11 (B) A comparison of the number of con-  
12 tracts that were awarded for commercially  
13 available off-the-shelf items, nondevelopmental  
14 items, or commercial services versus the num-  
15 ber awarded for covered items or services.

16 (C) A description of how any market anal-  
17 yses are conducted pursuant to subsection  
18 (a)(1)(A)(ii).

19 (D) Any recommendations to improve com-  
20 pliance with such parts 10 and 12.

21 (d) DEFINITIONS.—In this section:

22 (1) COMMERCIALY AVAILABLE OFF-THE-  
23 SHELF ITEM; COMMERCIAL SERVICE; NONDEVELOP-  
24 MENTAL ITEM.—The terms “commercially available  
25 off-the-shelf item”, “commercial service”, and “non-



1 developmental items” have the meanings given, re-  
2 spectively, in subchapter I of division A of title 41,  
3 United States Code.

4 (2) COVERED ITEM OR SERVICE.—The term  
5 “covered item or service” means a product, system,  
6 or service that is not a commercially available off-  
7 the-shelf item, a commercial service, or a non-  
8 developmental item.

9 **SEC. 516. POLICY ON REQUIRED USER ADOPTION METRICS**  
10 **IN CERTAIN CONTRACTS FOR ARTIFICIAL IN-**  
11 **TELLIGENCE SOFTWARE PRODUCTS.**

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

14 (1) it is critical that the intelligence community  
15 acquire products that can be integrated, to the high-  
16 est extent possible, within existing workflows and  
17 personnel capabilities;

18 (2) one step toward that goal is ensuring that  
19 products procured by the intelligence community  
20 have user-adoption metrics, which allow program-  
21 mers and vendors to assess the effectiveness of a  
22 given product to an intelligence community user;

23 (3) requiring such metrics also incentivizes ven-  
24 dors to incorporate training and adoption programs  
25 into their products, as opposed to contracts which

1 simply sell an application to the intelligence commu-  
2 nity with no customer success feature built in; and

3 (4) in addition, this data is critical to informing  
4 decisions about the continued use of a product, in-  
5 cluding relating to whether a prototype will transi-  
6 tion from development to an enterprise-wide contract  
7 or program of record.

8 (b) POLICY.—Not later than 180 days after the date  
9 of the enactment of this Act, the Director of National In-  
10 telligence shall establish a policy containing the following:

11 (1) With respect to a contract or other agree-  
12 ment entered into between the head of an element  
13 of the intelligence community and a commercial pro-  
14 vider for the acquisition of a covered product for  
15 users within the intelligence community—

16 (A) a requirement that each such contract  
17 or other agreement include, as a term of the  
18 contract or agreement, a commitment by the  
19 commercial provider to furnish a means of col-  
20 lecting user adoption metrics for assessing the  
21 adoption of the covered product by such users;  
22 and

23 (B) a requirement that the head assess the  
24 user adoption of the covered product through  
25 such means.

1           (2) Such exceptions to the requirements under  
2 paragraph (1) as may be determined appropriate by  
3 the Director.

4           (c) REPORTS.—

5           (1) SUBMISSION.—Not later than 1 year after  
6 the date on which the Director of National Intel-  
7 ligence establishes the policy under subsection (b),  
8 and annually thereafter for 3 years, the Director, in  
9 coordination with the heads of the elements of the  
10 intelligence community, shall submit to the congres-  
11 sional intelligence committees a report on the user  
12 adoption metrics for each covered product acquired  
13 using, in whole or in part, funds made available  
14 under the National Intelligence Program.

15           (2) MATTERS.—Each report under paragraph  
16 (1) shall include, with respect to the year covered by  
17 the report, the following:

18           (A) A detailed description of the effective-  
19 ness of the policy under subsection (b), includ-  
20 ing a cost-benefit analysis of such policy.

21           (B) A summary of the user adoption  
22 metrics collected pursuant to such policy for  
23 each program referred to in paragraph (1).

24           (C) An identification of any instance in  
25 which the head of an element of the intelligence

1 community determined that requiring a commit-  
2 ment to furnish a means of collecting user  
3 adoption metrics as a term of a contract or  
4 agreement pursuant to such policy was not  
5 practicable pursuant to an exception specified  
6 in subsection (b)(2) and, as a result, did not re-  
7 quire such commitment.

8 (D) A justification for the continuation of  
9 the use of any covered product acquired by the  
10 head of an element of the intelligence commu-  
11 nity that the head has determined, pursuant to  
12 an assessment required under subsection  
13 (b)(1)(B), was not sufficiently adopted by users  
14 or otherwise received negative user feedback.

15 (E) Any other matters, including any rel-  
16 evant recommendations, determined appropriate  
17 by the Director.

18 (3) TIMING.—Each report under paragraph (1)  
19 shall be submitted prior to the date of the presen-  
20 tation of the consolidated National Intelligence Pro-  
21 gram budget for the year covered by the report to  
22 the President for approval pursuant to section  
23 102A(c) of the National Security Act of 1947 (50  
24 U.S.C. 3024).

25 (d) DEFINITIONS.—In this section:

1           (1) COVERED PRODUCT.—The term “covered  
2           product” means a commercial software product that  
3           involves artificial intelligence.

4           (2) NATIONAL INTELLIGENCE PROGRAM.—The  
5           term “National Intelligence Program” has the mean-  
6           ing given that term in section 3 of the National Se-  
7           curity Act of 1947 (50 U.S.C. 3003).

8   **SEC. 517. ASSESSMENTS RELATING TO INFORMATION**  
9                                   **TECHNOLOGY AND SOFTWARE SYSTEMS.**

10          (a) SENSE OF CONGRESS.—It is the sense of Con-  
11          gress that—

12               (1) the intelligence community continues to rely  
13               heavily on legacy information technology systems  
14               and software;

15               (2) transitioning these systems as appropriate  
16               to modern software as a service, cloud-based, and  
17               open-source systems is a priority;

18               (3) in many instances, there are no incentives  
19               to make such a transition due to the cost, com-  
20               plexity, administrative hurdles, and user adoption  
21               challenges with any such transition; and

22               (4) therefore, it is imperative for the intel-  
23               ligence community to create incentives to ensure  
24               that its systems evolve with industry and remain

1 competitive with foreign adversaries of the United  
2 States.

3 (b) ASSESSMENTS REQUIRED.—

4 (1) INTELLIGENCE COMMUNITY-WIDE BASELINE  
5 ASSESSMENT.—Not later than 1 year after the date  
6 of the enactment of this Act, the Director of Na-  
7 tional Intelligence, in consultation with the heads of  
8 the elements of the intelligence community, shall  
9 complete an assessment of the information tech-  
10 nology and software systems of each element of the  
11 intelligence community, to review whether such sys-  
12 tems integrate new and emerging technology and, as  
13 appropriate, make recommendations to decommis-  
14 sion or replace outdated systems. Such assessment  
15 shall include, with respect to each such system, an  
16 evaluation of the following:

17 (A) The usability of the system.

18 (B) Whether the system is the most up-to-  
19 date version of the system available.

20 (C) The compatibility of the system with  
21 new and emerging technology.

22 (D) The costs and benefits of using an al-  
23 ternative system in lieu of the system, including  
24 the financial cost of transitioning to such an al-

1           ternative system and any technical or adminis-  
2           trative barriers to such transition.

3           (E) Such other matters as may be deter-  
4           mined appropriate by the Director.

5           (2) ASSESSMENTS UPON ENTRY INTO, RE-  
6           NEWAL, OR EXTENSION OF CERTAIN CONTRACTS.—  
7           Not later than 60 days after the date on which the  
8           head of an element of the intelligence community en-  
9           ters into, renews, or extends a contract for the ac-  
10          quisition of an information technology or software  
11          system, the Director of National Intelligence shall  
12          conduct an assessment of such system in accordance  
13          with paragraph (1), including by evaluating each of  
14          the matters specified in subparagraphs (A) through  
15          (E) of such paragraph, with respect to such system.

16          (c) GUIDANCE.—The Director shall issue to the  
17          heads of the elements of the intelligence community guid-  
18          ance to—

19               (1) incentivize each such head to adopt and in-  
20               tegrate new and emerging technology within infor-  
21               mation technology and software systems of the ele-  
22               ment and to decommission and replace outdated sys-  
23               tems, including through potential funding enhance-  
24               ments; and

1           (2) incentivize, and hold accountable, personnel  
2 of the intelligence community with respect to the in-  
3 tegration of new and emerging technology within  
4 such systems, including through the provision of ap-  
5 propriate training programs and evaluations.

6           (d) SUBMISSIONS TO CONGRESS.—

7           (1) REPORT ON ASSESSMENT RESULTS.—Not  
8 later than 60 days after the date on which the Di-  
9 rector completes the assessment under subsection  
10 (b)(1), the Director shall submit to the appropriate  
11 congressional committees a report containing the re-  
12 sults of such assessment.

13           (2) SUBMISSION OF GUIDANCE.—Not later than  
14 60 days after the date on which the Director issues  
15 the guidance under subsection (c), the Director shall  
16 submit to the appropriate congressional committees  
17 a copy of such guidance.

18           (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
19 FINED.—In this section, the term “appropriate congres-  
20 sional committees” means—

21           (1) the congressional intelligence committees;  
22 and

23           (2) the Committees on Appropriations of the  
24 House of Representatives and the Senate.



1                   **Subtitle C—Reports**

2   **SEC. 521. REPORTS ON INTEGRATION OF ARTIFICIAL IN-**  
3                   **TELLIGENCE WITHIN INTELLIGENCE COMMU-**  
4                   **NITY.**

5           (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that—

7                   (1) artificial intelligence and other emerging  
8 technologies must be incorporated into the intel-  
9 ligence community at a pace that matches industry  
10 and is competitive with United States adversaries;

11                   (2) while collaboration can and does occur in in-  
12 stances, Congress is concerned that the United  
13 States is not integrated enough across disciplines to  
14 further this essential mission; and

15                   (3) while each intelligence community element  
16 is pursuing artificial intelligence adoption by either  
17 establishing new offices or surging resources to ex-  
18 isting offices, there is not a single office or official  
19 at each intelligence community element that has the  
20 authority to oversee artificial intelligence adoption at  
21 the agency, and can serve as the coordinator for  
22 interagency cooperation.

23           (b) REPORT BY DIRECTOR OF NATIONAL INTEL-  
24 LIGENCE.—Not later than 180 days after the date of the  
25 enactment of this Act, the Director of National Intel-

1 ligenge, in coordination with the heads of the elements of  
2 the intelligence community, shall submit to the congress-  
3 sional intelligence committees a report on the efforts of  
4 the intelligence community to develop, acquire, adopt, and  
5 maintain artificial intelligence across the intelligence com-  
6 munity to improve intelligence collection across the collec-  
7 tion spectrum and optimize internal work flows. Such re-  
8 port shall contain a separate review of each such element  
9 that includes, with respect to the element, the following:

10           (1) A description of the authorities of the ele-  
11           ment relating to the use of artificial intelligence, and  
12           whether the element lacks any resources or authori-  
13           ties necessary to accelerate the adoption by the ele-  
14           ment of artificial intelligence solutions, including  
15           commercial products involving artificial intelligence.

16           (2) A description of the organizational roles, re-  
17           sponsibilities, and authorities for any senior officials  
18           of the element charged with accelerating the adop-  
19           tion by the element of artificial intelligence solutions,  
20           and whether the head of the element lacks any re-  
21           sources or authorities to hire the personnel nec-  
22           essary to so accelerate the adoption.

23           (3) An identification of the senior official of the  
24           element responsible for overseeing and coordinating  
25           efforts relating to artificial intelligence across the in-

1 intelligence community, including through the integra-  
2 tion of the acquisition, technology, human capital,  
3 and financial management aspects necessary for the  
4 adoption of artificial intelligence solutions.

5 (4) An assessment, conducted by the Inspector  
6 General of the Intelligence Community, of the efforts  
7 of the head of the element to acquire and adopt  
8 commercial products involving artificial intelligence  
9 and in particular, the efforts of such head to acquire  
10 and adopt such products in a timely manner.

11 (5) An assessment, conducted by the Inspector  
12 General of the Intelligence Community, of any ad-  
13 ministrative or technical barriers to the accelerated  
14 adoption of artificial intelligence by the element, in-  
15 cluding any such barriers to the efforts specified in  
16 paragraph (4). Such assessment shall be  
17 disaggregated by, and include input from, organiza-  
18 tional units of the element that focus on the fol-  
19 lowing:

- 20 (A) Acquisitions and contracting.  
21 (B) Personnel and workforce matters.  
22 (C) Financial management and budgeting.  
23 (D) Operations and capabilities.

24 (6) An assessment, conducted by the Inspector  
25 General of the Intelligence Community, of the efforts

1 of the head of the element to coordinate across the  
2 intelligence community for the purpose of ensuring  
3 the adoption of best practices, sharing of informa-  
4 tion, and efficient use of resources relating to artifi-  
5 cial intelligence, including an identification by such  
6 head of any administrative or technical barriers to  
7 such coordination, and recommendations for improv-  
8 ing such coordination. With respect to the review of  
9 the Office of the Director of National Intelligence,  
10 such assessment shall also include a specific assess-  
11 ment of how the Director of National Intelligence, in  
12 consultation with the Director of Science and Tech-  
13 nology and the Chief Data Officer, oversees, or plans  
14 to oversee, such coordination.

15 (c) ANNUAL REPORTS BY DIRECTOR OF SCIENCE  
16 AND TECHNOLOGY.—

17 (1) REPORTS.—Not later than 1 year after the  
18 date of the enactment of this Act, and annually  
19 thereafter for 3 years, the Director of Science and  
20 Technology, in coordination with the Chief Data Of-  
21 ficer with respect to the matters specified in para-  
22 graph (3), and in consultation with the Director of  
23 National Intelligence and the heads of the elements  
24 of the intelligence community, shall submit to the  
25 congressional intelligence committees a report on the

1 progress of the adoption of artificial intelligence  
2 within the intelligence community.

3 (2) MATTERS.—Each report under paragraph  
4 (1) shall include, with respect to the year covered by  
5 the report, the following:

6 (A) A detailed description of the progress  
7 of each element of the intelligence community  
8 in the adoption and maintenance of artificial in-  
9 telligence during such year, including a descrip-  
10 tion of any—

11 (i) artificial intelligence programs or  
12 systems adopted or decommissioned by the  
13 element;

14 (ii) contracts entered into by the head  
15 of the element with small- or medium-sized  
16 emerging technology companies for com-  
17 mercial products involving artificial intel-  
18 ligence;

19 (iii) efforts carried out by the head of  
20 the element for coordination across the in-  
21 telligence community on artificial intel-  
22 ligence-related matters; and

23 (iv) relevant positions established or  
24 filled within the element.

1 (B) A description of any policies of the in-  
2 telligence community issued during such year  
3 that relate to the adoption of artificial intel-  
4 ligence within the intelligence community, in-  
5 cluding an assessment of the compliance with  
6 such policies by the elements of the intelligence  
7 community.

8 (C) A list of recommendations by the Di-  
9 rector of Science and Technology for the effi-  
10 cient, accelerated, and comprehensive adoption  
11 of artificial intelligence across the intelligence  
12 community during the year following the year  
13 covered by the report, including any techno-  
14 logical advances in artificial intelligence that  
15 the intelligence community should leverage from  
16 industry actors.

17 (D) An overview of the advances of foreign  
18 adversaries in the field of artificial intelligence,  
19 and steps that may be taken to ensure the  
20 United States Government outpaces foreign ad-  
21 versaries in such field.

22 (E) Any gaps in resource or authorities, or  
23 other administrative or technical barriers, to  
24 the adoption of artificial intelligence by the in-  
25 telligence community.

1 (F) Such other matters as the Director of  
2 Science and Technology may determine appro-  
3 priate.

4 (3) ENTRY BY CHIEF DATA OFFICER.—Each re-  
5 port under paragraph (1) shall include an entry by  
6 the Chief Data Officer that addresses each of the  
7 matters specified in paragraph (2) with respect to  
8 the organization of data for the accelerated adoption  
9 of artificial intelligence solutions.

10 **SEC. 522. REPORT ON POTENTIAL BENEFITS OF ESTAB-**  
11 **LISHMENT OF ICWERX.**

12 (a) REPORT.—Not later than 180 days after the date  
13 of enactment of this Act, the Director of National Intel-  
14 ligence shall submit to the congressional intelligence com-  
15 mittees an assessment of whether the intelligence commu-  
16 nity would benefit from the establishment of an organiza-  
17 tion to be known as “ICWERX”, the mission and activi-  
18 ties of which would incorporate lessons learned from  
19 AFWERX of the Air Force (or such successor program),  
20 the Defense Innovation Unit of the Department of De-  
21 fense, and other programs and elements of the Federal  
22 Government with a focus on technology or innovation.

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

1           (1) A review of the avenues for small- and me-  
2           dium-sized emerging technology companies to pro-  
3           vide to the intelligence community artificial intel-  
4           ligence or other technology solutions, including an  
5           identification, for each of the 5 years preceding the  
6           year in which the report is submitted, of the annual  
7           number of such companies that have provided the  
8           intelligence community with such solutions.

9           (2) A review of the processes by which the  
10          heads of the elements of the intelligence community  
11          acquire and transition commercial research of small-  
12          and medium-sized emerging technology companies in  
13          a prototype or other early developmental stage.

14          (3) An assessment of—

15                (A) whether the intelligence community is  
16                postured to incorporate the technological inno-  
17                vations of emerging technology companies, in-  
18                cluding in software and hardware; and

19                (B) any areas in which the intelligence  
20                community lacks resources, authorities, per-  
21                sonnel, expertise, or institutional mechanisms  
22                necessary for such incorporation.

23          (4) An assessment of the potential costs and  
24          benefits associated with the establishment of  
25          ICWERX in accordance with subsection (a).



1 **SEC. 523. REQUIREMENTS AND REPORT ON WORKFORCE**  
2 **NEEDS OF INTELLIGENCE COMMUNITY RE-**  
3 **LATING TO SCIENCE, TECHNOLOGY, ENGI-**  
4 **NEERING, AND MATH, AND RELATED AREAS.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that—

7 (1) increasing the talent diversity, density, and  
8 expertise for critical fields in the intelligence commu-  
9 nity is essential to accelerating the incorporation, in-  
10 tegration, and maintenance of emerging technologies  
11 into the workflows and business practices of the in-  
12 telligence community;

13 (2) Congress is concerned that the intelligence  
14 community has not yet conducted a baseline assess-  
15 ment of what talent currently exists within the intel-  
16 ligence community, and where gaps prevent the in-  
17 telligence community from meeting the technology  
18 demands in the next decade;

19 (3) Congress is aware that the Director of Na-  
20 tional Intelligence is starting the process to lead a  
21 needs assessment across the intelligence community  
22 and encourages all elements of the intelligence com-  
23 munity to work expeditiously with the Director to  
24 develop that detailed assessment; and

25 (4) this type of needs assessment should be in-  
26 stitutionalized and built into the future human cap-

1       ital strategy for the next generation of intelligence  
2       officers and officials.

3       (b) REQUIREMENTS.—The Director of National In-  
4       telligence, in coordination with the Chief Technology Offi-  
5       cer and the Chief Human Capital Officer of the Office  
6       of the Director of National Intelligence, shall—

7               (1) develop an organizational management plan  
8       for the adoption and maintenance of artificial intel-  
9       ligence across the intelligence community; and

10              (2) require that each head of an element of the  
11       intelligence community, with respect to such ele-  
12       ment—

13                      (A) develop a plan for the recruitment of  
14       personnel to positions the primary duties of  
15       which involve the integration, maintenance, or  
16       use of artificial intelligence (and the retention  
17       and training of personnel serving in such posi-  
18       tions);

19                      (B) develop a plan for—

20                              (i) the review and evaluation, on a  
21       continuous basis, of the expertise necessary  
22       to accelerate the adoption of artificial intel-  
23       ligence and other emerging technology so-  
24       lutions; and

1 (ii) the update of efforts to recruit  
2 and retain personnel with such expertise;  
3 and

4 (C) coordinate and share information and  
5 best practices relating to such recruitment and  
6 retention within the element and across the in-  
7 telligence community.

8 (c) REPORT.—

9 (1) SUBMISSION.—Not later than January 1,  
10 2024, the Director of National Intelligence, in co-  
11 ordination with the Chief Technology Officer and the  
12 Chief Human Capital Officer of the Office of the Di-  
13 rector of National Intelligence, shall submit to the  
14 congressional intelligence committees a report on the  
15 workforce needs of the intelligence community relat-  
16 ing to artificial intelligence, cybersecurity, and other  
17 science, technology, engineering, and math areas.

18 (2) ELEMENTS.—The report under paragraph  
19 (1) shall include the following:

20 (A) A detailed description of the organiza-  
21 tional management plan under subsection  
22 (b)(1).

23 (B) With respect to each element of the in-  
24 telligence community, the following:

1 (i) A detailed breakdown of the per-  
2 sonnel of the element serving in positions  
3 the primary duties of which involve the in-  
4 tegration, maintenance, or use of artificial  
5 intelligence, including (for each such posi-  
6 tion) the title of the position, the office  
7 under which the position is organized, and  
8 the approximate percent of time personnel  
9 serving in the position spend carrying out  
10 such duties under the position, as com-  
11 pared to carrying out other duties under  
12 the position.

13 (ii) A detailed description of the plan  
14 of the head of the element under sub-  
15 section (b)(2)(A), including an identifica-  
16 tion of any official responsible for coordi-  
17 nating recruitment, retention, and training  
18 for the element under such plan.

19 (iii) A detailed description of the plan  
20 of the head of the element under sub-  
21 section (b)(2)(B).

22 (iv) A detailed description of the  
23 methods by which the head coordinates  
24 and shares information and best practices  
25 under subsection (b)(2)(C), including an

1 identification of any official responsible for  
2 such coordination and sharing for the ele-  
3 ment.

4 (v) Such other matters as the Direc-  
5 tor of National Intelligence may determine  
6 appropriate.

7 (C) An assessment of any gaps in the or-  
8 ganizational management plan specified in sub-  
9 section (b)(1), including, for each element of  
10 the intelligence community, an identification of  
11 any additional roles, positions, expertise, or au-  
12 thorities necessary for the adoption and mainte-  
13 nance of artificial intelligence by that element.

14 (D) An assessment of the quality and sus-  
15 tainability of the talent pipeline of the intel-  
16 ligence community with respect to talent in cy-  
17 bersecurity and other science, technology, engi-  
18 neering, and math areas. Such assessment shall  
19 include the following:

20 (i) An assessment of the priorities of  
21 the intelligence community with respect to  
22 cybersecurity and other science, tech-  
23 nology, engineering, and math areas, and  
24 the personnel necessary to address such  
25 priorities.

1 (ii) A summary of the education, re-  
2 cruitment, and retention programs (includ-  
3 ing skills-based training and career and  
4 technical educational programs) available  
5 to personnel of the intelligence community,  
6 regardless of whether such programs are  
7 administered by the head of an element of  
8 the intelligence community or the head of  
9 another Federal department or agency,  
10 and an analysis of how such programs sup-  
11 port the quality and sustainability of such  
12 talent pipeline.

13 (iii) A description of the relevant au-  
14 thorities available to the heads of the ele-  
15 ments of the intelligence community to  
16 support the quality and sustainability of  
17 such talent pipeline.

18 (iv) An assessment of any gaps in au-  
19 thorities, resources, recruitment or reten-  
20 tion incentives, skills-based training, or  
21 educational programs, that may negatively  
22 affect the quality or sustainability of such  
23 talent pipeline.

24 (d) INFORMATION ACCESS.—The heads of the ele-  
25 ments of the intelligence community shall furnish to the

1 Chief Technology Officer and the Chief Human Capital  
2 Officer of the Office of the Director of National Intel-  
3 ligence such information as may be necessary for the de-  
4 velopment of the report under subsection (c).

## 5 **Subtitle D—Other Matters**

### 6 **SEC. 531. IMPROVEMENTS TO USE OF COMMERCIAL SOFT-** 7 **WARE PRODUCTS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that—

10 (1) systems integration is a critical part of in-  
11 corporating emerging technologies into the intel-  
12 ligence community;

13 (2) unfortunately, Congress understands that  
14 there remains an uneven approach across the intel-  
15 ligence community for contracting and executing  
16 system integration;

17 (3) such disparate policies lead to added admin-  
18 istrative costs for both the intelligence community  
19 and commercial vendors, and inhibit integration and  
20 operationalization in a coordinated, efficient way;

21 (4) further, as a result of a lack of a cohesive  
22 policy, some contracts do not always adhere to the  
23 best practices of commercial software as a service  
24 product, or are executed by legacy contractors who

1 create added expenses and sustainment costs, among  
2 other issues; and

3 (5) including standardized terms across intel-  
4 ligence community contracts can help reduce admin-  
5 istrative and technical barriers to systems integra-  
6 tion, make such integration more efficient and effec-  
7 tive, and ensure that each contract comports with  
8 best practices and standard commercial software as  
9 a service feature.

10 (b) PROCUREMENT OF COMMERCIAL SOFTWARE  
11 PRODUCTS.—

12 (1) POLICY.—Not later than January 1, 2024,  
13 the Director of Science and Technology of the Office  
14 of the Director of National Intelligence, in consulta-  
15 tion with the heads of the elements of the intel-  
16 ligence community, shall recommend to the Director  
17 of National Intelligence an intelligence community-  
18 wide policy to ensure that the procurement of com-  
19 mercial software products by the intelligence com-  
20 munity is carried out in accordance with best prac-  
21 tices.

22 (2) ELEMENTS.—The policy under paragraph  
23 (1) shall include the following:

24 (A) Guidelines for the heads of the ele-  
25 ments of the intelligence community to deter-



1           mine which contracts for commercial software  
2           products are covered by the policy, including  
3           with respect to agreements, authorizations to  
4           operate, and other acquisition activities.

5           (B) Guidelines for using standardized  
6           terms in such contracts, modeled after commer-  
7           cial best practices, including common proce-  
8           dures and language regarding—

9                   (i) terms for who is responsible for  
10                   system integration under the contract;

11                   (ii) a timeline required for system in-  
12                   tegration;

13                   (iii) a mechanism included in each  
14                   contract to ensure the ability of the vendor  
15                   to provide continuous updates and version  
16                   control for the software;

17                   (iv) a mechanism included in each  
18                   contract that allows the United States  
19                   Government to receive and use the latest  
20                   updates for the software and receive such  
21                   updates in near real-time;

22                   (v) automatic technological mecha-  
23                   nisms for security and data validation, in-  
24                   cluding security protocols that are predi-  
25                   cated on commercial best practices; and

1 (vi) procedures to provide incentives,  
2 and a technical framework, for system in-  
3 tegration for new commercial software so-  
4 lutions to fit within existing workflows and  
5 information technology infrastructure.

6 (C) Guidelines to ensure coordination of  
7 the policy throughout the intelligence commu-  
8 nity, including identifying the officials in each  
9 element of the intelligence who are responsible  
10 for enforcing the policy.

11 (3) REPORT.—Not later than January 1, 2025,  
12 and annually thereafter, the Director of National In-  
13 telligence shall submit to the congressional intel-  
14 ligence committees a report on the policy rec-  
15 ommended under paragraph (1), including the fol-  
16 lowing with respect to the period covered by the re-  
17 port:

18 (A) An evaluation of compliance with such  
19 policy by the elements of the intelligence com-  
20 munity.

21 (B) An identification of the elements of  
22 such policy that achieve the goal referred to in  
23 paragraph (1), and the elements of such policy  
24 that fail to achieve such goal, including any  
25 concerns with system integration.

1 (C) Recommendations to better coordinate  
2 system integration throughout the intelligence  
3 community using best practices.

4 (D) For each element of the intelligence  
5 community—

6 (i) a description by the head of the  
7 element of specific successes and concerns  
8 in contracting for, and incorporating, sys-  
9 tem integration; and

10 (ii) recommendations to improve the  
11 recommended policy.

12 (c) CODE-FREE ARTIFICIAL INTELLIGENCE  
13 ENABLEMENT TOOLS.—

14 (1) POLICY.—Not later than 1 year after the  
15 date of the enactment of this Act, the Director of  
16 National Intelligence, in consultation with the Direc-  
17 tor of Science and Technology and the heads of the  
18 elements of the intelligence community that the Di-  
19 rector of National Intelligence determines appro-  
20 priate, shall implement a policy to promote the intel-  
21 ligence community-wide use of code-free artificial in-  
22 telligence enablement tools.

23 (2) ELEMENTS.—The policy under paragraph  
24 (1) shall include the following:

1 (A) A detailed set of incentives for using  
2 code-free artificial intelligence enablement tools.

3 (B) A plan to ensure coordination through-  
4 out the intelligence community, including by  
5 designating an official of each element of the  
6 intelligence community to oversee implementa-  
7 tion of the policy and such coordination.

8 (3) SUBMISSION.—Not later than 180 days  
9 after the date of the enactment of this Act, the Di-  
10 rector of National Intelligence shall submit to the  
11 congressional intelligence committees the proposed  
12 policy under paragraph (1), including a detailed plan  
13 and timeline for carrying out the incentives de-  
14 scribed in paragraph (2)(A).

15 (4) ANNUAL REPORTS OR BRIEFINGS.—Not  
16 later than 1 year after commencing the implementa-  
17 tion of the policy under paragraph (1), and annually  
18 thereafter for 3 years, the Director of National In-  
19 telligence, in consultation with the Director of  
20 Science and Technology and the heads of the ele-  
21 ments of the intelligence community that the Direc-  
22 tor of National Intelligence determines appropriate,  
23 shall submit to the congressional intelligence com-  
24 mittees a report, or provide to such committees a  
25 briefing, that—

1 (A) details the success of the policy;

2 (B) includes statistics on the progress of  
3 the intelligence community in implementing  
4 code-free artificial intelligence enablement tools;  
5 and

6 (C) contains any recommendations for im-  
7 provements or enhancements to the policy.

8 (d) CODE-FREE ARTIFICIAL INTELLIGENCE  
9 ENABLEMENT TOOLS DEFINED.—In this section, the  
10 term “code-free artificial intelligence enablement tools”  
11 means software that provides an environment where visual  
12 drag-and-drop applications or similar tools allow 1 or more  
13 individuals to program applications without linear coding.

14 **SEC. 532. IMPROVEMENTS TO EMPLOYEES AND MANAGERS**  
15 **RELATING TO EMERGING TECHNOLOGIES,**  
16 **SOFTWARE DEVELOPMENT, ACQUISITION,**  
17 **AND SUSTAINMENT.**

18 (a) CADRE OF EXPERTS.—

19 (1) ESTABLISH OF CADRE.—Not later than  
20 January 1, 2024, the Director of National Intel-  
21 ligence, acting through the Director of Science and  
22 Technology, shall establish a cadre of personnel who  
23 are experts in emerging technologies, software devel-  
24 opment, systems integration, and acquisition, to im-

1           prove the adoption by the intelligence community of  
2           commercial solutions for emerging technologies.

3           (2) STRUCTURE.—The Director of Science and  
4           Technology—

5                   (A) shall ensure the cadre has the appro-  
6                   priate number of members;

7                   (B) shall establish an appropriate leader-  
8                   ship structure and office within which the cadre  
9                   shall be managed; and

10                  (C) shall determine the appropriate offi-  
11                  cials to whom members of the cadre shall re-  
12                  port.

13           (3) RESPONSIBILITIES.—The cadre of per-  
14           sonnel authorized under paragraph (1) shall be re-  
15           sponsible for—

16                   (A) assisting the Director of Science and  
17                   Technology with continuing to develop and  
18                   evolve intelligence community-wide policies,  
19                   rules, and procedures to accelerate the adoption  
20                   of emerging technologies, including with respect  
21                   to artificial intelligence, machine learning, and  
22                   software development and systems integration  
23                   into the intelligence community;

1 (B) assisting elements of the intelligence  
2 community with software development and ac-  
3 quisition;

4 (C) establishing training requirements for  
5 acquisition professionals within the intelligence  
6 community to increase the number of acquisi-  
7 tion experts, with a particular emphasis on—

8 (i) the principles contained in the  
9 TechFAR Handbook for Procuring Digital  
10 Services Using Agile Processes of the U.S.  
11 Digital Service; and

12 (ii) the requirements under parts 10  
13 and 12 of the Federal Acquisition Regula-  
14 tion, in accordance with the protocol of the  
15 Director of National Intelligence relating  
16 to such parts pursuant to section 515; and

17 (D) other functions as the Director of  
18 Science and Technology determines appropriate  
19 based on the evolving needs of identifying, in-  
20 corporating, and maintaining evolving tech-  
21 nology in the intelligence community.

22 (4) ASSIGNMENT.—The Director of Science and  
23 Technology shall establish processes to assign mem-  
24 bers of the cadre to provide—

1 (A) expertise on matters relating to soft-  
2 ware development, integration, acquisition, and  
3 sustainment; and

4 (B) support for appropriate programs or  
5 activities of the intelligence community.

6 (5) ADMINISTRATION.—

7 (A) IN GENERAL.—The Director of Science  
8 and Technology, in coordination with the Presi-  
9 dent of the Defense Acquisition University and  
10 in consultation with academia and industry,  
11 shall develop a career path, including training,  
12 development opportunities, exchanges, and tal-  
13 ent management programs, for the cadre. The  
14 Director of Science and Technology may use ex-  
15 isting personnel and acquisition authorities to  
16 establish the cadre, as appropriate, including—

17 (i) section 9903 of title 5, United  
18 States Code;

19 (ii) authorities relating to services  
20 contracting;

21 (iii) the Intergovernmental Personnel  
22 Act of 1970 (42 U.S.C. 4701 et seq.); and

23 (iv) authorities relating to exchange  
24 programs with industry.



1                   (B) ASSIGNMENTS.—Civilian and military  
2                   personnel from within the intelligence commu-  
3                   nity may be assigned to serve as members of  
4                   the cadre.

5                   (6) FUNDING.—The Director of Science and  
6                   Technology may use amounts made available under  
7                   the National Intelligence Program for the purpose of  
8                   recruitment, training, and retention of members of  
9                   the cadre, including by using such amounts to pay  
10                  salaries of newly hired members of the cadre for up  
11                  to 3 years.

12                  (7) COORDINATION.—The Director of Science  
13                  and Technology shall coordinate with the Under Sec-  
14                  retary of Defense for Acquisition and Sustainment  
15                  and the Under Secretary of Defense for Research  
16                  and Engineering to ensure that the programs, poli-  
17                  cies, rules, and regulations relating to the cadre of  
18                  the intelligence community and the cadre of the De-  
19                  partment of Defense are consistent and streamlined.

20                  (8) REPORTS.—On an annual basis, the Direc-  
21                  tor of Science and Technology shall submit to the  
22                  congressional intelligence committees a report on the  
23                  cadre, including, with respect to the period covered  
24                  by the report, the following:

1 (A) The number of experts onboarded as  
2 part of the cadre and the backgrounds and ex-  
3 pertise of the experts.

4 (B) The number of experts required for  
5 the cadre.

6 (C) The training requirements for the  
7 cadre.

8 (D) A comprehensive assessment of the  
9 value of the cadre to carry out this section, in-  
10 cluding details on specific work the cadre is car-  
11 rying out to facilitate faster adoption of emerg-  
12 ing technologies into the intelligence commu-  
13 nity.

14 (b) TRAINING.—

15 (1) TRAINING CURRICULUM.—The Secretary of  
16 Defense and the Director of National Intelligence, in  
17 consultation with the President of the Defense Ac-  
18 quisition University and the heads of the elements of  
19 the intelligence community that the Secretary and  
20 Director determine appropriate, shall jointly estab-  
21 lish a training curriculum for acquisition officials  
22 within the Department of Defense and the intel-  
23 ligence community focused on improving the under-  
24 standing and awareness of contracting authorities  
25 and procedures for the acquisition of emerging tech-

1 nologies. The Secretary and the Director shall en-  
2 sure that the curriculum substantially relies on the  
3 principles contained in the TechFAR Handbook for  
4 Procuring Digital Services Using Agile Processes of  
5 the U.S. Digital Service.

6 (2) PROVISION OF TRAINING.—The Director  
7 shall ensure that the training curriculum under  
8 paragraph (1) is provided to each element of the in-  
9 telligence community.

10 (3) REPORT.—Not later than January 1, 2023,  
11 the Secretary and the Director shall jointly submit  
12 to the congressional intelligence committees a report  
13 containing an update on the status of the curriculum  
14 under paragraph (1).

15 (c) EXECUTIVE EDUCATION ACTIVITIES.—

16 (1) ESTABLISHMENT.—Not later than January  
17 1, 2024, the Director of National Intelligence, in co-  
18 ordination with the heads of the elements of the in-  
19 telligence community, shall establish executive edu-  
20 cation activities on emerging technologies for appro-  
21 priate managers within the intelligence community  
22 who are members of the Senior Intelligence Service  
23 or are paid at the GS–13, GS–14, or GS–15 levels.  
24 The activities shall be specifically designed to pre-  
25 pare new and existing managers on relevant tech-

1           nologies and how these technologies may be applied  
2           to the intelligence community.

3           (2) PARTICIPATION.—The Director, in coordi-  
4           nation with the heads of the elements of the intel-  
5           ligence community, shall develop a plan for man-  
6           agers described in paragraph (1) to participate in  
7           the education activities established under such para-  
8           graph. The Director shall ensure that—

9                   (A) the plan is tailored to each individual  
10                  element of the intelligence community; and

11                  (B) not later than 2 years after the estab-  
12                  lishment of the education activities, all such  
13                  managers are required to certify that the man-  
14                  agers have successfully completed the education  
15                  activities.

16           (3) REPORT.—Not later than January 1, 2023,  
17           the Director shall submit to the congressional intel-  
18           ligence committees a report containing an update on  
19           the executive education activities under paragraph  
20           (1). The report shall include the following:

21                   (A) An overview of—

22                           (i) who participated in the activities;

23                           (ii) what technologies were included in  
24                           the activities and how those technologies  
25                           were identified; and

1 (iii) what other efforts are underway  
2 to ensure that the leadership of the intel-  
3 ligence community is able to identify, in-  
4 corporate, and maintain the most advanced  
5 technology in executing the missions of the  
6 intelligence community.

7 (B) An identification of other incentives,  
8 activities, resources, and programs that the Di-  
9 rector determines may be necessary to ensure  
10 that the managers described in paragraph (1)  
11 are generally trained in the most advanced  
12 technologies.

13 **TITLE VI—MATTERS RELATING**  
14 **TO FOREIGN COUNTRIES**  
15 **Subtitle A—Miscellaneous Authori-**  
16 **ties, Requirements, and Limita-**  
17 **tions**

18 **SEC. 601. NOTICE OF DEPLOYMENT OR TRANSFER OF CON-**  
19 **TAINERIZED MISSILE SYSTEMS BY RUSSIA,**  
20 **CHINA, OR IRAN.**

21 Section 501 of the Intelligence Authorization Act for  
22 Fiscal Year 2016 (division M of Public Law 114–113; 129  
23 Stat. 2923) is amended—

24 (1) by striking “the Russian Federation” each  
25 place it appears and inserting “a covered country”;

1           (2) by striking “Club-K container missile sys-  
2           tem” each place it appears and inserting “missile  
3           launcher disguised as or concealed in a shipping con-  
4           tainer”;

5           (3) in subsection (a)(1)—

6                 (A) by striking “deploy, the” and inserting  
7                 “deploy, a”; and

8                 (B) by striking “the Russian military” and  
9                 inserting “the military of the covered country”;

10           (4) by striking subsection (c) and inserting the  
11           following new subsection:

12           “(c) DEFINITIONS.—In this section:

13                 “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
14                 TEES.—The term ‘appropriate congressional com-  
15                 mittees’ means the following:

16                         “(A) The congressional intelligence com-  
17                         mittees.

18                         “(B) The Committees on Armed Services  
19                         of the House of Representatives and the Sen-  
20                         ate.

21                         “(C) The Committee on Foreign Affairs of  
22                         the House of Representatives and the Com-  
23                         mittee on Foreign Relations of the Senate.

24                 “(2) COVERED COUNTRY.—The term ‘covered  
25                 country’ means the following:

1 “(A) Russia.

2 “(B) China.

3 “(C) Iran.

4 “(D) North Korea.”; and

5 (5) in the heading, by striking “**CLUB-K CON-**  
6 **TAINER MISSILE SYSTEM BY THE RUSSIAN**  
7 **FEDERATION**” and inserting “**CONTAINERIZED**  
8 **MISSILE SYSTEM BY RUSSIA OR CERTAIN**  
9 **OTHER COUNTRIES**”.

10 **SEC. 602. INTELLIGENCE COMMUNITY COORDINATOR FOR**  
11 **RUSSIAN ATROCITIES ACCOUNTABILITY.**

12 (a) **INTELLIGENCE COMMUNITY COORDINATOR FOR**  
13 **RUSSIAN ATROCITIES ACCOUNTABILITY.—**

14 (1) **DESIGNATION.**—Not later than 30 days  
15 after the date of the enactment of this Act, the Di-  
16 rector of National Intelligence shall designate a sen-  
17 ior official of the Office of the Director of National  
18 Intelligence to serve as the intelligence community  
19 coordinator for Russian atrocities accountability (in  
20 this section referred to as the “Coordinator”).

21 (2) **DUTIES.**—The Coordinator shall oversee the  
22 efforts of the intelligence community relating to the  
23 following:

24 (A) Identifying, and (as appropriate) dis-  
25 seminating within the United States Govern-

1           ment, intelligence relating to the identification,  
2           location, or activities of foreign persons sus-  
3           pected of playing a role in committing Russian  
4           atrocities in Ukraine.

5           (B) Identifying analytic and other intel-  
6           ligence needs and priorities of the intelligence  
7           community with respect to the commitment of  
8           such Russian atrocities.

9           (C) Addressing any gaps in intelligence  
10          collection relating to the commitment of such  
11          Russian atrocities and developing recommenda-  
12          tions to address any gaps so identified, includ-  
13          ing by recommending the modification of the  
14          priorities of the intelligence community with re-  
15          spect to intelligence collection.

16          (D) Collaborating with appropriate coun-  
17          terparts across the intelligence community to  
18          ensure appropriate coordination on, and inte-  
19          gration of the analysis of, the commitment of  
20          such Russian atrocities.

21          (E) Identifying intelligence and other in-  
22          formation that may be relevant to preserve evi-  
23          dence of potential war crimes by Russia, con-  
24          sistent with the public commitments of the



1 United States to support investigations into the  
2 conduct of Russia.

3 (F) Ensuring the Atrocities Early Warning  
4 Task Force and other relevant departments and  
5 agencies of the United States Government re-  
6 ceive appropriate support from the intelligence  
7 community with respect to the collection, anal-  
8 ysis, preservation, and, as appropriate, dissemi-  
9 nation, of intelligence related to Russian atroc-  
10 ities in Ukraine.

11 (3) PLAN REQUIRED.—Not later than 30 days  
12 after the date of enactment of this Act, the Director  
13 of National Intelligence shall submit to the congress-  
14 sional intelligence committees—

15 (A) the name of the official designated as  
16 the Coordinator pursuant to paragraph (1); and

17 (B) the strategy of the intelligence commu-  
18 nity for the collection of intelligence related to  
19 Russian atrocities in Ukraine, including a de-  
20 tailed description of how the Coordinator shall  
21 support, and assist in facilitating the implemen-  
22 tation of, such strategy.

23 (4) ANNUAL REPORT TO CONGRESS.—

24 (A) REPORTS REQUIRED.—Not later than  
25 May 1, 2023, and annually thereafter until May

1           1, 2026, the Director of National Intelligence  
2           shall submit to the congressional intelligence  
3           committees a report detailing, for the year cov-  
4           ered by the report—

5                   (i) the analytical findings and activi-  
6                   ties of the intelligence community with re-  
7                   spect to Russian atrocities in Ukraine; and

8                   (ii) the recipients of information  
9                   shared pursuant to this section for the  
10                  purpose of ensuring accountability for such  
11                  Russian atrocities, and the date of any  
12                  such sharing.

13                (B) FORM.—Each report submitted under  
14                subparagraph (A) may be submitted in classi-  
15                fied form, consistent with the protection of in-  
16                telligence sources and methods.

17                (C) SUPPLEMENT.—The Director of Na-  
18                tional Intelligence may supplement an existing  
19                reporting requirement with the information re-  
20                quired under subparagraph (A) on an annual  
21                basis to satisfy that requirement with prior no-  
22                tification of intent to do so to the congressional  
23                intelligence committees.

24                (b) DEFINITIONS.—In this section:

1           (1) ATROCITY.—The term “atrocities” means a  
2 war crime, crime against humanity, genocide, or  
3 crime of aggression.

4           (2) COMMIT.—The term “commit”, with respect  
5 to an atrocity, includes the planning, committing,  
6 aiding, and abetting of such atrocity.

7           (3) FOREIGN PERSON.—The term “foreign per-  
8 son” means a person that is not a United States  
9 person.

10          (4) RUSSIAN ATROCITY.—The term “Russian  
11 atrocity” means an atrocity that is committed by an  
12 individual who is—

13           (A) a member of the armed forces, or the  
14 security or other defense services, of the Rus-  
15 sian Federation;

16           (B) an employee of any other element of  
17 the Russian Government; or

18           (C) an agent or contractor of an individual  
19 specified in subparagraph (A) or (B).

20          (5) UNITED STATES PERSON.—The term  
21 “United States person” has the meaning given that  
22 term in section 105A(c) of the National Security Act  
23 of 1947 (50 U.S.C. 3039).

1           (c) SUNSET.—This section shall cease to have effect  
2 on the date that is 4 years after the date of the enactment  
3 of this Act.

4 **SEC. 603. LEAD INTELLIGENCE COMMUNITY COORDINATOR**  
5 **FOR COUNTERING AND NEUTRALIZING PRO-**  
6 **LIFERATION OF IRAN-ORIGIN UNMANNED**  
7 **AIRCRAFT SYSTEMS.**

8           (a) COORDINATOR.—

9           (1) DESIGNATION.—Not later than 30 days  
10 after the date of enactment of this Act, the Director  
11 of National Intelligence shall designate an official  
12 from an element of the intelligence community to  
13 serve as the lead intelligence community coordinator  
14 for countering and neutralizing the proliferation of  
15 Iran-origin unmanned aircraft systems (in this sec-  
16 tion referred to as the “Coordinator”).

17           (2) PLAN.—Not later than 120 days after the  
18 date on which the Coordinator is designated under  
19 paragraph (1), the Coordinator shall—

20           (A) develop a comprehensive plan of ac-  
21 tion, driven by intelligence information, for  
22 countering and neutralizing the threats posed  
23 by the proliferation of Iran-origin unmanned  
24 aircraft systems; and

1 (B) provide to the congressional intel-  
2 ligence committees a briefing on such plan of  
3 action.

4 (3) FINAL REPORT.—

5 (A) SUBMISSION.—Not later than January  
6 1, 2024, the Director of National Intelligence  
7 shall submit to the congressional intelligence  
8 committees a final report on the activities and  
9 findings of the Coordinator.

10 (B) MATTERS.—The report under sub-  
11 paragraph (A) shall include the following:

12 (i) An assessment of the threats posed  
13 by Iran-origin unmanned aircraft systems,  
14 including the threat to facilities and per-  
15 sonnel of the United States Government in  
16 the greater Middle East, particularly in the  
17 areas of such region that are located with-  
18 in the area of responsibility of the Com-  
19 mander of the United States Central Com-  
20 mand.

21 (ii) A detailed description of intel-  
22 ligence sharing efforts, as well as other  
23 joint efforts driven by intelligence informa-  
24 tion, with allies and partners of the United

1 States, to assist in countering and neutral-  
2 izing of such threats.

3 (iii) Recommendations for any  
4 changes in United States policy or legisla-  
5 tive authorities to improve the capacity of  
6 the intelligence community to assist in  
7 countering and neutralizing such threats.

8 (C) FORM.—The report under subpara-  
9 graph (A) may be submitted in classified form.

10 (b) COLLABORATION WITH FIVE EYES PARTNER-  
11 SHIP AND ISRAEL.—Taking into account the findings of  
12 the final report under subsection (a)(3), the Director of  
13 National Intelligence shall seek to—

14 (1) develop and implement a common approach  
15 among the Five Eyes Partnership toward countering  
16 the threats posed by Iran-origin unmanned aircraft  
17 systems, including by leveraging the unique intel-  
18 ligence capabilities and information of the members  
19 of the Five Eyes Partnership; and

20 (2) intensify cooperation with Israel for the  
21 purpose of countering Iran-origin unmanned aircraft  
22 systems, including by strengthening and expanding  
23 existing cooperative efforts conducted pursuant to  
24 section 1278 of the National Defense Authorization

1 Act for Fiscal Year 2020 (Public Law 116–92; 133  
2 Stat. 1702; 22 U.S.C. 8606 note).

3 (c) DEFINITIONS.—In this section:

4 (1) FIVE EYES PARTNERSHIP.—The term “Five  
5 Eyes Partnership” means the intelligence alliance  
6 comprising Australia, Canada, New Zealand, the  
7 United Kingdom, and the United States.

8 (2) UNMANNED AIRCRAFT SYSTEM.—The term  
9 “unmanned aircraft system” includes an unmanned  
10 powered aircraft (including communication links and  
11 the components that control the unmanned aircraft),  
12 that—

13 (A) does not carry a human operator;

14 (B) may fly autonomously or be piloted re-  
15 motely;

16 (C) may be expendable or recoverable; and

17 (D) may carry a lethal payload or explode  
18 upon reaching a designated location.

19 (d) SUNSET.—This section shall cease to have effect  
20 on the date on which the final report is submitted under  
21 subsection (a)(3).

1 **SEC. 604. COLLABORATION BETWEEN INTELLIGENCE COM-**  
2 **MUNITY AND DEPARTMENT OF COMMERCE**  
3 **TO COUNTER FOREIGN COMMERCIAL**  
4 **THREATS.**

5 (a) WORKING GROUP.—

6 (1) ESTABLISHMENT.—Unless the Director of  
7 National Intelligence and the Secretary of Commerce  
8 make the joint determination specified in subsection  
9 (b), the Director and the Secretary, in consultation  
10 with the head of any other department or agency of  
11 the United States Government determined appro-  
12 priate by the Director or the Secretary, shall jointly  
13 establish a working group to counter foreign com-  
14 mercial threats (in this section referred to as the  
15 “Working Group”).

16 (2) MEMBERSHIP.—The composition of the  
17 Working Group may include any officer or employee  
18 of a department or agency of the United States Gov-  
19 ernment determined appropriate by the Director or  
20 the Secretary.

21 (3) DUTIES.—The duties of the Working Group  
22 shall be the following:

23 (A) To identify current foreign commercial  
24 threats.

25 (B) To identify probable future foreign  
26 commercial threats.



1           (C) To discuss opportunities to address the  
2           harm to the national security of the United  
3           States arising out of foreign commercial  
4           threats.

5           (D) To identify goods, services, or intellec-  
6           tual property that, if produced by, offered by,  
7           sold by, licensed by, or otherwise distributed  
8           under the control of, the United States, would  
9           mitigate the foreign commercial threat.

10          (4) MEETINGS.—Not later than 30 days after  
11          the date of the enactment of this Act, and on a reg-  
12          ular basis that is not less frequently than quarterly  
13          thereafter until the date of termination under para-  
14          graph (5), the Working Group shall meet.

15          (5) TERMINATION.—Beginning on the date that  
16          is 2 years after the date of the establishment under  
17          paragraph (1), the Working Group may be termi-  
18          nated upon the Director of National Intelligence and  
19          the Secretary of Commerce jointly—

20                 (A) determining that termination of the  
21                 Working Group is appropriate; and

22                 (B) submitting to the appropriate congres-  
23                 sional committees a notification of such deter-  
24                 mination (including a description of the jus-  
25                 tification for such determination).

1 (6) REPORTS.—

2 (A) SUBMISSION TO CONGRESS.—Not later  
3 than 60 days after the date of the enactment of  
4 this Act, and biannually thereafter until the  
5 date of termination under paragraph (5), the  
6 Working Group shall submit to the appropriate  
7 congressional committees a report on the activi-  
8 ties of the Working Group.

9 (B) MATTERS.—Each report under sub-  
10 paragraph (A) shall include a description of the  
11 following:

12 (i) Any current foreign commercial  
13 threats identified by the Working Group.

14 (ii) Any future foreign commercial  
15 threats identified by the Working Group.

16 (iii) The strategy of the United States  
17 Government, if any, to mitigate any cur-  
18 rent foreign commercial threats or future  
19 foreign commercial threats so identified.

20 (iv) The plan of the intelligence com-  
21 munity to provide to the Department of  
22 Commerce and other nontraditional cus-  
23 tomers of the intelligence community sup-  
24 port in addressing foreign commercial  
25 threats.

1 (v) Any other significant activity of  
2 the Working Group.

3 (b) OPTION TO DISCHARGE OBLIGATION THROUGH  
4 OTHER MEANS.—If the Director of National Intelligence  
5 and the Secretary of Commerce make a joint determina-  
6 tion that the requirements of the Working Group under  
7 subsection (a) (including the duties under paragraph (3)  
8 and the reporting requirement under paragraph (6) of  
9 such subsection) may be appropriately filled by an existing  
10 entity or structure, and submit to the congressional intel-  
11 ligence committees a notification of such determination  
12 (including a description of the justification for such deter-  
13 mination), the Director and Secretary may task such enti-  
14 ty or structure with such requirements in lieu of estab-  
15 lishing the Working Group.

16 (c) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
18 TEES.—The term “appropriate congressional com-  
19 mittees” means—

20 (A) the congressional intelligence commit-  
21 tees;

22 (B) the Committee on Energy and Com-  
23 merce of the House of Representatives; and

24 (C) the Committee on Commerce, Science,  
25 and Transportation of the Senate.

1           (2) FOREIGN ADVERSARY.—The term “foreign  
2 adversary” means the following:

3           (A) China.

4           (B) Iran.

5           (C) North Korea.

6           (D) Russia.

7           (E) Any other foreign country that the Di-  
8 rector of National Intelligence or the Secretary  
9 of Commerce designates for purposes of this  
10 section.

11          (3) FOREIGN COMMERCIAL THREAT.—The term  
12 “foreign commercial threat” means a scenario in  
13 which a rare commercial item or service is produced  
14 by, offered by, sold by, licensed by, or otherwise dis-  
15 tributed under the control of a foreign adversary in  
16 a manner that may provide the foreign adversary le-  
17 verage over an intended recipient by—

18           (A) withholding, or threatening to with-  
19 hold, the rare commercial item or service; or

20           (B) creating reliance on the rare commer-  
21 cial item or service as essential to the safety,  
22 health, or economic well-being of the intended  
23 recipient.

24          (4) RARE COMMERCIAL ITEM OR SERVICE.—

25          The term “rare commercial item or service” means

1 a good, service, or intellectual property that is not  
2 widely available for distribution.

3 **SEC. 605. INTELLIGENCE ASSESSMENT ON FOREIGN**  
4 **WEAPONIZATION OF ADVERTISEMENT TECH-**  
5 **NOLOGY DATA.**

6 (a) **ASSESSMENT.**—The Director of National Intel-  
7 ligence shall conduct an intelligence assessment of the  
8 counterintelligence risks of, and the exposure of intel-  
9 ligence community personnel to, tracking by foreign adver-  
10 saries through advertisement technology data.

11 (b) **REPORT.**—Not later than 60 days after the date  
12 of the enactment of this Act, the Director shall submit  
13 to the congressional intelligence committees a report on  
14 the intelligence assessment under subsection (a).

15 (c) **ADVERTISEMENT TECHNOLOGY DATA DE-**  
16 **FINED.**—In this section, the term “advertisement tech-  
17 nology data” means commercially available data derived  
18 from advertisement technology that is used, or can be  
19 used, to geolocate individuals or gain other targeting infor-  
20 mation on individuals.

21 **SEC. 606. INTELLIGENCE COMMUNITY ASSESSMENT RE-**  
22 **GARDING RUSSIAN GRAY ZONE ASSETS.**

23 (a) **INTELLIGENCE COMMUNITY ASSESSMENT RE-**  
24 **GARDING RUSSIAN GRAY ZONE ASSETS.**—

1 (1) INTELLIGENCE COMMUNITY ASSESSMENT.—

2 The Director of National Intelligence, acting  
3 through the National Intelligence Council, shall  
4 produce an intelligence community assessment that  
5 contains—

6 (A) a description of the gray zone assets of  
7 Russia;

8 (B) an identification of any opportunities  
9 to hold such gray zone assets at risk, as a  
10 method of influencing the behavior of Russia;  
11 and

12 (C) an assessment of the risks and poten-  
13 tial benefits, with respect to the interests of the  
14 United States, that may result from the seizure  
15 of such gray zone assets to hold the assets at  
16 risk.

17 (2) CONSIDERATIONS.—In identifying opportu-  
18 nities to hold a gray zone asset of Russia at risk  
19 under paragraph (1)(B), the National Intelligence  
20 Council shall consider the following:

21 (A) The effect on civilians of holding the  
22 gray zone asset at risk.

23 (B) The extent to which the gray zone  
24 asset is substantially state-owned or substan-  
25 tially controlled by Russia.

1 (C) The likelihood that holding the gray  
2 zone asset at risk will influence the behavior of  
3 Russia.

4 (D) The likelihood that holding the gray  
5 asset at risk, or degrading the asset, will affect  
6 any attempt of Russia to use force to change  
7 existing borders or undermine the political inde-  
8 pendence or territorial integrity of any state, in-  
9 cluding Ukraine.

10 (E) Such other factors as the National In-  
11 telligence Council may determine appropriate.

12 (3) APPENDIX.—The intelligence community  
13 assessment under paragraph (1) shall include an ap-  
14 pendix that contains a list of the categories of gray  
15 zone assets of Russia, with specific examples of—

16 (A) gray zone assets in each category; and

17 (B) for each such gray zone asset listed,  
18 the ways in which Russia uses the asset to ad-  
19 vance its gray zone activities.

20 (4) SUBMISSION.—The Director, consistent  
21 with the protection of sources and methods, shall  
22 submit to the congressional intelligence committees  
23 the intelligence community assessment under para-  
24 graph (1).

1           (5) FORM.—The intelligence community assess-  
2           ment under paragraph (1) shall be submitted in un-  
3           classified form, but may contain a classified annex.

4           (b) DEFINITIONS.—In this section:

5           (1) GRAY ZONE ACTIVITY.—The term “gray  
6           zone activity” has the meaning given that term in  
7           section 825 of the Intelligence Authorization Act for  
8           Fiscal Year 2022 (Public Law 117–103).

9           (2) GRAY ZONE ASSET.—The term “gray zone  
10          asset”—

11           (A) means an entity or proxy that is con-  
12          trolled, in whole or in part, by a foreign adver-  
13          sary of the United States and is used by such  
14          foreign adversary in connection with a gray  
15          zone activity; and

16           (B) includes a state-owned enterprise of a  
17          foreign adversary that is so used.

18   **SEC. 607. INTELLIGENCE ASSESSMENT ON EFFECTS OF**  
19                           **SANCTIONS ON RUSSIA.**

20          (a) REQUIREMENT.—Not later than 120 days after  
21          the date of the enactment of this Act, the Assistant Sec-  
22          retary of the Treasury for Intelligence and Analysis, in  
23          consultation with other departments and agencies of the  
24          United States Government that the Assistant Secretary  
25          determines appropriate, shall submit to the appropriate



1 congressional committees an intelligence assessment on  
2 the effects of the financial and economic sanctions the  
3 United States and the allies and partners of the United  
4 States have imposed on Russia following its further un-  
5 justified incursion onto Ukrainian territory on February  
6 24, 2022.

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

9 (1) An analysis of the effects of sanctions on  
10 the economy of Russia and on individual sectors, en-  
11 tities, and persons.

12 (2) Methodologies for assessing the effects of  
13 different categories of financial and economic sanc-  
14 tions and export controls on the targets of the sanc-  
15 tions, including with respect to specific industries,  
16 entities, individuals, or transactions.

17 (3) A discussion of sanctions that had signifi-  
18 cant effects based on the methodologies under para-  
19 graph (2).

20 (4) A discussion of sanctions that had no meas-  
21 urable effects based on the methodologies under  
22 paragraph (2).

23 (5) A description of measures that the Russian  
24 Government has introduced to mitigate the effects of

1 sanctions and an analysis of the efficacy of such  
2 measures.

3 (6) A projection of the effects of sanctions in  
4 the short- and long-term following the date of the  
5 assessment.

6 (7) A description of evasion techniques used by  
7 the Russian Government, entities, and persons cov-  
8 ered by the sanctions, and by other governments, en-  
9 tities, and persons who have assisted in the use of  
10 such techniques, in response to the sanctions.

11 (8) An enumeration of—

12 (A) the known governments, entities, and  
13 persons who have assisted in the use of evasion  
14 techniques described in paragraph (7); and

15 (B) the types of transactions for which as-  
16 sistance has been provided.

17 (c) FORM.—The intelligence assessment under sub-  
18 section (a) may be submitted in classified form, but if so  
19 submitted shall include an unclassified executive sum-  
20 mary, consistent with the protection of sources and meth-  
21 ods.

22 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
23 DEFINED.—In this section, the term “appropriate con-  
24 gressional committees” means—

25 (1) the congressional intelligence committees;

1           (2) the Committee on Foreign Affairs and the  
2           Committee on Finance of the House of Representa-  
3           tives; and

4           (3) the Committee on Foreign Relations and  
5           the Committee on Finance of the Senate.

6           **Subtitle B—Reports and Other**  
7           **Matters**

8           **SEC. 611. REPORT ON ASSESSING WILL TO FIGHT.**

9           (a) FINDINGS.—Congress finds the following:

10           (1) According to a study by the RAND corpora-  
11           tion, “will to fight” is poorly analyzed and the least  
12           understood aspect of war.

13           (2) In testimony before the Select Committee  
14           on Intelligence of the Senate in May 2022, top intel-  
15           ligence officials of the United States indicated that  
16           although the intelligence community accurately an-  
17           ticipated Russia’s invasion of Ukraine, the intel-  
18           ligence community did not accurately assess the will  
19           of Ukrainian forces to fight in opposition to a Rus-  
20           sian invasion or that the Ukrainian forces would  
21           succeed in averting a rapid Russian military occupa-  
22           tion of Kyiv.

23           (3) According to the RAND corporation, the in-  
24           telligence community estimated that the Afghan gov-  
25           ernment’s forces could hold out against the Taliban

1 for as long as 2 years if all ground forces of the  
2 United States were withdrawn. This estimate was  
3 revised in June 2021 to reflect an intelligence com-  
4 munity view that Afghanistan's military collapse  
5 could come in 6 to 12 months. In August 2021, the  
6 Afghan government fell within days after the ground  
7 forces of the United States were withdrawn.

8 (4) Similarly, the rapid advance of the Islamic  
9 State in Iraq and Syria and near-total collapse of  
10 the Iraqi Security Forces in 2014 appeared to take  
11 the policymakers of the United States by surprise.

12 (5) The apparent gaps in these analyses had  
13 important implications for policy decisions of the  
14 United States toward Russia and Afghanistan, and  
15 suggest a need for further examination of how the  
16 intelligence community assesses a foreign military's  
17 will to fight.

18 (b) REPORT.—Not later than 180 days after the date  
19 of the enactment of this Act, the Director of National In-  
20 telligence, acting through the National Intelligence Coun-  
21 cil, and in coordination with the heads of the elements of  
22 the intelligence community that the Director determines  
23 appropriate, shall submit to the appropriate congressional  
24 committees a report examining the extent to which anal-  
25 yses of the military will to fight and the national will to

1 fight informed the all-source analyses of the intelligence  
2 community regarding how the armed forces and govern-  
3 ments of Ukraine, Afghanistan, and Iraq would perform  
4 at key junctures.

5 (c) ELEMENTS.—The report under subsection (b)  
6 shall include the following:

7 (1) The methodology of the intelligence commu-  
8 nity for measuring the military will to fight and the  
9 national will to fight of a foreign country.

10 (2) The extent to which analysts of the intel-  
11 ligence community applied such methodology when  
12 assessing the military will to fight and the national  
13 will to fight of—

14 (A) Afghanistan following the April 2021  
15 announcement of the full withdrawal of the  
16 United States Armed Forces;

17 (B) Iraq in the face of the rapid emergence  
18 and advancement in 2014 of Islamic State in  
19 Iraq and Syria; and

20 (C) Ukraine and Russia during the initial  
21 phase of the invasion and march toward Kyiv  
22 by Russia in February 2022.

23 (3) The extent to which—

24 (A) the assessments described in para-  
25 graph (2) depended on the observations of per-

1           sonnel of the United States Armed Forces who  
2           had trained Afghan, Iraqi, and Ukrainian  
3           armed forces; and

4                   (B) such observations reflected any stand-  
5           ardized, objective methodology.

6           (4) Whether shortcomings in assessing the mili-  
7           tary will to fight and the national will to fight may  
8           have affected the capacity of the intelligence commu-  
9           nity to provide “early warning” about the collapse of  
10          government forces in Iraq and Afghanistan.

11          (5) The extent to which “red teaming” was  
12          used to test the assessments described in paragraph  
13          (2).

14          (6) The extent to which dissenting opinions of  
15          intelligence analysts were highlighted in final written  
16          products presented to senior policymakers of the  
17          United States.

18          (7) The extent to which analysts and super-  
19          visors adhered to the policies, procedures, directives,  
20          and best practices of the intelligence community.

21          (8) Recommendations for analyses by the intel-  
22          ligence community going forward to incorporate les-  
23          sons learned and enhance the quality of future ana-  
24          lytical products to more accurately reflect the mili-  
25          tary will to fight and the national will to fight and

1 improve the capacity of the intelligence community  
2 to accurately predict the success or failure of the  
3 armed forces of a foreign country.

4 (d) ANNEX.—In submitting the report under sub-  
5 section (b) to the congressional intelligence committees,  
6 the Director shall also include an accompanying annex,  
7 which shall be classified, providing an inventory of the fol-  
8 lowing:

9 (1) Collection gaps and challenges that may  
10 have affected the analysis of the collapse of govern-  
11 ment forces in Iraq and Afghanistan.

12 (2) Actions that the Director of National Intel-  
13 ligence has taken to mitigate such gaps and chal-  
14 lenges.

15 (e) FORM.—The report under subsection (b) may be  
16 submitted in classified form, but if so submitted, shall in-  
17 clude an unclassified summary of key findings, consistent  
18 with the protection of intelligence sources and methods.

19 (f) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
21 TEES.—The term “appropriate congressional com-  
22 mittees” means the following:

23 (A) The congressional intelligence commit-  
24 tees.

1 (B) The Committee on Foreign Affairs and  
2 the Committee on Armed Services of the House  
3 of Representatives.

4 (C) The Committee on Foreign Relations  
5 and the Committee on Armed Services of the  
6 Senate.

7 (2) MILITARY WILL TO FIGHT.—The term  
8 “military will to fight” means, with respect to the  
9 military of a country, the disposition and decision to  
10 fight, act, or persevere as needed.

11 (3) NATIONAL WILL TO FIGHT.—The term “na-  
12 tional will to fight” means, with respect to the gov-  
13 ernment of a country, the resolve to conduct sus-  
14 tained military and other operations for an objective  
15 even when the expectation of success decreases or  
16 the need for significant political, economic, and mili-  
17 tary sacrifices increases.

18 **SEC. 612. REPORT ON IMPACT OF RUSSIA INVASION OF**  
19 **UKRAINE ON GLOBAL FOOD SECURITY.**

20 (a) REQUIREMENT.—Not later than 180 days after  
21 the date of enactment of this Act, the Director of National  
22 Intelligence, in coordination with the Assistant Secretary  
23 of State for Intelligence and Research and other heads of  
24 elements of the intelligence community as the Director de-  
25 termines appropriate, shall submit to the congressional in-



1 telligence committees a report on the implications of Rus-  
2 sia's invasion of Ukraine on global food insecurity and the  
3 impact on national security.

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

6 (1) An assessment of global food insecurity re-  
7 sulting from Russia's invasion of Ukraine, includ-  
8 ing—

9 (A) the potential for political instability as  
10 a result of such food insecurity;

11 (B) the implications for national security;  
12 and

13 (C) a description of which regions are at  
14 greatest risk of such food insecurity.

15 (2) An assessment of whether Russia has taken  
16 intentional steps to cause a global food shortage.

17 (3) An assessment of whether Russia, China, or  
18 any other foreign actor has the capability to  
19 weaponize food supply or cause disruptions in global  
20 food supply to serve geopolitical purposes.

21 (c) FORM.—The report under subsection (a) shall be  
22 submitted in unclassified form, but may include a classi-  
23 fied annex.

1 **SEC. 613. REPORT ON THREAT FROM HYPERSONIC WEAP-**  
2 **ONS.**

3 (a) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act, the Director of National In-  
5 telligence shall submit to the congressional intelligence  
6 committees a report containing an assessment of the  
7 threat to the United States from hypersonic weapons in  
8 light of the use of such weapons by Russia in Ukraine.

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

11 (1) The information learned by the United  
12 States regarding the hypersonic weapons capabilities  
13 of Russia.

14 (2) Insights into the doctrine of Russia regard-  
15 ing the use of hypersonic weapons.

16 (3) An assessment of how foreign countries  
17 view the threat of hypersonic weapons.

18 (4) An assessment of the degree to which the  
19 development of missiles with similar capabilities as  
20 hypersonic weapons used by Russia would enhance  
21 or reduce the ability of the United States to deter  
22 Russia from threatening the national security of the  
23 United States.

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

1 **SEC. 614. REPORT ON ORDNANCE OF RUSSIA AND CHINA.**

2 (a) REQUIREMENT.—Not later than 180 days after  
3 the date of the enactment of this Act, the Director of the  
4 Defense Intelligence Agency shall submit to the congres-  
5 sional intelligence committees and the congressional de-  
6 fense committees a report on ordnance of Russia and  
7 China, including the technical specificity required for the  
8 safe handling and disposal of such ordnance.

9 (b) COORDINATION.—The Director shall carry out  
10 subsection (a) in coordination with the head of any ele-  
11 ment of the Defense Intelligence Enterprise that the Di-  
12 rector determines appropriate.

13 (c) DEFINITIONS.—In this section:

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

18 (2) DEFENSE INTELLIGENCE ENTERPRISE.—  
19 The term “Defense Intelligence Enterprise” has the  
20 meaning given that term in section 426(b) of title  
21 10, United States Code.

22 **SEC. 615. REPORT ON ACTIVITIES OF CHINA AND RUSSIA**  
23 **TARGETING LATIN AMERICA AND THE CARIB-**  
24 **BEAN.**

25 (a) REPORT.—Not later than 180 days after the date  
26 of the enactment of this Act, the Director of National In-

1 telligence, acting through the National Intelligence Coun-  
2 cil, shall submit to the congressional intelligence commit-  
3 tees a report on activities undertaken by China and Russia  
4 in Latin America and the Caribbean that are intended to  
5 increase the influence of China and Russia, respectively,  
6 therein. Such report shall include a description of the fol-  
7 lowing:

8           (1) Foreign malign influence campaigns by  
9           China and Russia targeting Latin America and the  
10          Caribbean.

11          (2) Financial investments intended to increase  
12          Chinese or Russian influence in Latin America and  
13          the Caribbean.

14          (3) Efforts by China and Russia to expand dip-  
15          lomatic, military, or other ties to Latin America and  
16          the Caribbean.

17          (4) Any other activities determined appropriate  
18          by the Director.

19          (b) MATTERS.—With respect to the description of  
20          foreign malign influence campaigns under subsection (a),  
21          the report shall include an assessment of the following:

22                (1) The objectives of any such campaign.

23                (2) The themes and messaging used in any  
24                such campaign.

1           (3) The scale and nature of the threat posed by  
2 any such campaign.

3           (4) The effect of such threat on the national se-  
4 curity, diplomatic, military, or economic interests of  
5 the United States.

6           (5) Any gaps in the intelligence collection or  
7 analysis of the intelligence community with respect  
8 to such threat, and recommendations for the mitiga-  
9 tion of any such gaps.

10           (6) Opportunities for the heads of the intel-  
11 ligence community, or other relevant United States  
12 Government entities, to identify, disrupt, or counter  
13 the campaigns specified in subsection (a).

14           (c) FORM.—The report under subsection (a) shall be  
15 submitted in unclassified form, but may include a classi-  
16 fied annex.

17           (d) DEFINITIONS.—In this section:

18           (1) FOREIGN MALIGN INFLUENCE.—The term  
19 “foreign malign influence” means any hostile effort  
20 undertaken by, at the direction of, or on behalf of  
21 or with the substantial support of, the government  
22 of a foreign country with the objective of influ-  
23 encing, through overt or covert means—

24                   (A) the political, military, economic, or  
25 other policies or activities of the government of

1           the country that is the target of the hostile ef-  
2           fort, including any election within such target  
3           country; or

4                   (B) the public opinion within such target  
5           country.

6           (2) **LATIN AMERICA AND THE CARIBBEAN.**—

7           The term “Latin America and the Caribbean”  
8           means the countries and non-United States terri-  
9           tories of South America, Central America, the Carib-  
10          bean, and Mexico.

11 **SEC. 616. REPORT ON SUPPORT PROVIDED BY CHINA TO**  
12                                   **RUSSIA.**

13          (a) **REQUIREMENT.**—Not later than 90 days after the  
14          date of the enactment of this Act, and every 180 days  
15          thereafter, consistent with the protection of intelligence  
16          sources and methods, the Director of National Intel-  
17          ligence, in consultation with the heads of elements of the  
18          intelligence community that the Director determines ap-  
19          propriate, shall submit to the appropriate congressional  
20          committees a report on whether and how China, including  
21          with respect to the Government of the People’s Republic  
22          of China, the Chinese Communist Party, any Chinese  
23          state-owned enterprise, and any other Chinese entity, has  
24          provided support to Russia with respect to the unprovoked  
25          invasion of and full-scale war by Russia against Ukraine.

1 (b) MATTERS INCLUDED.—The report under sub-  
2 section (a) shall include a discussion of support provided  
3 by China to Russia with respect to—

4 (1) helping the Government of Russia or Rus-  
5 sian entities evade or circumvent sanctions by the  
6 United States or multilateral sanctions and export  
7 controls;

8 (2) deliberately inhibiting onsite United States  
9 Government export control end-use checks, including  
10 interviews and investigations, in China;

11 (3) providing Russia with any technology, in-  
12 cluding semiconductors classified as EAR99, that  
13 supports Russian intelligence or military capabilities;

14 (4) establishing economic or financial arrange-  
15 ments that will have the effect of alleviating the ef-  
16 fect of sanctions by the United States or multilateral  
17 sanctions; and

18 (5) providing any material, technical, or  
19 logistical support, including to Russian military or  
20 intelligence agencies and state-owned or state-linked  
21 enterprises.

22 (c) FORM.—The report under subsection (a) shall be  
23 submitted in unclassified form, but may contain a classi-  
24 fied annex.

1 (d) SUNSET.—The requirement to submit the report  
2 under subsection (a) shall terminate on the earlier of—

3 (1) the date on which the Director of National  
4 Intelligence determines the conflict in Ukraine has  
5 ended; or

6 (2) the date that is 2 years after the date of the  
7 enactment of this Act.

8 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
9 FINED.—In this section, the term “appropriate congres-  
10 sional committees” means—

11 (1) the congressional intelligence committees;

12 (2) the Committee on Foreign Affairs and the  
13 Committee on Financial Services of the House of  
14 Representatives; and

15 (3) the Committee on Foreign Relations and  
16 the Committee on Banking, Housing, and Urban Af-  
17 fairs of the Senate.

18 **SEC. 617. REPORT ON GLOBAL CCP INVESTMENT IN PORT**  
19 **INFRASTRUCTURE.**

20 (a) IN GENERAL.—Not later than 180 days after the  
21 date of the enactment of this Act, the Director of National  
22 Intelligence, in consultation with the Secretary of State  
23 and the Secretary of Defense, shall submit to the appro-  
24 priate congressional committees a report documenting all  
25 Chinese investment in port infrastructure globally, during



1 the period beginning on January 1, 2012, and ending on  
2 the date of the submission of the report, and the commer-  
3 cial and economic implications of such investments. The  
4 report shall also include the following:

5 (1) A review of existing and potential or  
6 planned future Chinese investments, including in-  
7 vestments by government entities, and state-owned  
8 enterprises, in port infrastructure at such ports.

9 (2) Any known Chinese interest in establishing  
10 a military presence at or near such ports.

11 (3) An assessment of China's current and po-  
12 tential future ability to leverage commercial ports  
13 for military purposes and the implications of such  
14 ability for the national and economic security of the  
15 United States.

16 (b) FORM.—The report required by subsection (a)  
17 shall be submitted in unclassified form but may include  
18 a classified annex produced consistent with the protection  
19 of sources and methods.

20 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
21 FINED.—In this section, the term “appropriate congres-  
22 sional committees” means—

23 (1) the congressional intelligence committees;

1           (2) the Committee on Armed Services and the  
2           Committee on Foreign Affairs of the House of Rep-  
3           resentatives; and

4           (3) the Committee on Armed Services and the  
5           Committee on Foreign Relations of the Senate.

6   **SEC. 618. SENSE OF CONGRESS ON PROVISION OF SUPPORT**  
7                   **BY INTELLIGENCE COMMUNITY FOR ATROC-**  
8                   **ITY PREVENTION AND ACCOUNTABILITY.**

9           (a) SENSE OF CONGRESS.—It is the sense of Con-  
10          gress that the efforts of the United States Government  
11          regarding atrocity prevention and response through inter-  
12          agency coordination, such as the Atrocity Warning Task  
13          Force, are critically important and that the Director of  
14          National Intelligence and the Secretary of Defense should,  
15          as appropriate, do the following:

16               (1) Require each element of the intelligence  
17               community to support the Atrocity Warning Task  
18               Force in its mission to prevent genocide and atroc-  
19               ities through policy formulation and program devel-  
20               opment by—

21                   (A) collecting and analyzing intelligence  
22                   identified as an atrocity, as defined in the Elie  
23                   Wiesel Genocide and Atrocities Prevention Act  
24                   of 2018 (Public Law 115–441; 132 Stat.  
25                   5586);

1 (B) preparing unclassified intelligence data  
2 and geospatial imagery products for coordina-  
3 tion with appropriate domestic, foreign, and  
4 international courts and tribunals prosecuting  
5 persons responsible for crimes for which such  
6 imagery and intelligence may provide evidence  
7 (including genocide, crimes against humanity,  
8 and war crimes, including with respect to miss-  
9 ing persons and suspected atrocity crime  
10 scenes); and

11 (C) reassessing archived geospatial im-  
12 agery containing indicators of war crimes, other  
13 atrocities, forced disappearances, and atrocity  
14 crime scenes.

15 (2) Continue to make available inputs to the  
16 Atrocity Warning Task Force for the development of  
17 the Department of State Atrocity Early Warning  
18 Assessment and share open-source data to support  
19 pre-atrocity and genocide indicators and warnings to  
20 the Atrocity Warning Task Force.

21 (3) Provide the President and Congress with  
22 recommendations to improve policies, programs, re-  
23 sources, and tools relating to atrocity intelligence  
24 collection and interagency coordination.

1           (4) Regularly consult and participate with des-  
2           ignated interagency representatives of relevant agen-  
3           cies and departments of the United States Govern-  
4           ment.

5           (5) Ensure resources are made available for the  
6           policies, programs, and tools relating to atrocity in-  
7           telligence collection and coordination with the Atroc-  
8           ity Warning Task Force.

9           (b) DEFINITIONS.—In this section:

10           (1) ATROCITIES.—The term “atrocities” has  
11           the meaning given that term in section 6 of the Elie  
12           Wiesel Genocide and Atrocities Prevention Act of  
13           2018 (Public Law 115–441; 132 Stat. 5586).

14           (2) ATROCITY CRIME SCENE.—The term  
15           “atrocity crime scene” means 1 or more locations  
16           that are relevant to the investigation of an atrocity,  
17           including buildings or locations (including bodies of  
18           water) where physical evidence may be collected re-  
19           lating to the perpetrators, victims, and events of the  
20           atrocity, such as mass graves and other sites con-  
21           taining deceased individuals.

1           **TITLE VII—REPORTS AND**  
2                           **OTHER MATTERS**

3   **SEC. 701. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

4           (a) ANNUAL FEDERAL DATA MINING REPORT.—The  
5 Federal Agency Data Mining Reporting Act of 2007 (42  
6 U.S.C. 2000ee–3) is repealed.

7           (b) REPORTS ON SECURITY SERVICES OF THE PEOP-  
8 PLE’S REPUBLIC OF CHINA IN THE HONG KONG SPECIAL  
9 ADMINISTRATIVE REGION.—Section 1107A of the Na-  
10 tional Security Act of 1947 (50 U.S.C. 3237a) is repealed.

11           (c) ANNUAL UPDATE TO REPORT ON FOREIGN  
12 WEAPONIZATION OF DEEPPAKES AND DEEPPAKE TECH-  
13 NOLOGY.—Section 5709 of the National Defense Author-  
14 ization Act for Fiscal Year 2020 (50 U.S.C. 3369a) is  
15 amended—

16                   (1) by striking subsection (d); and

17                   (2) by redesignating subsection (e) as sub-  
18 section (d).

19   **SEC. 702. INCREASED INTELLIGENCE-RELATED ENGINEER-**  
20                           **ING, RESEARCH, AND DEVELOPMENT CAPA-**  
21                           **BILITIES OF MINORITY INSTITUTIONS.**

22           (a) PLAN.—

23                   (1) REQUIREMENT.—The Director of National  
24 Intelligence shall develop a plan to promote intel-  
25 ligence-related engineering, research, and develop-

1       ment activities at covered institutions for the pur-  
2       pose of contributing toward the research necessary  
3       to achieve the intelligence advantage of the United  
4       States.

5               (2) ELEMENTS.—The plan under paragraph (1)  
6       shall include the following:

7               (A) An assessment of opportunities to sup-  
8       port engineering, research, and development at  
9       covered institutions in computer sciences, in-  
10      cluding artificial intelligence, quantum com-  
11      puting, and machine learning, and synthetic bi-  
12      ology and an assessment of opportunities to  
13      support the associated workforce and physical  
14      research infrastructure of such institutions.

15              (B) An assessment of opportunities to en-  
16      hance the ability of covered institutions—

17              (i) to participate in intelligence-re-  
18      lated engineering, research, and develop-  
19      ment activities; and

20              (ii) to effectively compete for intel-  
21      ligence-related engineering, research and  
22      development contracts in support of the  
23      most urgent research requirements of the  
24      intelligence community.

1 (C) An assessment of the activities and in-  
2 vestments the Director determines necessary—

3 (i) to expand opportunities for covered  
4 institutions to partner with other research  
5 organizations and educational institutions  
6 that the intelligence community frequently  
7 partners with to conduct research; and

8 (ii) to increase participation of cov-  
9 ered institutions in intelligence-related en-  
10 gineering, research, and development ac-  
11 tivities.

12 (D) Recommendations identifying actions  
13 that may be taken by the Director, Congress,  
14 covered institutions, and other organizations to  
15 increase participation of such institutions in in-  
16 telligence-related engineering, research, and de-  
17 velopment activities and contracts.

18 (E) Specific goals, incentives, and metrics  
19 to increase and measure the capacity of covered  
20 institutions to address the engineering, re-  
21 search, and development needs of the intel-  
22 ligence community.

23 (3) CONSULTATION.—In developing the plan  
24 under paragraph (1), the Director shall consult with  
25 covered institutions and other departments or agen-

1       cies of the United States Government or private sec-  
2       tor organizations that the Director determines ap-  
3       propriate.

4           (4) REPORT.—Not later than 1 year after the  
5       date of the enactment of this Act, the Director shall  
6       submit to the congressional intelligence committees,  
7       and make publicly available on the internet website  
8       of the Director, a report containing the plan under  
9       paragraph (1).

10       (b) ACTIVITIES TO SUPPORT RESEARCH AND ENGI-  
11       NEERING CAPACITY.—Subject to the availability of appro-  
12       priations for such purpose, the Director may establish a  
13       program to award contracts, grants, or other agreements,  
14       on a competitive basis, and to perform other appropriate  
15       activities, for any of the following purposes:

16           (1) Developing the capability, including the  
17       workforce and the research infrastructure, for cov-  
18       ered institutions to more effectively compete for in-  
19       telligence-related engineering, research, and develop-  
20       ment activities and contracts.

21           (2) Any other purposes the Director determines  
22       appropriate to enhance the capabilities of covered in-  
23       stitutions to carry out intelligence-related engineer-  
24       ing, research, and development activities and con-  
25       tracts.



1 (c) INCREASED PARTNERSHIPS BETWEEN IARPA  
2 AND COVERED INSTITUTIONS.—The Director shall estab-  
3 lish goals and incentives to encourage the Intelligence Ad-  
4 vanced Research Projects Activity to—

5 (1) partner with covered institutions to advance  
6 the research and development needs of the intel-  
7 ligence community through partnerships and collabo-  
8 rations with the Intelligence Advanced Research  
9 Projects Activity; and

10 (2) if the Director determines appropriate, fos-  
11 ter the establishment of similar relationships be-  
12 tween such institutions and other organizations that  
13 have partnerships with the Intelligence Advanced  
14 Research Projects Activity.

15 (d) COVERED INSTITUTION DEFINED.—In this sec-  
16 tion, the term “covered institution” means the following:

17 (1) A part B institution (as defined in section  
18 322 of the Higher Education Act of 1965 (20  
19 U.S.C. 1061)).

20 (2) An institution of higher education (as de-  
21 fined in section 101 of the Higher Education Act of  
22 1965(20 U.S.C. 1001)) not covered by paragraph  
23 (1) at which not less than 50 percent of the total  
24 student enrollment consists of students from ethnic  
25 groups that are underrepresented in the fields of

1 science and engineering, as determined by the Direc-  
2 tor of National Intelligence.

3 **SEC. 703. ANNUAL REPORT ON RESPONSE TO GOVERN-**  
4 **MENT ACCOUNTABILITY OFFICE REC-**  
5 **COMMENDATIONS TO INTELLIGENCE COMMU-**  
6 **NITY.**

7 (a) ANNUAL REPORT.—Not later than October 31,  
8 2023, and annually thereafter until October 31, 2028, the  
9 Director of National Intelligence shall submit to the con-  
10 gressional intelligence committees a report, consolidated  
11 from each element of the intelligence community, regard-  
12 ing the status of responses to the recommendations made  
13 by the Comptroller General to the Director or to the other  
14 heads of the elements of the intelligence community.

15 (b) ELEMENTS.—Each report under subsection (a)  
16 shall include the following:

17 (1) A list of any open recommendations as of  
18 September 30 of the year in which the report is sub-  
19 mitted (using a unique identifier for each open rec-  
20 ommendation).

21 (2) A description of the actions the Director or  
22 the other heads of the elements of the intelligence  
23 community have taken, alone or in coordination with  
24 other departments or agencies of the United States

1 Government, to implement or otherwise respond to  
2 each such open recommendation.

3 (3) Of such open recommendations, a list of  
4 any recommendations (using a unique identifier for  
5 each recommendation) with which the Director or  
6 the other heads of the elements of the intelligence  
7 community do not concur and intend to take no ac-  
8 tion to implement, including a detailed justification  
9 for each such determination.

10 (c) OPEN RECOMMENDATION DEFINED.—In this sec-  
11 tion, the term “open recommendation” means a rec-  
12 ommendation that the Comptroller General has not des-  
13 ignated as closed.

14 **SEC. 704. ANNUAL REPORT ON EFFORTS OF THE FEDERAL**  
15 **BUREAU OF INVESTIGATION TO IDENTIFY**  
16 **AND PROMOTE DIVERSE CANDIDATES.**

17 (a) STATISTICAL REPORT.—

18 (1) REQUIREMENT.—Not later than 90 days  
19 after the date of the enactment of this Act, and an-  
20 nually thereafter through 2027, the Director of the  
21 Federal Bureau of Investigation shall submit to the  
22 appropriate congressional committees, and make  
23 publicly available on the internet website of the Di-  
24 rector, a statistical report on the status of the ef-

1       forts of the Federal Bureau of Investigation to iden-  
2       tify and promote diverse candidates.

3           (2) ELEMENTS.—Each report under paragraph  
4       (1) shall include, with respect to the year covered by  
5       the report, tables of figures that break down, by race  
6       and gender, the following:

7           (A) With respect to each covered posi-  
8       tion—

9           (i) the total number of Special  
10       Agents, and the percentage of Special  
11       Agents, who apply to such positions;

12          (ii) the total number of Special  
13       Agents, and the percentage of Special  
14       Agents, who are interviewed for such posi-  
15       tions;

16          (iii) the total number of Special  
17       Agents, and the percentage of Special  
18       Agents, who are selected for such posi-  
19       tions; and

20          (iv) the average number of times a  
21       Special Agent applied for such position be-  
22       fore selection.

23          (B) With respect to GS–14 and GS–15 po-  
24       sitions—

1 (i) the total number of individuals in  
2 such positions, and the percentage of such  
3 individuals, who retired; and

4 (ii) the total number of individuals in  
5 such positions, and the percentage of such  
6 individuals, who retired early.

7 (b) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
9 TEES.—The term “appropriate congressional com-  
10 mittees” means—

11 (A) the congressional intelligence commit-  
12 tees; and

13 (B) the Committees on the Judiciary and  
14 the Committees on Appropriations of the House  
15 of Representatives and the Senate.

16 (2) COVERED POSITION.—The term “covered  
17 position” means, with respect to positions in the  
18 Federal Bureau of Investigation, the following:

19 (A) Federal Bureau of Investigation Head-  
20 quarters Supervisory Special Agent program  
21 manager.

22 (B) Field Supervisory Special Agent.

23 (C) Assistant Special Agent in Charge.

24 (D) Special Agent in Charge.

25 (E) Senior executive.

1           (3) SENIOR EXECUTIVE.—The term “senior ex-  
2           ecutive” means, with respect to positions in the Fed-  
3           eral Bureau of Investigation, the following:

4                   (A) Deputy Assistant Director.

5                   (B) Assistant Director.

6                   (C) Executive Assistant Director.

7                   (D) Associate Deputy Director.

8                   (E) Deputy Director.

9   **SEC. 705. REPORTS ON PERSONNEL VETTING PROCESSES**  
10                   **AND PROGRESS UNDER TRUSTED WORK-**  
11                   **FORCE 2.0 INITIATIVE.**

12           (a) REPORTS.—Not later than September 30, 2023,  
13           and annually thereafter until September 30, 2027, the Se-  
14           curity Executive Agent, in coordination with the Chair and  
15           other Principals of the Council, shall submit to the con-  
16           gressional intelligence committees a report on the per-  
17           sonnel vetting processes of the United States Government.

18           (b) ELEMENTS.—Each report under subsection (a)  
19           shall include, with respect to the preceding fiscal year, the  
20           following:

21                   (1) An analysis of the timeliness, costs, and  
22                   other related information for the initiations, inves-  
23                   tigations (including initial investigations and peri-  
24                   odic reinvestigations), and adjudications of personnel

1 security clearances. Such analysis shall include the  
2 following:

3 (A) The average periods of time taken  
4 (from the date of the submission of a completed  
5 security clearance application to the date of the  
6 ultimate disposition and notification to the sub-  
7 ject and the employer of the subject) by each  
8 authorized investigative agency and authorized  
9 adjudicative agency to initiate investigations,  
10 conduct investigations, and adjudicate security  
11 clearances, as compared with established timeli-  
12 ness objectives.

13 (B) The number of initial investigations  
14 and periodic reinvestigations initiated and adju-  
15 dicated by each authorized investigative agency  
16 and authorized adjudicative agency.

17 (C) The number of initial investigations  
18 and periodic reinvestigations carried over to the  
19 fiscal year covered by the report from a prior  
20 fiscal year by each authorized investigative  
21 agency and authorized adjudicative agency.

22 (D) The number of initial investigations  
23 and periodic reinvestigations that resulted in a  
24 denial or revocation of a security clearance by  
25 each authorized adjudicative agency.

1           (E) The costs to the executive branch re-  
2 relating to personnel security clearance initi-  
3 ations, investigations, adjudications, revoca-  
4 tions, and continuous vetting with respect to  
5 such clearances.

6           (F) A discussion of any impediments, in-  
7 cluding with respect to resources, personnel, or  
8 authorities, to the timely processing of per-  
9 sonnel security clearances.

10          (G) The number of individuals who hold a  
11 personnel security clearance and are enrolled in  
12 a program of continuous vetting with respect to  
13 such clearance, and the numbers and types of  
14 adverse actions taken by each authorized adju-  
15 dicative agency as a result of such continuous  
16 vetting.

17          (H) The number of personnel security  
18 clearances awaiting or under investigation (in-  
19 cluding initial investigation and periodic re-  
20 investigation) by the Director of the Defense  
21 Counterintelligence and Security Agency and  
22 each authorized investigative agency.

23          (I) Such other information as the Security  
24 Executive Agent may determine appropriate, in-  
25 cluding any recommendations to improve the



1           timeliness and efficiency of personnel security  
2           clearance initiations, investigations, and adju-  
3           dications.

4           (2) An analysis of the status of the implementa-  
5           tion of the Trusted Workforce 2.0 initiative spon-  
6           sored by the Council, including the following:

7                   (A) A list of the policies issued by the  
8                   Council for the Trusted Workforce 2.0 initia-  
9                   tive, and a list of expected issuance dates for  
10                  planned policies of the Council for such initia-  
11                  tive.

12                  (B) A list of the departments and agencies  
13                  of the executive branch that have identified a  
14                  senior implementation official to be accountable  
15                  for the implementation of the Trusted Work-  
16                  force 2.0 initiative, in accordance with the  
17                  memorandum on transforming Federal per-  
18                  sonnel vetting issued by the Assistant to the  
19                  President for National Security Affairs on De-  
20                  cember 14, 2021, including an identification of  
21                  the position of such senior implementation offi-  
22                  cial within the respective department or agency.

23                  (C) A list of the departments and agencies  
24                  of the executive branch that have submitted im-  
25                  plementation plans, and subsequent progress re-

1 ports, with respect to the Trusted Workforce  
2 2.0 initiative, as required by the memorandum  
3 specified in subparagraph (B).

4 (D) A summary of the progress that the  
5 departments and agencies of the executive  
6 branch have made implementing the Trusted  
7 Workforce 2.0 initiative.

8 (3) An analysis of the transfers between, and  
9 reciprocal recognition among, the heads of the de-  
10 partments and agencies of the executive branch of  
11 security clearance background investigations and de-  
12 terminations and other investigations and deter-  
13 minations relating to personnel vetting (including  
14 with respect to trust, suitability, fitness,  
15 credentialing, and access). Such analysis shall in-  
16 clude, with respect to such investigations and deter-  
17 minations, the following:

18 (A) The number of employees for whom a  
19 prior such investigation or determination was  
20 recognized and accepted by the head of a de-  
21 partment or agency without the head requiring  
22 additional investigative or adjudicative steps,  
23 disaggregated by department or agency.

24 (B) The number of employees for whom a  
25 prior such investigation or determination was

1 not recognized or accepted by the head of a de-  
2 partment or agency without the head requiring  
3 additional investigative or adjudicative steps,  
4 disaggregated by department or agency.

5 (C) The reasons most frequently cited by  
6 such heads for the failure to recognize or accept  
7 a prior such investigation or determination,  
8 disaggregated by department or agency.

9 (D) The average number of days for the  
10 head of a department or agency to recognize  
11 and accept a prior such investigation or deter-  
12 mination (from the date the head initiates the  
13 process to consider the prior investigation or  
14 determination for recognition and acceptance,  
15 to the date the head makes a final determina-  
16 tion on such recognition and acceptance),  
17 disaggregated by agency.

18 (4) A discussion of any impediments, con-  
19 straints, and opportunities relating to—

20 (A) the timeliness of the personnel security  
21 clearance process across the United States Gov-  
22 ernment;

23 (B) the implementation of the Trusted  
24 Workforce 2.0 initiative; or

1 (C) the transfer and reciprocal recognition  
2 of determinations relating to personnel vetting  
3 between and among departments and agencies.

4 (c) DEFINITIONS.—In this section:

5 (1) AUTHORIZED ADJUDICATIVE AGENCY; AU-  
6 THORIZED INVESTIGATIVE AGENCY; PERSONNEL SE-  
7 CURITY INVESTIGATION; PERIODIC REINVESTIGA-  
8 TION.—The terms “authorized adjudicative agency”,  
9 “authorized investigative agency”, “personnel secu-  
10 rity investigation”, and “periodic reinvestigation”  
11 have the meanings given those terms in section  
12 3001(a) of the Intelligence Reform and Terrorism  
13 Prevention Act of 2004 (50 U.S.C. 3341(a)).

14 (2) CONTINUOUS VETTING; COUNCIL; SECURITY  
15 EXECUTIVE AGENT.—The terms “continuous vet-  
16 ting”, “Council”, and “Security Executive Agent”  
17 have the meanings given those terms in section 6601  
18 of the Damon Paul Nelson and Matthew Young Pol-  
19 lard Intelligence Authorization Act for Fiscal Years  
20 2018, 2019, and 2020 (50 U.S.C. 3352).

21 **SEC. 706. REPORTS RELATING TO PROGRAMS OF RECORD**  
22 **OF NATIONAL GEOSPATIAL-INTELLIGENCE**  
23 **AGENCY.**

24 (a) FINDINGS.—Congress finds the following:

1           (1) The National Geospatial-Intelligence Agency  
2           has struggled to identify the programs and activities  
3           of the Agency, to include significant, enduring pro-  
4           grams determined by the Agency to be “programs of  
5           record”, comprehensively and in a fashion that en-  
6           ables budget auditability and oversight by the Office  
7           of the Director of National Intelligence, the Office of  
8           Management and Budget, and the congressional in-  
9           telligence committees.

10          (2) The National Geospatial-Intelligence Agency  
11          has rebuffed repeated requests by the House Perma-  
12          nent Select Committee on Intelligence to furnish to  
13          such Committee the definition for the term “pro-  
14          gram of record” used by the Agency.

15          (b) REPORTS REQUIRED.—

16           (1) REPORT TO CONGRESSIONAL INTELLIGENCE  
17           COMMITTEES.—Not later than 30 days after the  
18           date of the enactment of this Act, the Director of  
19           the National Geospatial-Intelligence Agency, con-  
20           sistent with the protection of intelligence sources  
21           and methods, shall submit to the congressional intel-  
22           ligence committees a report on the programs and ac-  
23           tivities of the Agency. Such report shall include, at  
24           a minimum, the following:

1 (A) An identification of any definition for  
2 the term “program of record” used by the  
3 Agency during the period beginning October 1,  
4 2017, and ending on the date of the submission  
5 of the report.

6 (B) A detailed description of each current  
7 program and activity of the Agency, including  
8 each current program of record of the Agency.

9 (C) A detailed explanation of how funding  
10 and other information relating to each such  
11 program of record or other program or activity  
12 may be located within the budget justification  
13 materials submitted to Congress.

14 (2) REPORT TO CONGRESSIONAL INTELLIGENCE  
15 AND DEFENSE COMMITTEES.—Not later than 30  
16 days after the date of the enactment of this Act, the  
17 Director of the National Geospatial-Intelligence  
18 Agency, consistent with the protection of intelligence  
19 sources and methods, shall submit to the appropriate  
20 congressional committees a report on the programs  
21 and activities of the Agency that are funded in full  
22 or in part under the Military Intelligence Program.  
23 Such report shall include, at a minimum, the fol-  
24 lowing:

1 (A) An identification of any definition for  
2 the term “program of record” used by the  
3 Agency during the period beginning October 1,  
4 2017 and ending on the date of the submission  
5 of the report.

6 (B) A detailed description of each current  
7 program and activity of the Agency funded in  
8 full or in part under the Military Intelligence  
9 Program, including each current program of  
10 record of the Agency funded in full or in part  
11 under the Military Intelligence Program.

12 (C) A detailed explanation of how funding  
13 and other information relating to each such  
14 program of record or other program or activity  
15 funded in full or in part under the Military In-  
16 telligence Program may be located within the  
17 budget justification materials submitted to Con-  
18 gress.

19 (3) FORM.—Each report under this subsection  
20 may be submitted in classified form, but if so sub-  
21 mitted shall include an unclassified executive sum-  
22 mary.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
24 FINED.—In this section, the term “appropriate congres-  
25 sional committees” means—

1           (1) the congressional intelligence committees;  
2           and

3           (2) the congressional defense committees (as  
4           defined in section 101(a)(16) of title 10, United  
5           States Code).

6 **SEC. 707. PLAN REGARDING SOCIAL MEDIA DATA AND**  
7 **THREAT ANALYSIS CENTER.**

8           (a) PLAN.—Not later than 90 days after the date of  
9           the enactment of this Act, the Director of National Intel-  
10          ligence shall submit to the congressional intelligence com-  
11          mittees a plan to operationalize the Social Media Data and  
12          Threat Analysis Center in accordance with section 5323  
13          of the Damon Paul Nelson and Matthew Young Pollard  
14          Intelligence Authorization Act for Fiscal Years 2018,  
15          2019, and 2020 (division E of Public Law 116–92; 50  
16          U.S.C. 3369).

17          (b) ELEMENTS.—The plan under subsection (a) shall  
18          include a description of how the Social Media Data and  
19          Threat Analysis Center shall—

20                 (1) coordinate with social media companies and  
21                 other public-facing internet-based platforms to deter-  
22                 mine—

23                         (A) what categories of data and metadata  
24                         are useful indicators of internet-based foreign  
25                         malign influence activities; and



1 (B) how such data and metadata may be  
2 shared effectively with the Center while pro-  
3 tecting the privacy and civil liberties of United  
4 States users of social media platforms and  
5 other public-facing internet-based platforms;  
6 and

7 (2) develop criteria under which social media  
8 companies and other public-facing internet-based  
9 platforms shall share indicators of internet-based  
10 foreign malign influence activities with the Center,  
11 including a description of—

12 (A) the timeliness and consistency of such  
13 sharing of indicators;

14 (B) the categories of indicators to be  
15 shared; and

16 (C) the protection of privacy, civil liberties,  
17 and constitutionally protected activities of users  
18 of social media platforms and other public-fac-  
19 ing internet-based platforms.

20 **SEC. 708. REPORT ON USE OF PUBLICLY AVAILABLE SO-**  
21 **CIAL MEDIA INFORMATION IN PERSONNEL**  
22 **VETTING DETERMINATIONS.**

23 (a) REPORT.—Not later than 180 days after the date  
24 of the enactment of this Act, the Director of National In-  
25 telligence, in coordination with other heads of the elements

1 of the intelligence community that the Director determines  
2 appropriate, and in consultation with the other principal  
3 members of the Council, shall submit to the congressional  
4 intelligence committees a report regarding the current and  
5 planned use of publicly available social media information  
6 in the personnel vetting and security clearance processes.

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

9 (1) A description of how departments and agen-  
10 cies of the United States Government have imple-  
11 mented Security Executive Agent Directive 5 titled  
12 “Collection, Use, and Retention of Publicly Available  
13 Social Media Information in Personnel Security  
14 Background Investigations and Adjudications”, and  
15 relevant agency implementing guidance, including  
16 Department of Defense Instruction 1325.06 titled  
17 “Handling Protest, Extremist, and Criminal Gang  
18 Activities among Members of the Armed Forces”.

19 (2) A description of how the use of publicly  
20 available social media in personnel vetting deter-  
21 minations and security clearance investigations and  
22 adjudications is, or will be, captured in the National  
23 Background Investigation Services system and other  
24 information technology systems used in the per-  
25 sonnel vetting process.

1           (3) A description of how publicly available so-  
2           cial media information is used, and will be used, in  
3           continuous vetting and security clearances processes  
4           and insider threat programs.

5           (4) A description of any privacy or civil liberties  
6           concerns with the use of publicly available social  
7           media information in personnel vetting or security  
8           clearance determinations, including a discussion of  
9           the risks, benefits, and drawbacks of allowing for the  
10          voluntary provision of, or voluntary access to, non-  
11          publicly available social media information in the  
12          regular course of personnel vetting and security  
13          clearance processes.

14          (5) A discussion of the extent to which officials  
15          and entities of the United States Government re-  
16          sponsible for privacy and civil liberties matters, in-  
17          cluding the Chief of the Office of Civil Liberties,  
18          Privacy, and Transparency of the Office of the Di-  
19          rector of National Intelligence and the civil liberties  
20          officers of departments and agencies of the United  
21          States Government, are involved in the development  
22          and operation of programs to use social media infor-  
23          mation in personnel vetting and security clearance  
24          processes.

1           (6) A discussion of any impediments, con-  
2           straints, risks, or drawbacks relating to the use of  
3           publicly available social media information in per-  
4           sonnel vetting and security clearance processes, in-  
5           cluding—

6                   (A) challenges associated with implementa-  
7                   tion of Security Executive Agent Directive 5,  
8                   Department of Defense Instruction 1325.06,  
9                   and other relevant guidance;

10                   (B) the resources required, including with  
11                   respect to personnel, funding, and information  
12                   systems, to gather, assess, and make use of  
13                   such information; and

14                   (C) an analysis of the costs and benefits of  
15                   the use of publicly available social media infor-  
16                   mation.

17           (7) An implementation plan for the future use  
18           of publicly available social media information, based  
19           on relevant findings under paragraphs (1) through  
20           (6).

21           (c) DEFINITIONS.—The terms “continuous vetting”,  
22           “Council”, and “Security Executive Agent” have the  
23           meanings given those terms in section 6601 of the Damon  
24           Paul Nelson and Matthew Young Pollard Intelligence Au-

1 thorization Act for Fiscal Years 2018, 2019, and 2020  
2 (50 U.S.C. 3352).

3 **SEC. 709. REPORT ON STRENGTHENING WORKFORCE DI-**  
4 **VERSITY PLANNING AND OVERSIGHT.**

5 (a) REPORT.—Not later than 180 days after the date  
6 of the enactment of this Act, the Director of National In-  
7 telligence, in coordination with the heads of the elements  
8 of the intelligence community, shall submit to the congres-  
9 sional intelligence committees a report discussing steps to  
10 enhance the strategic planning for, measure the progress  
11 of, and assess barriers to workforce diversity in the intel-  
12 ligence community.

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

15 (1) A discussion of existing, updated, or new  
16 guidance requiring all elements of the intelligence  
17 community to maintain current and complete diver-  
18 sity strategic plans that contain specific objectives,  
19 timeframes, and responsibilities.

20 (2) A discussion of progress made by individual  
21 elements toward maintaining such plans.

22 (3) A discussion of existing, updated, or new  
23 guidance to ensure individual elements develop per-  
24 formance measures to assess the contribution of ac-

1        activities toward achieving diversity goals and overall  
2        progress.

3            (4) A discussion of progress made by individual  
4        elements toward developing measures to assess  
5        progress toward achieving diversity management ef-  
6        forts.

7            (5) A discussion of existing, updated, or new  
8        guidance ensuring that each element routinely iden-  
9        tifies and takes steps toward eliminating barriers to  
10       workforce diversity.

11           (6) A discussion of steps taken by the Director  
12        to ensure that individual elements are routinely com-  
13        pleting required assessments to identify and elimi-  
14        nate barriers to diversity.

15           (7) A discussion of steps taken by the Director  
16        to establish specific implementation objectives and  
17        timeframes for the elements that support intelligence  
18        community-wide diversity goals to ensure the ele-  
19        ments are held accountable for making progress.

20 **SEC. 710. REPORT ON IMPROVING OPPORTUNITIES FOR**  
21 **WOMEN AND MINORITIES FOR PROMOTIONS**  
22 **IN THE INTELLIGENCE COMMUNITY.**

23        (a) REPORT.—Not later than 120 days after the date  
24        of the enactment of this Act, the Director of National In-  
25        telligence, acting through the Chief Human Capital Offi-

1 cer of the Intelligence Community, and in consultation  
2 with other heads of the elements of the intelligence com-  
3 munity, shall submit to the congressional intelligence com-  
4 mittees a consolidated report on specific steps taken by  
5 each element of the intelligence community to—

6 (1) enhance opportunities for women and mi-  
7 norities for promotions across all mission categories  
8 of the intelligence community; and

9 (2) reduce the gap among gender and racial  
10 and ethnic categories at senior levels of the intel-  
11 ligence community.

12 (b) STRATEGIC PLAN.—The report under subsection  
13 (a) shall contain a strategic plan from each element of  
14 the intelligence community on the following:

15 (1) Overcoming any barriers or obstacles identi-  
16 fied in the report.

17 (2) Proposing new or enhanced mentoring pro-  
18 grams or similar workplace forums to support  
19 women and minority officers of the intelligence com-  
20 munity who are interested in or may qualify for po-  
21 tential promotion opportunities or similar career ad-  
22 vancements.

23 (3) Recommending additional steps and initia-  
24 tives to achieve diversity among senior roles in the  
25 intelligence community.

1 (4) Addressing gaps in relevant tools, resources,  
2 or authorities.

3 (c) SUPPLEMENT NOT SUPPLANT.—The report  
4 under subsection (a) shall supplement the annual report  
5 required under section 5704(c) of the Damon Paul Nelson  
6 and Matthew Young Pollard Intelligence Authorization  
7 Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C.  
8 3334b(c)).

9 **SEC. 711. REPORT ON TRANSITION OF NATIONAL RECON-**  
10 **NAISSANCE OFFICE TO DIGITAL ENGINEER-**  
11 **ING ENVIRONMENT.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) Potential foreign adversaries are outpacing  
14 the United States in the fielding of new generations  
15 of space systems that dull the edge the United  
16 States has enjoyed in space.

17 (2) A digital engineering environment, also  
18 known as digital systems engineering, reduces the  
19 time to field new space systems.

20 (3) Digital engineering environment tools en-  
21 able the rapid iterations of requirements and archi-  
22 tectures into digital system depictions capable of use  
23 by private industry to further the design and devel-  
24 opment of space systems.



1           (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that, to maintain a competitive advantage in space,  
3 the National Reconnaissance Office should transition to  
4 a digital engineering environment by not later than 3  
5 years after the date of the enactment of this Act.

6           (c) REPORT.—

7           (1) SUBMISSION.—Not later than 180 days  
8 after the date of the enactment of this Act, the Di-  
9 rector of the National Reconnaissance Office shall  
10 submit to the appropriate congressional committees  
11 a report that contains the following:

12                   (A) A plan for the transition of the Na-  
13 tional Reconnaissance Office to a digital engi-  
14 neering environment.

15                   (B) An identification of the date by which  
16 such transition shall be completed.

17                   (C) A description of the metrics the Direc-  
18 tor plans to use to measure progress made with  
19 respect to such transition and resulting effi-  
20 ciencies gained.

21                   (D) A description of the initial pilot pro-  
22 grams of the National Reconnaissance Office  
23 relating to digital engineering and the plans to  
24 expand such pilot programs in scale and scope

1 with respect to acquisition carried out under  
2 such pilot programs.

3 (E) A description of any training require-  
4 ments or certifications necessary to advance a  
5 digital engineering environment within the Na-  
6 tional Reconnaissance Office.

7 (F) A description of how the Director  
8 plans to incorporate input and best practices  
9 from private industry to facilitate and accel-  
10 erate the transition of the National Reconnaiss-  
11 ance Office to a digital engineering environ-  
12 ment.

13 (2) FORM.—The report under paragraph (1)  
14 shall be submitted in unclassified form, but may in-  
15 clude a classified annex.

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
17 DEFINED.—In this section, the term “appropriate con-  
18 gressional committees” means—

19 (1) the congressional intelligence committees;  
20 and

21 (2) the congressional defense committees (as  
22 defined in section 101(a)(16) of title 10, United  
23 States Code).

1 **SEC. 712. REPORT ON DEPARTMENT OF HOMELAND SECUR-**  
2 **RITY INTELLIGENCE ENTERPRISE.**

3 (a) REPORT ON INTELLIGENCE ACTIVITIES.—Con-  
4 sistent with section 501 of the National Security Act of  
5 1947 (50 U.S.C. 3091), not later than 150 days after the  
6 date of the enactment of this Act, the Chief Intelligence  
7 Officer of the Department of Homeland Security shall  
8 submit to the appropriate congressional committees a re-  
9 port that includes the following:

10 (1) A comprehensive account of any intelligence  
11 activity conducted during the period beginning on  
12 January 1, 2018, and ending on the date of the re-  
13 port, by any component of the Department of Home-  
14 land Security intelligence enterprise.

15 (2) With respect to each such intelligence activ-  
16 ity, a description of the activity, including, at a min-  
17 imum, a description of—

18 (A) the nature of the activity;

19 (B) the component undertaking the activ-  
20 ity;

21 (C) the legal authority for such activity;  
22 and

23 (D) the source of funding for such activity.

24 (3) A description of any finished intelligence  
25 product, or intelligence information report, produced  
26 or contributed to by a component of the Department

1 of Homeland Security intelligence enterprise during  
2 the period specified in paragraph (1).

3 (4) An identification of any external or internal  
4 guidelines, policies, processes, practices, or programs  
5 governing the collection, retention, analysis, or dis-  
6 semination by such a component of information re-  
7 garding United States citizens, lawful permanent  
8 residents of the United States, or individuals located  
9 within the United States.

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

12 (c) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
14 TEES.—The term “appropriate congressional com-  
15 mittees” means the following:

16 (A) The congressional intelligence commit-  
17 tees.

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

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

22 (2) DEPARTMENT OF HOMELAND SECURITY IN-  
23 TELLIGENCE ENTERPRISE.—The term “Department  
24 of Homeland Security intelligence enterprise” means  
25 the primary mechanism for the integration and man-

1           agement of the intelligence programs, projects, and  
2           activities of the Department of Homeland Security  
3           and includes the following components:

4                   (A) The Cybersecurity and Infrastructure  
5                   Security Agency.

6                   (B) The Federal Emergency Management  
7                   Agency.

8                   (C) The Transportation Security Adminis-  
9                   tration.

10                  (D) The United States Citizenship and Im-  
11                  migration Services.

12                  (E) The United States Customs and Bor-  
13                  der Protection.

14                  (F) The United States Immigration and  
15                  Customs Enforcement.

16 **SEC. 713. REPORT ON DECLASSIFICATION EFFORTS OF**  
17 **CENTRAL INTELLIGENCE AGENCY.**

18           Not later than 270 days after the date of the enact-  
19           ment of this Act, the Inspector General of the Central In-  
20           telligence Agency shall submit to the congressional intel-  
21           ligence committees a report on the declassification efforts  
22           of the Central Intelligence Agency. Such report shall in-  
23           clude—

24                   (1) an identification of the resources that are  
25                   dedicated to such efforts; and

1           (2) an assessment as to whether such resources  
2           are sufficient.

3 **SEC. 714. REPORT ON NATIONAL SPACE INTELLIGENCE**

4   **CENTER.**

5           (a) **REPORT.**—Not later than March 1, 2023, the Di-  
6           rector of National Intelligence, in coordination with the  
7           Chief of Space Operations, shall submit to the appropriate  
8           congressional committees a report on the National Space  
9           Intelligence Center.

10          (b) **MATTERS INCLUDED.**—The report under sub-  
11         section (a) shall include the following:

12                 (1) A description of the status of the National  
13                 Space Intelligence Center since the activation of the  
14                 Center and the implications of the Center being  
15                 aligned under a Field Command rather than a field  
16                 operating agency aligned to the Director of Intel-  
17                 ligence, Surveillance, and Reconnaissance of the  
18                 Space Force.

19                 (2) A review of the ability of the Center to ad-  
20                 dress the full set of national space intelligence ana-  
21                 lytical demands (including with respect to acquisi-  
22                 tion and operational mission requirements of the  
23                 Space Force, the Department of Defense, the intel-  
24                 ligence community, and other national customers)

1 while being assigned as a subordinate to Space Op-  
2 erations Command, a Field Command, including—

3 (A) an assessment of the ability of the  
4 Center to respond to the broadest space intel-  
5 ligence requirements as compared to a service  
6 specific need; and

7 (B) a review specifically addressing any  
8 perceived mission misalignment, potential miti-  
9 gating measures, or other structural organiza-  
10 tion concerns.

11 (3) An assessment of—

12 (A) the current resourcing posture, includ-  
13 ing any additional personnel required as a re-  
14 sult of subordination to a Field Command; and

15 (B) the resourcing posture if the Center  
16 were aligned to the Director of Intelligence,  
17 Surveillance, and Reconnaissance of the Space  
18 Force as described in paragraph (1).

19 (4) Lessons learned since unit activation, in-  
20 cluding with respect to—

21 (A) organizational efficiencies and ineffi-  
22 ciencies;

23 (B) financial implications;

24 (C) organizational redundancy;

1 (D) parity mismatch and synergies with  
2 other service intelligence centers; and

3 (E) lessons learned through comparisons to  
4 other service intelligence centers organized as a  
5 field operating agency and aligned under the  
6 senior intelligence officer of the respective  
7 Armed Force.

8 (c) FORM.—The report under subsection (a) shall be  
9 submitted in unclassified form, but may include a classi-  
10 fied annex.

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
12 In this section, the term “appropriate congressional com-  
13 mittees” means the following:

14 (1) The congressional intelligence committees.

15 (2) The congressional defense committees (as  
16 defined in section 101(a)(16) of title 10, United  
17 States Code).

18 **SEC. 715. REPORT ON IMPLEMENTATION OF EXECUTIVE**  
19 **ORDER 13556, REGARDING CONTROLLED UN-**  
20 **CLASSIFIED INFORMATION.**

21 (a) REPORT.—Not later than 180 days after the date  
22 of the enactment of this Act, the Director of National In-  
23 telligence and the Under Secretary of Defense for Intel-  
24 ligence and Security, in coordination with the heads of  
25 other elements of the intelligence community, shall submit



1 to the congressional intelligence committees a report on  
2 the implementation by the intelligence community of Exec-  
3 utive Order 13556, regarding controlled unclassified infor-  
4 mation.

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

7 (1) during the period when the National Secu-  
8 rity Council conducts a review of the dissemination  
9 controls with respect to national security informa-  
10 tion, the elements of the intelligence should pause  
11 the implementation of Executive Order 13556; and

12 (2) Executive Order 13556 should be repealed.

13 **SEC. 716. COMPTROLLER GENERAL OF THE UNITED**  
14 **STATES COMPILATION OF UNIDENTIFIED**  
15 **AEROSPACE-UNDERSEA PHENOMENA**  
16 **RECORDS.**

17 (a) COMPILATION REQUIRED.—Not later than 1 year  
18 after the date of the enactment of this Act, the Comp-  
19 troller General of the United States shall—

20 (1) commence a review of the records and docu-  
21 ments of the intelligence community, oral history  
22 interviews, open source analytic analysis, interviews  
23 of current and former government officials, classified  
24 and unclassified national archives (including those  
25 records any third party obtained pursuant to section

1 552 of title 5, United States Code (commonly known  
2 as the “Freedom of Information Act” or “FOIA”)),  
3 and such other relevant historical sources as the  
4 Comptroller General considers appropriate; and

5 (2) for the period beginning on January 1,  
6 1947, and ending on the date on which the Comp-  
7 troller General completes activities under this sub-  
8 section, compile and itemize a complete historical  
9 record of the intelligence community’s involvement  
10 with unidentified aerospace-undersea phenomena, in-  
11 cluding successful or unsuccessful efforts to identify  
12 and track unidentified aerospace-undersea phe-  
13 nomena, efforts to recover or transfer related tech-  
14 nologies to United States-based industry or National  
15 Laboratories, and any intelligence community efforts  
16 to obfuscate, manipulate public opinion, hide, or oth-  
17 erwise provide unclassified or classified misinforma-  
18 tion about unidentified aerospace-undersea phe-  
19 nomena or related activities, based on the review  
20 conducted under paragraph (1).

21 (b) REPORT.—

22 (1) IN GENERAL.—Not later than 180 days  
23 after the date on which the Comptroller General  
24 completes the compilation and itemization required  
25 by subsection (a)(2), the Comptroller General shall

1 submit to Congress a report summarizing the histor-  
2 ical record described in such subsection.

3 (2) RESOURCES.—The report submitted under  
4 paragraph (1) shall include citations to the resources  
5 relied upon and instructions as to how the resources  
6 can be accessed.

7 (3) FORM.—The report submitted under para-  
8 graph (1) shall be submitted in unclassified form,  
9 but may include a classified annex as necessary.

10 (c) COOPERATION OF INTELLIGENCE COMMUNITY.—  
11 The heads of elements of the intelligence community  
12 whose participation the Comptroller General determines  
13 necessary to carry out subsections (a) and (b), including  
14 the Director of National Intelligence, the Under Secretary  
15 of Defense for Intelligence and Security, and the Director  
16 of the Unidentified Aerospace Undersea Phenomena Joint  
17 Program Office, shall fully cooperate with the Comptroller  
18 General and provide to the Comptroller General such in-  
19 formation as the Comptroller General determines nec-  
20 essary to carry out such subsections.

21 (d) ACCESS TO RECORDS OF THE NATIONAL AR-  
22 CHIVES AND RECORDS ADMINISTRATION.—The Archivist  
23 of the United States shall make available to the Comp-  
24 troller General such information maintained by the Na-  
25 tional Archives and Records Administration, including

1 classified information, as the Comptroller General con-  
2 siders necessary to carry out subsections (a) and (b).

3 **SEC. 717. NATIONAL MUSEUM OF INTELLIGENCE AND SPE-**  
4 **CIAL OPERATIONS.**

5 (a) RECOGNITION.—The privately-funded museum to  
6 honor the intelligence community and special operations  
7 forces that is planned to be constructed in Ashburn, Vir-  
8 ginia, may be recognized, upon completion, as the “Na-  
9 tional Museum of Intelligence and Special Operations”.

10 (b) PURPOSES.—The purpose of recognizing the Na-  
11 tional Museum of Intelligence and Special Operations  
12 under subsection (a) are to—

13 (1) commemorate the members of the intel-  
14 ligence community and special operations forces who  
15 have been critical to securing the Nation against en-  
16 emies of the United States for nearly a century;

17 (2) preserve and support the historic role that  
18 the intelligence community and special operations  
19 forces have played, and continue to play, both in se-  
20 crecy as well as openly, to keep the United States  
21 and its values and way of life secure; and

22 (3) foster a greater understanding of the intel-  
23 ligence community and special operations forces to  
24 ensure a common understanding, dispel myths, rec-  
25 ognize those who are not otherwise able to be pub-

1       licly recognized, and increase science, technology, en-  
2       gineering, and math education through museum pro-  
3       grams designed to promote more interest and great-  
4       er diversity in recruiting with respect to the intel-  
5       ligence and special operations career field.

6       **SEC. 718. TECHNICAL CORRECTIONS.**

7       (a) NATIONAL SECURITY ACT OF 1947.—The Na-  
8       tional Security Act of 1947 (50 U.S.C. 3001 et seq.), as  
9       amended by section 511, is further amended as follows:

10       (1) In section 105(a)(1) (50 U.S.C.  
11       3038(a)(1)), by striking “chairman” and inserting  
12       “Chairman”.

13       (2) In section 113B(b) (50 U.S.C. 3049a(b))—

14       (A) in paragraph (1)(A), by striking  
15       “Under Secretary of Defense for Intelligence”  
16       and inserting “Under Secretary of Defense for  
17       Intelligence and Security”; and

18       (B) in paragraph (4), by striking “section  
19       226 of the Homeland Security Act of 2002 (6  
20       U.S.C. 147)” and inserting “section 2208 of  
21       the Homeland Security Act of 2002 (6 U.S.C.  
22       658)”.

23       (3) In section 118(a) (50 U.S.C. 3055(a)), by  
24       striking “a annual” and inserting “an annual”.

1           (4) In section 301(j) (50 U.S.C. 3071(j)), by  
2 striking “and includes” and inserting “and includ-  
3 ing”.

4           (5) In section 506G(c) (50 U.S.C. 3103(c)), by  
5 striking “pursuant section” and inserting “pursuant  
6 to section”.

7           (6) In section 507(a)(1) (50 U.S.C.  
8 3106(a)(1)), by striking “Generals” and inserting  
9 “General”.

10          (7) In section 1024(g)(7)(A) (50 U.S.C.  
11 3224(g)(7)(A)), by striking “places” and inserting  
12 “place”.

13          (8) In section 1104(b)(1)(B) (50 U.S.C.  
14 3234(b)(1)(B)), by striking the period at the end  
15 and inserting a semicolon.

16          (b) DAMON PAUL NELSON AND MATTHEW YOUNG  
17 POLLARD INTELLIGENCE AUTHORIZATION ACT FOR FIS-  
18 CAL YEARS 2018, 2019, AND 2020.—The Damon Paul  
19 Nelson and Matthew Young Pollard Intelligence Author-  
20 ization Act for Fiscal Years 2018, 2019, and 2020 (divi-  
21 sion E of Public Law 116–92) is amended—

22           (1) in section 5704(b)(1) (50 U.S.C.  
23 3334b(b)(1)), by striking “, and subject to para-  
24 graph (3)”;

1           (2) in section 6316 (50 U.S.C. 3334b note), by  
2           striking “congressional committees” and inserting  
3           “congressional intelligence committees”; and

4           (3) in section 6604 (50 U.S.C. 3352c), by strik-  
5           ing “subsections (b) and (c)” both places it appears  
6           and inserting “subsections (a) and (b)”.

7           (c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL  
8   YEAR 2012.—Section 309(a)(5) of the Intelligence Au-  
9   thorization Act for Fiscal Year 2012 (50 U.S.C. 3334e)  
10 is amended by striking “section 3542(b)” and inserting  
11 “section 3552”.

12          (d) PUBLIC INTEREST DECLASSIFICATION ACT OF  
13 2000.—The Public Interest Declassification Act of 2000  
14 (50 U.S.C. 3355 et seq.) is amended—

15           (1) in section 703(a)(2) (50 U.S.C.  
16           3355a(a)(2)), by striking “Executive Order 12958”  
17           and inserting “Executive Order 13526”;

18           (2) in section 704(e)(3) (50 U.S.C.  
19           3355b(e)(3)), by striking the comma before “shall”;

20           (3) in section 705(c) (50 U.S.C. 3355c(e)), by  
21           striking “section 103(c)(6) of the National Security  
22           Act of 1947 (50 U.S.C. 403–3(c)(6))” and inserting  
23           “section 102A(i) of the National Security Act of  
24           1947 (50 U.S.C. 3024(i))”; and

1           (4) in section 706 (50 U.S.C. 3355d), by strik-  
2           ing “Executive Order No. 12958” both places it ap-  
3           pears and inserting “Executive Order 13526”.

