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117TH CONGRESS
2^D SESSION

H. R. 8367

[Report No. 117-546]

To authorize appropriations for fiscal year 2023 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2022

Mr. SCHIFF introduced the following bill; which was referred to the
Permanent Select Committee on Intelligence

OCTOBER 31, 2022

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 13, 2022]

A BILL

To authorize appropriations for fiscal year 2023 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
 5 *telligence Authorization Act for Fiscal Year 2023”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *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 mate-
rials.

Sec. 306. Unfunded priorities of the intelligence community.

Sec. 307. Submission of classified annexes to executive orders and other docu-
ments.

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 Man-
agement Account pending submission of report on domestic ac-
tivities 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 mathematics, 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 commit-*
 5 *tees” has the meaning given such term in section 3*
 6 *of the National Security Act of 1947 (50 U.S.C.*
 7 *3003).*

8 (2) *INTELLIGENCE COMMUNITY.—The term “in-*
 9 *telligence community” has the meaning given such*
 10 *term in section 3 of the National Security Act of 1947*
 11 *(50 U.S.C. 3003).*

1 **TITLE I—INTELLIGENCE**
2 **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2023 for the conduct of the intelligence and intel-*
6 *ligence-related activities of the following elements of the*
7 *United States Government:*

8 (1) *The Office of the Director of National Intel-*
9 *ligence.*

10 (2) *The Central Intelligence Agency.*

11 (3) *The Department of Defense.*

12 (4) *The Defense Intelligence Agency.*

13 (5) *The National Security Agency.*

14 (6) *The Department of the Army, the Depart-*
15 *ment of the Navy, and the Department of the Air*
16 *Force.*

17 (7) *The Coast Guard.*

18 (8) *The Department of State.*

19 (9) *The Department of the Treasury.*

20 (10) *The Department of Energy.*

21 (11) *The Department of Justice.*

22 (12) *The Federal Bureau of Investigation.*

23 (13) *The Drug Enforcement Administration.*

24 (14) *The National Reconnaissance Office.*

1 (15) *The National Geospatial-Intelligence Agen-*
2 *cy.*

3 (16) *The Department of Homeland Security.*

4 (17) *The Space Force.*

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

6 (a) *SPECIFICATIONS OF AMOUNTS.*—*The amounts au-*
7 *thorized to be appropriated under section 101 for the con-*
8 *duct of the intelligence activities of the elements listed in*
9 *paragraphs (1) through (17) of section 101, are those speci-*
10 *fied in the classified Schedule of Authorizations prepared*
11 *to accompany this Act.*

12 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
13 *THORIZATIONS.*—

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

19 (2) *DISTRIBUTION BY THE PRESIDENT.*—*Subject*
20 *to paragraph (3), the President shall provide for suit-*
21 *able distribution of the classified Schedule of Author-*
22 *izations referred to in subsection (a), or of appro-*
23 *priate portions of such Schedule, within the executive*
24 *branch.*

1 (3) *LIMITS ON DISCLOSURE.*—*The President*
2 *shall not publicly disclose the classified Schedule of*
3 *Authorizations or any portion of such Schedule ex-*
4 *cept—*

5 *(A) as provided in section 601(a) of the Im-*
6 *plementing Recommendations of the 9/11 Com-*
7 *mission Act of 2007 (50 U.S.C. 3306(a));*

8 *(B) to the extent necessary to implement the*
9 *budget; or*

10 *(C) as otherwise required by law.*

11 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
12 **COUNT.**

13 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
14 *authorized to be appropriated for the Intelligence Commu-*
15 *nity Management Account of the Director of National Intel-*
16 *ligence for fiscal year 2023 the sum of \$665,800,000.*

17 (b) *CLASSIFIED AUTHORIZATION OF APPROPRIA-*
18 *TIONS.*—*In addition to amounts authorized to be appro-*
19 *priated for the Intelligence Community Management Ac-*
20 *count by subsection (a), there are authorized to be appro-*
21 *priated for the Intelligence Community Management Ac-*
22 *count for fiscal year 2023 such additional amounts as are*
23 *specified in the classified Schedule of Authorizations re-*
24 *ferred to in section 102(a).*

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is authorized to be appropriated for the Central*
7 *Intelligence Agency Retirement and Disability Fund*
8 *\$514,000,000 for fiscal year 2023.*

9 **TITLE III—GENERAL INTEL-**
10 **LIGENCE COMMUNITY MAT-**
11 **TERS**

12 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
13 **ACTIVITIES.**

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

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

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

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

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

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

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

9 “(8) The Director of the Central Intelligence
10 Agency.”.

11 (b) *FUNCTIONS.*—Subsection (c) of such section is
12 amended—

13 (1) in paragraph (1), by striking “; and” and
14 inserting a semicolon;

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

17 (3) by adding at the end the following new para-
18 graph:

19 “(3) ensuring that the intelligence community
20 has efficient and effective mechanisms to receive and
21 prioritize the intelligence needs of the departments
22 and agencies of the United States Government that
23 are not part of the intelligence community or the De-
24 partment of Defense.”.

25 (c) *MEETINGS.*—Subsection (d) of such section is
26 amended by striking “as the Director considers appro-

1 *priate” and inserting “on an annual basis, or more fre-*
2 *quently as the Director determines appropriate”.*

3 **SEC. 304. REQUIRED POLICY FOR MINIMUM INSIDER**
4 **THREAT STANDARDS.**

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

7 *(1) by redesignating paragraphs (8) and (9) as*
8 *paragraphs (9) and (10), respectively; and*

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

11 *“(8)(A) The Director of National Intelligence shall en-*
12 *sure there is established a policy for minimum insider*
13 *threat standards that is consistent with the Presidential*
14 *memorandum of November 21, 2012, titled ‘National In-*
15 *sider Threat Policy and Minimum Standards for Executive*
16 *Branch Insider Threat Programs’, or any successor thereto.*

17 *“(B) The head of each element of the intelligence com-*
18 *munity shall implement the policy under subparagraph (A)*
19 *within that element, and, concurrent with the submission*
20 *to Congress of budget justification materials in support of*
21 *the budget of the President for a fiscal year that is sub-*
22 *mitted to Congress under section 1105(a) of title 31, United*
23 *States Code, shall submit to Congress a certification as to*
24 *whether the element is in compliance with such policy.*

1 “(C) *The Director shall conduct periodic audits to de-*
2 *termine whether each element of the intelligence community*
3 *is in compliance with the policy under subparagraph (A).*
4 *The Director may refer any audit under this subparagraph*
5 *to the Inspector General of the Intelligence Community, who*
6 *shall conduct such audit on behalf of the Director.”.*

7 (b) *CONFORMING AMENDMENT.—Section 102A(x)(3) of*
8 *such Act (50 U.S.C. 3024(x)(3)) is amended by inserting*
9 *“, including the policy under subsection (f)(8),” after “poli-*
10 *cies of the intelligence community”.*

11 **SEC. 305. TIMELY SUBMISSION OF CLASSIFIED INTEL-**
12 **LIGENCE BUDGET JUSTIFICATION MATE-**
13 **RIALS.**

14 *Title V of the National Security Act of 1947 (50 U.S.C.*
15 *3091 et seq.) is amended by inserting after section 506I the*
16 *following new section (and conforming the table of contents*
17 *at the beginning of such Act accordingly):*

18 **“SEC. 506J. CLASSIFIED INTELLIGENCE BUDGET JUS-**
19 **TIFICATION MATERIALS.**

20 “(a) *TIMELY SUBMISSION.—At the same time as the*
21 *President submits to Congress the budget for each fiscal*
22 *year, the Director of National Intelligence shall submit to*
23 *the congressional intelligence committees the classified intel-*
24 *ligence budget justification materials for the element for*
25 *that budget.*

1 *committees a report on the unfunded priorities of the pro-*
2 *grams under the jurisdiction of such head.*

3 “(b) *ELEMENTS.*—

4 “(1) *IN GENERAL.*—*Each report under subsection*
5 *(a) shall specify, for each unfunded priority covered*
6 *by such report, the following:*

7 “(A) *A summary description of such pri-*
8 *ority, including the objectives to be achieved if*
9 *such priority is funded (whether in whole or in*
10 *part).*

11 “(B) *Whether such priority will satisfy a*
12 *covert action or support collection against re-*
13 *quirements identified in the National Intel-*
14 *ligence Priorities Framework of the Office of the*
15 *Director of National Intelligence (or any suc-*
16 *cessor mechanism established for the*
17 *prioritization of programs and activities), in-*
18 *cluding a description of such requirements and*
19 *the related prioritization level.*

20 “(C) *The additional amount of funds rec-*
21 *ommended in connection with the objectives*
22 *under subparagraph (A).*

23 “(D) *Budget information with respect to the*
24 *unfunded priority, including—*

25 “(i) *the appropriation account;*

1 “(ii) the expenditure center; and
2 “(iii) the project and, if applicable,
3 subproject.

4 “(2) *PRIORITIZATION OF PRIORITIES.*—Each re-
5 port shall present the unfunded priorities covered by
6 such report in overall order of urgency of priority
7 among unfunded priorities.

8 “(c) *UNFUNDED PRIORITY DEFINED.*—In this section,
9 the term ‘unfunded priority’, in the case of a fiscal year,
10 means a program, activity, or mission requirement of an
11 element of the intelligence community that—

12 “(1) is not funded in the budget of the President
13 for the fiscal year as submitted to Congress pursuant
14 to section 1105 of title 31, United States Code;

15 “(2) is necessary to fulfill a covert action or to
16 satisfy an information requirement associated with
17 the collection, analysis, or dissemination of intel-
18 ligence that has been documented within the National
19 Intelligence Priorities Framework; and

20 “(3) would have been recommended for funding
21 by the head of the element of the intelligence commu-
22 nity if—

23 “(A) additional resources had been available
24 for the budget to fund the program, activity, or
25 mission requirement; or

1 “(B) the program, activity, or mission re-
2 quirement has emerged since the budget was for-
3 mulated.”.

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

6 (a) *REQUIREMENT.*—Title V of the National Security
7 Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section
8 306, is further amended by adding at the end the following
9 new section (and conforming the table of contents at the
10 beginning of such Act accordingly):

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

13 “(a) *REQUIREMENT.*—Not later than 7 days after the
14 date on which the President issues or amends a covered doc-
15 ument, the Director of National Intelligence shall submit
16 to the congressional intelligence committees any classified
17 annex accompanying that document if such annex contains
18 a reference to any element of the intelligence community.

19 “(b) *COVERED DOCUMENT DEFINED.*—In this section,
20 the term ‘covered document’ means any executive order,
21 memorandum, or policy directive issued by the President,
22 including national security Presidential memoranda and
23 Presidential policy directives, or such successor memoranda
24 and directives.”.

1 (b) *INITIAL SUBMISSION.*—Not later than 60 days
2 after the date of the enactment of this Act, the Director of
3 National Intelligence shall submit to the congressional intel-
4 ligence committees each classified annex required under sec-
5 tion 515 of the National Security Act, as added by sub-
6 section (a), in effect as of the date of enactment of this Act.

7 **SEC. 308. IMPROVEMENTS TO PROGRAM ON RECRUITMENT**
8 **AND TRAINING.**

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

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

12 “(a) *PROGRAM.*—

13 “(1) *REQUIREMENT.*—The Director of National
14 Intelligence, in consultation with the heads of the ele-
15 ments of the intelligence community, shall carry out
16 a program to ensure that selected individuals are pro-
17 vided funds for academic training (including with re-
18 spect to both undergraduate and postgraduate edu-
19 cation), or to reimburse for academic training pre-
20 viously obtained—

21 “(A) in capabilities, missions, or skillsets,
22 especially in the fields of science, technology,
23 mathematics, and engineering, to address work-
24 force requirements in which the intelligence com-

1 *munity is deficient or likely to be deficient in the*
2 *future; or*

3 *“(B) for such individuals who have back-*
4 *grounds or experiences that the Director has*
5 *identified as being underrepresented in the intel-*
6 *ligence community or likely to be underrep-*
7 *resented in the future.*

8 *“(2) COMMITMENT.—An individual selected for*
9 *participation in the program shall commit to employ-*
10 *ment with an element of the intelligence community*
11 *for a period that the Director determines is commensurate*
12 *with the amount of funding provided to the individual*
13 *under the program and under such terms*
14 *and conditions as the Director considers appropriate.*

15 *“(3) DESIGNATION.—The program shall be*
16 *known as the Pat Roberts Intelligence Scholars Program.*

17 *“(4) OUTREACH.—The Director, in consultation*
18 *with the heads of the elements of the intelligence community,*
19 *shall maintain a publicly available internet*
20 *website on the program that describes—*

21 *“(A) the intent of the program;*

22 *“(B) the conditions and requirements for selection*
23 *and participation;*

24 *“(C) application instructions;*

1 “(D) the areas covered by the program pur-
2 suant to the review conducted under subsection
3 (b)(2); and

4 “(E) any other details the Director deter-
5 mines appropriate.

6 “(b) *ELEMENTS*.—In carrying out the program under
7 subsection (a), the Director shall—

8 “(1) establish such requirements relating to the
9 academic training of participants as the Director
10 considers appropriate to ensure that participants are
11 prepared for employment as intelligence professionals;
12 and

13 “(2) on an annual basis, review the areas that
14 will contribute to the capabilities, missions, and
15 skillsets in which the intelligence community is defi-
16 cient or is likely to be deficient in the future.

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

19 “(1) to provide a monthly stipend for each
20 month that a participant is pursuing a course of
21 study;

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

1 “(3) to reimburse a participant for tuition or
2 other appropriate education expenses paid by the par-
3 ticipant before becoming an employee of an element of
4 the intelligence community, including with respect to
5 providing payments for student loans used for such
6 tuition and expenses;

7 “(4) to pay for books and materials that the par-
8 ticipant requires or required to complete such course
9 of study;

10 “(5) to pay the expenses of the participant for
11 travel requested by an element of the intelligence com-
12 munity in relation to such program; or

13 “(6) for such other purposes the Director con-
14 siders reasonably appropriate to carry out such pro-
15 gram.”.

16 **SEC. 309. MEASURES TO MITIGATE COUNTERINTELLIGENCE**

17 **THREATS FROM PROLIFERATION AND USE OF**
18 **FOREIGN COMMERCIAL SPYWARE.**

19 (a) *FINDINGS.*—Congress finds the following:

20 (1) *The proliferation of foreign commercial*
21 *spyware poses an acute and emergent threat to the*
22 *national security of the United States.*

23 (2) *Foreign entities have developed and supplied*
24 *foreign commercial spyware to other foreign govern-*
25 *ments that used these tools to maliciously target offi-*

1 *cials of the United States Government. Many of those*
2 *foreign governments have, in service of their repres-*
3 *sive activities, targeted journalists, businesspeople, ac-*
4 *tivists, academics, and other persons.*

5 *(3) Furthermore, public reports suggest that for-*
6 *ign companies involved in the proliferation of for-*
7 *ign commercial spyware maintain close ties to for-*
8 *ign governments and their intelligence services. This*
9 *close relationship between foreign governments and*
10 *the companies selling foreign commercial spyware*
11 *further the already substantial counterintelligence*
12 *concerns for any end-user of these products, including*
13 *potential end-users in the United States.*

14 *(4) To mitigate the grave counterintelligence*
15 *threat posed by the rapid spread of these tools—as*
16 *well as to improve the digital security of citizens of*
17 *the United States, combat cyber threats, and mitigate*
18 *unlawful surveillance—the United States on January*
19 *19, 2022, finalized a rule establishing controls on the*
20 *export, reexport, or in-country transfer of certain*
21 *items that can be used for malicious cyber activities.*

22 *(5) In furtherance of the same national security*
23 *objectives, the Commerce Department on November 4,*
24 *2021, released a rule adding four foreign companies*
25 *to the Entity List for engaging in activities that are*

1 *contrary to the national security or foreign policy in-*
2 *terests of the United States. This rule had the prac-*
3 *tical effect of preventing the listed companies from re-*
4 *ceiving American technologies.*

5 *(6) Subsequent public reports indicate that at*
6 *least one of the four companies added to the Entity*
7 *List attempted to evade these and other restrictions,*
8 *and a private consultancy which oversees that com-*
9 *pany informed the European Parliament in 2022*
10 *that it could not confirm the blacklisted company is*
11 *complying with all relevant laws and regulatory*
12 *frameworks.*

13 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
14 *that the intelligence community, with its unique authori-*
15 *ties, foreign intelligence mission, analytical capabilities,*
16 *and other capabilities, is best positioned to lead the efforts*
17 *of the United States Government to mitigate the counter-*
18 *intelligence threats posed by the rapidly expanding eco-*
19 *system of foreign commercial spyware, including by devis-*
20 *ing and implementing strategies to protect personnel of the*
21 *United States Government from being maliciously targeted.*

22 *(c) STATEMENT OF POLICY.—It shall be the policy of*
23 *the United States to decisively act against counterintel-*
24 *ligence threats posed by foreign commercial spyware, as*
25 *well as the individuals who lead entities selling foreign com-*

1 *mercial spyware and who are reasonably believed to be in-*
2 *olved, have been involved, or pose a significant risk to*
3 *being or becoming involved, in activities contrary to the na-*
4 *tional security or foreign policy interests of the United*
5 *States.*

6 (d) *MEASURES TO MITIGATE COUNTERINTELLIGENCE*
7 *THREATS.—Title XI of the National Security Act of 1947*
8 *(50 U.S.C. 3231 et seq.) is amended by inserting after sec-*
9 *tion 1102 the following new section (and conforming the*
10 *table of contents at the beginning of such Act accordingly):*

11 **“SEC. 1102A. MEASURES TO MITIGATE COUNTERINTEL-**
12 **LIGENCE THREATS FROM PROLIFERATION**
13 **AND USE OF FOREIGN COMMERCIAL**
14 **SPYWARE.**

15 “(a) *ANNUAL ASSESSMENTS OF COUNTERINTEL-*
16 *LIGENCE THREATS.—*

17 “(1) *REQUIREMENT.—Not later than March 1,*
18 *2023, and annually thereafter, the Director of Na-*
19 *tional Intelligence, in coordination with the Director*
20 *of the Central Intelligence Agency, the Director of the*
21 *National Security Agency, and the Director of the*
22 *Federal Bureau of Investigation, shall submit to the*
23 *congressional intelligence committees a report con-*
24 *taining an assessment of the counterintelligence*
25 *threats and other risks to the national security of the*

1 *United States posed by the proliferation of foreign*
2 *commercial spyware. The assessment shall incorporate*
3 *all credible data, including open-source information.*

4 “(2) *ELEMENTS.—Each report under paragraph*
5 *(1) shall include the following, if known:*

6 “(A) *A list of the most significant foreign*
7 *companies, as determined by the Director of Na-*
8 *tional Intelligence, selling, leasing, or otherwise*
9 *providing foreign commercial spyware, and asso-*
10 *ciated foreign commercial entities, assessed by*
11 *the intelligence community to be the most signifi-*
12 *cant foreign actors in the global proliferation of*
13 *foreign commercial spyware.*

14 “(B) *A description of the foreign commer-*
15 *cial spyware marketed by the foreign companies*
16 *identified under subparagraph (A) and an as-*
17 *essment by the intelligence community of the*
18 *foreign commercial spyware.*

19 “(C) *An assessment of the counterintel-*
20 *ligence risk to personnel of the intelligence com-*
21 *munity posed by such spyware.*

22 “(D) *Details of where each foreign company*
23 *identified under subparagraph (A) is domiciled,*
24 *as well as any foreign country in which the com-*
25 *pany has subsidiaries or resellers acting as the*

1 *local agent on behalf of the foreign parent com-*
2 *pany.*

3 “(E) *A description of how each such foreign*
4 *company is financed, where the foreign company*
5 *acquired its capital, and the major investors in*
6 *the foreign company.*

7 “(F) *An assessment by the intelligence com-*
8 *munity of any relationship between each such*
9 *foreign company and a foreign government, in-*
10 *cluding any export controls and processes to*
11 *which the foreign company is subject.*

12 “(G) *To the extent such information is ob-*
13 *tainable through clandestine collection or open*
14 *source intelligence, a list of the foreign customers*
15 *of each such foreign company, including the un-*
16 *derstanding by the intelligence community of the*
17 *organizations and end-users within any foreign*
18 *government that procured the spyware of that*
19 *foreign company.*

20 “(H) *With respect to each foreign customer*
21 *identified under subparagraph (G), an assess-*
22 *ment by the intelligence community regarding*
23 *how the foreign customer is using the spyware,*
24 *including whether the spyware has been used to*
25 *target personnel of the intelligence community.*

1 “(I) *With respect to the first report, a miti-*
2 *gation plan to reduce the exposure of personnel*
3 *of the intelligence community to foreign commer-*
4 *cial spyware.*

5 “(J) *With respect to each report following*
6 *the first report, details of steps taken by the in-*
7 *telligence community since the previous report to*
8 *implement measures to reduce the exposure of*
9 *personnel of the intelligence community to for-*
10 *eign commercial spyware.*

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

13 “(4) *DISSEMINATION.—The Director of National*
14 *Intelligence shall share each report under paragraph*
15 *(1) with the heads of other appropriate Federal de-*
16 *partments and agencies, including the President, the*
17 *heads of all elements of the intelligence community,*
18 *the Secretary of State, the Attorney General, the Di-*
19 *rector of the Federal Bureau of Investigation, the Sec-*
20 *retary of Commerce, and the heads of any other agen-*
21 *cies the Director determines appropriate.*

22 “(b) *CLASSIFIED WATCHLIST.—*

23 “(1) *SUBMITTAL TO CONGRESS.—The Director of*
24 *National Intelligence shall submit to the appropriate*
25 *congressional committees a list of companies selling,*

1 *leasing, or otherwise providing foreign commercial*
2 *spyware that the Director determines are engaged in*
3 *activities that pose a counterintelligence risk to per-*
4 *sonnel of the intelligence community.*

5 *“(2) UPDATES.—The Director shall update the*
6 *list under paragraph (1) not less frequently than an-*
7 *nually.*

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

10 *“(4) DISSEMINATION.—The Director of National*
11 *Intelligence shall share each list under paragraph (1)*
12 *with the heads of other appropriate Federal depart-*
13 *ments and agencies, including the President, the*
14 *heads of all elements of the intelligence community,*
15 *the Secretary of State, the Attorney General, the Di-*
16 *rector of the Federal Bureau of Investigation, the Sec-*
17 *retary of Commerce, and the heads of any other agen-*
18 *cies the Director determines appropriate.*

19 *“(c) AUTHORITY TO PROHIBIT PURCHASE OR USE BY*
20 *INTELLIGENCE COMMUNITY.—*

21 *“(1) FOREIGN COMMERCIAL SPYWARE FROM FOR-*
22 *EIGN SPYWARE COMPANY.—*

23 *“(A) IN GENERAL.—The Director of Na-*
24 *tional Intelligence may prohibit any element of*
25 *the intelligence community from procuring, leas-*

1 *ing, or otherwise acquiring on the commercial*
2 *market, or extending or renewing a contract to*
3 *procure, lease, or otherwise acquire, foreign com-*
4 *mercial spyware from a foreign spyware com-*
5 *pany.*

6 “(B) *CONSIDERATIONS.—In determining*
7 *whether and how to exercise the authority under*
8 *subparagraph (A), the Director of National In-*
9 *telligence shall consider—*

10 “(i) *the assessment of the intelligence*
11 *community of the counterintelligence threats*
12 *or other risks to the United States posed by*
13 *the foreign commercial spyware; and*

14 “(ii) *the assessment of the intelligence*
15 *community of whether the foreign commer-*
16 *cial spyware has been used to target United*
17 *States Government personnel.*

18 “(2) *DOMESTIC COMPANY PROVIDING FOREIGN*
19 *COMMERCIAL SPYWARE.—*

20 “(A) *AUTHORITY TO PROHIBIT PUR-*
21 *CHASE.—The Director of National Intelligence*
22 *may prohibit the purchase or use by the intel-*
23 *ligence community of spyware from a domestic*
24 *company if the Director determines that the*

1 *spyware was originally sourced, in whole or in*
2 *part, from a foreign company.*

3 “(B) *CONSIDERATIONS.—In considering*
4 *whether and how to exercise the authority under*
5 *subparagraph (A) with respect to spyware, the*
6 *Director of National Intelligence shall consider—*

7 “(i) *whether the original owner or de-*
8 *veloper retains any of the physical property*
9 *or intellectual property associated with the*
10 *spyware;*

11 “(ii) *whether the original owner or de-*
12 *veloper has verifiably destroyed all copies of*
13 *the data collected by or associated with the*
14 *spyware;*

15 “(iii) *whether the personnel of the*
16 *original owner or developer retain any ac-*
17 *cess to data collected by or associated with*
18 *the spyware;*

19 “(iv) *whether the use of the spyware re-*
20 *quires the user to connect to an information*
21 *system of the original owner or developer or*
22 *of a foreign government; and*

23 “(v) *whether the spyware poses a coun-*
24 *terintelligence risk to the United States or*

1 *any other threat to the national security of*
2 *the United States.*

3 “(3) *DOMESTIC COMPANY THAT HAS ACQUIRED*
4 *FOREIGN COMMERCIAL SPYWARE.—*

5 “(A) *AUTHORITY.—The Director of Na-*
6 *tional Intelligence may prohibit any element of*
7 *the intelligence community from entering into*
8 *any contract or other agreement for any purpose*
9 *with a domestic company that has acquired, in*
10 *whole or in part, any foreign commercial*
11 *spyware.*

12 “(B) *CONSIDERATIONS.—In considering*
13 *whether and how to exercise the authority under*
14 *subparagraph (A) with respect to a domestic*
15 *company that has acquired foreign commercial*
16 *spyware, the Director of National Intelligence*
17 *shall consider—*

18 “(i) *whether the original owner or de-*
19 *veloper of the spyware retains any of the*
20 *physical property or intellectual property*
21 *associated with the spyware;*

22 “(ii) *whether the original owner or de-*
23 *veloper of the spyware has verifiably de-*
24 *stroyed all copies of the data collected by or*
25 *associated with the spyware;*

1 “(iii) whether the personnel of the
2 original owner or developer of the spyware
3 retain any access to data collected by or as-
4 sociated with the spyware;

5 “(iv) whether the use of the spyware re-
6 quires the user to connect to an information
7 system of the original owner or developer or
8 of a foreign government; and

9 “(v) whether the spyware poses a coun-
10 terintelligence risk to the United States or
11 any other threat to the national security of
12 the United States.

13 “(4) WAIVER AUTHORITY.—

14 “(A) IN GENERAL.—The head of an element
15 of the intelligence community may request from
16 the Director of National Intelligence the waiver
17 of a prohibition made under paragraph (1), (2),
18 or (3). The Director may issue such a waiver in
19 response to such a request if—

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

22 “(ii) the Director submits to the con-
23 gressional intelligence committees the notice
24 described in subparagraph (B).

1 “(B) NOTICE.—Not later than 30 days after
2 issuing a waiver under subparagraph (A), the
3 Director of National Intelligence shall submit to
4 the congressional intelligence committees notice
5 of the waiver. Such notice shall include—

6 “(i) an identification of the head of the
7 element of the intelligence community that
8 requested the waiver;

9 “(ii) the rationale for issuing the waiv-
10 er; and

11 “(iii) the considerations that informed
12 the ultimate determination of the Director
13 to issue the wavier.

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

18 “(d) NOTIFICATIONS.—

19 “(1) IN GENERAL.—Not later than 30 days after
20 the date on which the Director of National Intel-
21 ligence exercises the authority to issue a prohibition
22 under subsection (c), the Director of National Intel-
23 ligence shall notify the congressional intelligence com-
24 mittees of such exercise of authority. Such notice shall
25 include—

1 “(A) a description of the circumstances
2 under which the prohibition was issued;

3 “(B) an identification of the company or
4 product covered by the prohibition;

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

12 “(D) an identification of each element of the
13 intelligence community to which the prohibition
14 has been applied.

15 “(2) COUNTERINTELLIGENCE NOTIFICATIONS.—
16 Not later than 30 days after the date on which an ele-
17 ment of the intelligence community becomes aware
18 that a Government-issued mobile device was targeted
19 or compromised by foreign commercial spyware, the
20 Director of National Intelligence, in coordination
21 with the Director of the Federal Bureau of Investiga-
22 tion, shall notify the congressional intelligence com-
23 mittees of such determination, including—

1 “(A) the component of the element and the
2 location of the personnel whose device was tar-
3 geted or compromised;

4 “(B) the number of devices compromised or
5 targeted;

6 “(C) an assessment by the intelligence com-
7 munity of the damage to national security of the
8 United States resulting from any loss of data or
9 sensitive information;

10 “(D) an assessment by the intelligence com-
11 munity of any foreign government, or foreign or-
12 ganization or entity, and, to the extent possible,
13 the foreign individuals, who directed and bene-
14 fitted from any information acquired from the
15 targeting or compromise; and

16 “(E) as appropriate, an assessment by the
17 intelligence community of the capacity and will
18 of such governments or individuals to continue
19 targeting personnel of the United States Govern-
20 ment.

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

22 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
23 *TEES.*—*The term ‘appropriate congressional commit-*
24 *tees’ means—*

1 “(A) *the Committee on Foreign Affairs, the*
2 *Committee on Armed Services, and the Perma-*
3 *nent Select Committee on Intelligence of the*
4 *House of Representatives; and*

5 “(B) *the Committee on Foreign Relations,*
6 *the Committee on Armed Services, and the Select*
7 *Committee on Intelligence of the Senate.*

8 “(2) *DOMESTIC COMPANY.—The term ‘domestic*
9 *company’ means a commercial entity, or any sub-*
10 *subsidiary or affiliate of the entity, incorporated or dom-*
11 *iciled in the United States that—*

12 “(A) *sells, leases, or otherwise provides for-*
13 *ign commercial spyware, including by reason*
14 *of—*

15 “(i) *taking ownership, in whole or in*
16 *part, of a foreign spyware company; or*

17 “(ii) *entering into a partnership with*
18 *a foreign spyware company; or*

19 “(B) *otherwise owns, leases, or has access to*
20 *foreign commercial spyware.*

21 “(3) *FOREIGN COMMERCIAL SPYWARE.—The*
22 *term ‘foreign commercial spyware’ means a tool (or*
23 *set of tools) sold, leased, marketed, or otherwise pro-*
24 *vided as an end-to-end system originally developed or*
25 *owned by a foreign spyware company that provides*

1 a purchaser remote access to information stored on or
2 transiting through an electronic device connected to
3 the internet, including end-to-end systems that—

4 “(A) allow malign actors to infect mobile
5 and internet-connected devices with malware
6 over both wireless internet and cellular data con-
7 nections, including without any action required
8 by the user of the device;

9 “(B) can record telephone calls and other
10 audio;

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

12 “(D) access and retrieve information on the
13 device, including text messages, files, e-mails,
14 transcripts of chats, contacts, photos, and brows-
15 ing history.

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

18 “(A) incorporated or domiciled outside the
19 United States; and

20 “(B) not subject to the laws and regulations
21 of the United States regulating the surveillance
22 of citizens of the United States and foreign citi-
23 zens.

24 “(5) *GOVERNMENT-ISSUED MOBILE DEVICE*.—
25 The term ‘Government-issued mobile device’ means a

1 *smartphone, tablet, or laptop, or similar portable*
2 *computing device, that is issued to personnel of the*
3 *intelligence community by a department or agency of*
4 *the United States Government for official use by the*
5 *personnel.*

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

10 *(e) GOVERNMENT-ISSUED MOBILE DEVICES.*—

11 *(1) REQUIREMENT.*—*Not later than 120 days*
12 *after the date of the enactment of this Act, the Direc-*
13 *tor of National Intelligence shall—*

14 *(A) issue standards, guidance, best prac-*
15 *tices, and policies for elements of the intelligence*
16 *community to protect Government-issued mobile*
17 *devices from being compromised by foreign com-*
18 *mercial spyware;*

19 *(B) survey elements of the intelligence com-*
20 *munity regarding the processes used by the ele-*
21 *ments to routinely monitor Government-issued*
22 *mobile devices for known indicators of com-*
23 *promise associated with foreign commercial*
24 *spyware; or*

1 (C) submit to the appropriate congressional
2 committees a report on the sufficiency of the
3 measures in place to routinely monitor Govern-
4 ment-issued mobile devices of appropriate per-
5 sonnel of the intelligence community for known
6 indicators of compromise associated with foreign
7 commercial spyware.

8 (2) *FORM.*—The report under subparagraph (B)
9 may be submitted in classified form.

10 (3) *PRIVATE SECTOR PARTNERSHIPS.*—Section
11 904(d)(7) of the Counterintelligence Enhancement Act
12 of 2002 (50 U.S.C. 3383(d)(7)) is amended by adding
13 at the end the following new paragraph:

14 “(E) *VULNERABILITIES FROM FOREIGN*
15 *COMMERCIAL SPYWARE.*—

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

23 “(ii) *DEFINITIONS.*—In this subpara-
24 graph, the terms ‘Government-issued mobile
25 devices’ and ‘foreign commercial spyware’

1 *have the meaning given those terms in sec-*
2 *tion 1102A of the National Security Act of*
3 *1947.”.*

4 *(f) IMPOSITION OF SANCTIONS AGAINST CERTAIN PER-*
5 *SONS ENGAGED IN PROLIFERATION OR USE OF FOREIGN*
6 *COMMERCIAL SPYWARE.—*

7 *(1) DISCRETIONARY SANCTIONS.—The President*
8 *may impose the sanctions described in paragraph (2)*
9 *with respect to—*

10 *(A) a foreign company the President deter-*
11 *mines, based on credible evidence, to pose a coun-*
12 *terintelligence or other risk to the national secu-*
13 *rity of the United States, such as a company in-*
14 *cluded on the watchlist required by subsection (b)*
15 *of section 1102A of the National Security Act of*
16 *1947, as added to subsection (d).*

17 *(B) any foreign individual who—*

18 *(i) is a current or former senior execu-*
19 *tive officer employed by a company de-*
20 *scribed in subparagraph (A); and*

21 *(ii) is responsible for or complicit in,*
22 *or has directly or indirectly engaged in, the*
23 *proliferation of foreign commercial spyware*
24 *that could enable the targeting of United*

1 *States Government officials or personnel of*
2 *the intelligence community;*

3 *(C) any foreign individual who—*

4 *(i) is a current or former official of a*
5 *foreign government or is acting for or on be-*
6 *half of such official; and*

7 *(ii) is responsible for or complicit in,*
8 *or has directly or indirectly engaged in, the*
9 *targeting of United States Government offi-*
10 *cial or personnel of the intelligence commu-*
11 *nity through the use of foreign commercial*
12 *spyware; or*

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

17 *(i) a foreign company selling, leasing,*
18 *or otherwise providing foreign commercial*
19 *spyware; or*

20 *(ii) the targeting of United States Gov-*
21 *ernment officials or personnel of the intel-*
22 *ligence community through the use of for-*
23 *ign commercial spyware.*

24 (2) *SANCTIONS DESCRIBED.—The sanctions de-*
25 *scribed in this paragraph are the following:*

1 (A) *BLOCKING OF PROPERTY.*—*The Presi-*
2 *dent shall exercise all of the powers granted to*
3 *the President under the International Emergency*
4 *Economic Powers Act (50 U.S.C. 1701 et seq.)*
5 *(except that the requirements of section 202 of*
6 *such Act (50 U.S.C. 1701) shall not apply) to the*
7 *extent necessary to block and prohibit all trans-*
8 *actions in property and interests in property of*
9 *a person determined by the President to be sub-*
10 *ject to paragraph (1) if such property and inter-*
11 *ests in property are in the United States, come*
12 *within the United States, or come within the*
13 *possession or control of a United States person.*

14 (B) *INADMISSIBILITY TO THE UNITED*
15 *STATES AND REVOCATION OF VISA OR OTHER*
16 *DOCUMENTATION.*—

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

22 (I) *inadmissible to the United*
23 *States;*

1 (ii) *ineligible to receive a visa or*
2 *other documentation to enter the*
3 *United States; and*

4 (iii) *otherwise ineligible to be ad-*
5 *mitted or paroled into the United*
6 *States or to receive any other benefit*
7 *under the Immigration and Nation-*
8 *ality Act (8 U.S.C. 1101 et seq.).*

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

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

1 *comply with the Agreement regarding the*
2 *Headquarters of the United Nations, signed*
3 *at Lake Success June 26, 1947, and entered*
4 *into force November 21, 1947, between the*
5 *United Nations and the United States, or*
6 *other applicable international obligations.*

7 (3) *IMPLEMENTATION; PENALTIES.—*

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

15 (B) *PENALTIES.—Any person that violates,*
16 *attempts to violate, conspires to violate, or causes*
17 *a violation of this subsection or any regulation,*
18 *license, or order issued to carry out subpara-*
19 *graph (A) shall be subject to the penalties pro-*
20 *vided for in subsections (b) and (c) of section 206*
21 *of the International Emergency Economic Pow-*
22 *ers Act (50 U.S.C. 1705) to the same extent as*
23 *a person that commits an unlawful act described*
24 *in subsection (a) of that 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 Direc-*
19 *tor of National Intelligence shall submit to the con-*
20 *gressional intelligence committees a report on the po-*
21 *tential for the United States to lead an effort to devise*
22 *and implement a common approach with the Five*
23 *Eyes Partnership to mitigate the counterintelligence*
24 *risks posed by the proliferation of foreign commercial*
25 *spyware, including by seeking commitments from*

1 *partner countries of the Five Eyes Partnership to im-*
2 *plement measures similar to the requirements under*
3 *this section and section 1102A of the National Secu-*
4 *rity Act of 1947 (50 U.S.C. 3231 et seq.), as added*
5 *by this section.*

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

10 (h) *DEFINITIONS.—In this section:*

11 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
12 *TEES.—The term “appropriate congressional commit-*
13 *tees” 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 Select*
20 *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-issued*
25 *mobile device” have the meanings given those terms in*

1 *in section 3 of the National Security Act of 1947 (50 U.S.C.*
2 *3003)) (other than a member of the Armed Forces of the*
3 *United States) who moves pursuant to a change in assign-*
4 *ment that requires relocation” after “change of station”.*

5 *(c) EFFECTIVE DATE.—The amendments made by this*
6 *section shall apply to taxable years beginning after Decem-*
7 *ber 31, 2021.*

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

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

18 *(b) REPORT.—*

19 *(1) REQUIREMENT.—Not later than 180 days*
20 *after the date of the enactment of this Act, the Direc-*
21 *tor of National Intelligence shall submit to the con-*
22 *gressional intelligence committees a report describing*
23 *the performance measures developed under subsection*
24 *(a).*

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

3 (A) *A description of how departments and*
4 *agencies of the United States Government have*
5 *implemented Security Executive Agent Directive*
6 *6 titled “Continuous Evaluation” and related*
7 *personnel vetting performance measures to en-*
8 *sure that implementation is efficient and effec-*
9 *tive, including the resources expended by each*
10 *department or agency for continuous vetting and*
11 *whether departments and agencies are identi-*
12 *fying security-relevant information in a timely*
13 *manner.*

14 (B) *A description of the performance meas-*
15 *ures the Director of National Intelligence and the*
16 *Secretary of Defense use to assess the quality of*
17 *each phase of the security clearance process, in-*
18 *cluding initiation, investigation, adjudication,*
19 *reinvestigation, and continuous vetting.*

20 (C) *How such performance measures meet*
21 *key attributes for successful performance meas-*
22 *ures as described in the report of the Comptroller*
23 *General of the United States titled “Personnel*
24 *Vetting: Actions Needed to Implement Reforms,*

1 *Address Challenges, and Improve Planning”*
2 *(GAO–22–104093).*

3 *(D) Any impediments or constraints relat-*
4 *ing to the implementation of Security Executive*
5 *Agent Directive 6 or the development of such per-*
6 *formance measures to assess the quality of the*
7 *clearance process.*

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

14 **SEC. 312. PROACTIVE CYBERSECURITY.**

15 *(a) SURVEY OF ELEMENTS.—Pursuant to section*
16 *103G(b)(1) of the National Security Act (50 U.S.C.*
17 *3032(b)(1)), not later than 1 year after the date of the en-*
18 *actment of this Act, the Chief Information Officer of the*
19 *Intelligence Community shall conduct a survey of each ele-*
20 *ment of the intelligence community on the use by that ele-*
21 *ment of proactive cybersecurity initiatives, continuous*
22 *monitoring, and active defense techniques.*

23 *(b) REPORT BY CHIEF INFORMATION OFFICER.—*

24 *(1) REPORT.—Not later than 1 year after the*
25 *date of the completion of the survey under subsection*

1 (a), the Chief Information Officer of the Intelligence
2 Community shall submit to the congressional intel-
3 ligence committees a report on proactive cybersecurity
4 initiatives, continuous monitoring, and active defense
5 techniques. Such report shall include the following:

6 (A) The results of the survey of each element
7 of the intelligence community conducted under
8 subsection (a), including—

9 (i) examples of any successes against
10 attackers who unlawfully breached an infor-
11 mation system of an element of the intel-
12 ligence community; and

13 (ii) concerns, limitations, and associ-
14 ated recommendations relating to innova-
15 tive uses of proactive cybersecurity initia-
16 tives.

17 (B) An analysis of the feasibility, costs, and
18 benefits of consolidating oversight and implemen-
19 tation of such methods within the intelligence
20 community, including whether such consolida-
21 tion would significantly enhance defense.

22 (C) An analysis of any statutory or policy
23 limitations on the ability of the Director of Na-
24 tional Intelligence, or the head of any element of
25 the intelligence community, to carry out such

1 *methods on behalf of an element of the intel-*
2 *ligence community or multiple such elements.*

3 *(D) An analysis of the relationships between*
4 *and among the intelligence community, the De-*
5 *partment of Defense, the Cybersecurity and Intel-*
6 *ligence Security Agency of the Department of*
7 *Homeland Security, national laboratories, and*
8 *the private sector, and whether such relation-*
9 *ships should be enhanced to protect national se-*
10 *curity systems of the intelligence community*
11 *through proactive cybersecurity measures.*

12 *(E) With respect to active defense tech-*
13 *niques, a discussion of the effectiveness of such*
14 *techniques to protect the information systems of*
15 *the elements of the intelligence community, any*
16 *constraints that hinder such techniques, and as-*
17 *sociated recommendations.*

18 *(F) With respect to continuous monitoring,*
19 *a discussion of—*

20 *(i) how an information system operates*
21 *under normal and intended use, compared*
22 *to how such system operates under a variety*
23 *of adverse conditions and scenarios; and*

1 (ii) the feasibility of the adoption of
2 continuous monitoring among the intel-
3 ligence community.

4 (G) Recommendations for legislative action
5 and further resources relating to the successful
6 use of proactive cybersecurity initiatives, decep-
7 tion environments, and continuous monitoring.

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

10 (c) DEFINITIONS.—In this section:

11 (1) ACTIVE DEFENSE TECHNIQUE.—The term
12 “active defense technique” means an action taken on
13 an information system of an element of the intel-
14 ligence community to increase the security of such
15 system against an attacker, including—

16 (A) the use of a deception technology or
17 other purposeful feeding of false or misleading
18 information to an attacker accessing such sys-
19 tem; or

20 (B) proportional action taken in response to
21 an unlawful breach.

22 (2) CONTINUOUS MONITORING.—The term “con-
23 tinuous monitoring” means continuous experimen-
24 tation conducted by an element of the intelligence
25 community on an information system of such element

1 *to evaluate the resilience of such system against a ma-*
2 *licious attack or condition that could compromise*
3 *such system for the purpose of improving design, re-*
4 *silience, and incident response with respect to such*
5 *system.*

6 (3) *DECEPTION TECHNOLOGY.—The term “decep-*
7 *tion technology” means an isolated digital environ-*
8 *ment, system, or platform containing a replication of*
9 *an active information system with realistic data flows*
10 *to attract, mislead, and observe an attacker.*

11 (4) *INTELLIGENCE COMMUNITY INFORMATION EN-*
12 *vironment.—The term “intelligence community in-*
13 *formation environment” has the meaning given the*
14 *term in Intelligence Community Directive 121, or*
15 *any successor document.*

16 (5) *NATIONAL LABORATORY.—The term “na-*
17 *tional laboratory” has the meaning given that term*
18 *in section 2 of the Energy Policy Act of 2005 (42*
19 *U.S.C. 15801).*

20 (6) *NATIONAL MANAGER FOR NATIONAL SECU-*
21 *RITY SYSTEMS.—The term “National Manager for*
22 *National Security Systems” means the Director of*
23 *National Security, or successor official, serving as the*
24 *National Manager for National Security Systems*

1 *pursuant to National Security Directive 42, or any*
2 *successor document.*

3 (7) *NATIONAL SECURITY SYSTEM.*—*The term*
4 *“national security system” has the meaning given*
5 *that term in section 3552 of title 44, United States*
6 *Code.*

7 (8) *PROACTIVE CYBERSECURITY INITIATIVES.*—
8 *The term “proactive cybersecurity initiatives” means*
9 *actions performed periodically and continuously*
10 *within an organization, focused on identifying and*
11 *eliminating vulnerabilities within the network infra-*
12 *structure, preventing security breaches, and evalu-*
13 *ating the effectiveness of the business security posture*
14 *in real-time, including threat hunting, endpoint and*
15 *network monitoring, and cybersecurity awareness and*
16 *training.*

17 **SEC. 313. LIMITATION ON AVAILABILITY OF FUNDS FOR IN-**
18 **TELLIGENCE COMMUNITY MANAGEMENT AC-**
19 **COUNT PENDING SUBMISSION OF REPORT ON**
20 **DOMESTIC ACTIVITIES OF INTELLIGENCE**
21 **COMMUNITY.**

22 *Of the funds authorized to be appropriated by this Act*
23 *or otherwise made available for fiscal year 2023 for the In-*
24 *telligence Community Management Account, 5 percent may*
25 *not be obligated or expended until the date on which the*

1 *Director of National Intelligence submits the report re-*
2 *quired by section 505(c) of the Intelligence Authorization*
3 *Act for Fiscal Year 2022 (division X of Public Law 117–*
4 *103; 50 U.S.C. 3112 note).*

5 ***TITLE IV—MATTERS RELATING***
6 ***TO ELEMENTS OF THE INTEL-***
7 ***LIGENCE COMMUNITY***

8 ***Subtitle A—Office of the Director of***
9 ***National Intelligence***

10 ***SEC. 401. MODIFICATIONS TO RESPONSIBILITIES AND AU-***
11 ***THORITIES OF DIRECTOR OF NATIONAL IN-***
12 ***TELLIGENCE.***

13 *Section 102A of the National Security Act of 1947 (50*
14 *U.S.C. 3024), as amended by section 304, is further amend-*
15 *ed—*

16 *(1) in subsection (c)—*

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

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

22 *(C) in paragraph (5)(C), by striking “may”*
23 *and inserting “shall”;*

24 *(2) in subsection (h)—*

25 *(A) in paragraph (1)(A)—*

1 (i) by striking “encourage” and insert-
2 ing “require”; and

3 (ii) by inserting “and apolitical” after
4 “sound”; and

5 (B) by amending paragraph (3) to read as
6 follows;

7 “(3) ensure that substantial differences in ana-
8 lytic judgment are fully considered, brought to the at-
9 tention of policymakers, and documented in analytic
10 products; and”;

11 (3) in subsection (i)—

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

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

16 (C) by adding at the end the following new
17 paragraph:

18 “(4) Each head of an element of the intelligence com-
19 munity shall ensure that any congressionally mandated re-
20 port submitted to Congress by the head, other than such a
21 report submitted solely to the congressional intelligence
22 committees, shall be consistent with the protection of intel-
23 ligence sources and methods in accordance with the policies
24 established by the Director under paragraph (1), regardless

1 *of whether the provision of law mandating the report explic-*
2 *itly requires such protection.”; and*

3 *(4) in subsection (x)—*

4 *(A) in the matter preceding paragraph (1),*
5 *by striking “the head of each department of the*
6 *Federal Government that contains an element of*
7 *the intelligence community and the Director of*
8 *the Central Intelligence Agency” and inserting*
9 *“the heads of the elements of the intelligence com-*
10 *munity”; and*

11 *(B) in paragraph (1)—*

12 *(i) in subparagraph (A), by striking “;*
13 *and” and inserting a semicolon;*

14 *(ii) in subparagraph (B), by striking*
15 *the semicolon and inserting “; and”; and*

16 *(iii) by adding at the end the following*
17 *new subparagraph:*

18 *“(C) each contract awarded by an element*
19 *of the intelligence community includes provisions*
20 *granting consent for the network monitoring by*
21 *the element of any information technology net-*
22 *work used to perform work under such contract,*
23 *regardless of the classification level of such net-*
24 *work.”.*

1 **SEC. 402. ANNUAL SUBMISSION TO CONGRESS OF NA-**
2 **TIONAL INTELLIGENCE PRIORITIES FRAME-**
3 **WORK.**

4 (a) *ANNUAL SUBMISSION.*—Section 102A(p) of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3023(p)) is amended
6 by inserting at the end the following new paragraph:

7 “(3) Not later than October 1 of each year, the Director
8 of National Intelligence shall submit to the congressional
9 intelligence committees a copy of the most recently updated
10 National Intelligence Priorities Framework of the Office of
11 the Director of National Intelligence (or any such successor
12 mechanism).”.

13 (b) *LIMITATION ON AVAILABILITY OF FUNDS FOR IN-*
14 *TELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.*—Of the
15 funds authorized to be appropriated by this Act or otherwise
16 made available for fiscal year 2023 for the Intelligence
17 Community Management Account, 5 percent may not be
18 obligated or expended until the date on which the Director
19 of National Intelligence submits the first copy required
20 under paragraph (3) of such section 102A(p), as added by
21 subsection (a).

22 **SEC. 403. DISPOSITION OF RECORDS OF OFFICE OF THE DI-**
23 **RECTOR OF NATIONAL INTELLIGENCE.**

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

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

2 (2) by adding at the end the following new sen-
3 tence: “Any records of the Office of the Director of Na-
4 tional Intelligence that are maintained by the agency
5 as a service for the Office of the Director of National
6 Intelligence under section 1535 of title 31, United
7 States Code, (popularly known as the ‘Economy Act’)
8 may be treated as the records of the agency when
9 disposed as required by law, and any disclosure
10 of such records between the two agencies shall not be
11 subject to any otherwise applicable legal consent re-
12 quirements or disclosure accounting requirements.”;
13 and

14 (3) by adding at the end the following new para-
15 graph:

16 “(2) The records of the Office of the Director of Na-
17 tional Intelligence may not be dispositioned pursuant to
18 paragraph (1) without the authorization of the Director of
19 National Intelligence.”.

1 **Subtitle B—Central Intelligence**
2 **Agency**

3 **SEC. 411. AUTHORITY OF CENTRAL INTELLIGENCE AGENCY**
4 **TO PROVIDE PROTECTION FOR CERTAIN PER-**
5 **SONNEL.**

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

9 “(4) *Authorize personnel designated by the Director to*
10 *carry firearms to the extent necessary for the performance*
11 *of the Agency’s authorized functions, except that, within the*
12 *United States, such authority shall be limited to the pur-*
13 *poses of—*

14 “(A) *the training of Agency personnel and other*
15 *authorized persons in the use of firearms;*

16 “(B) *the protection of classified materials and*
17 *information;*

18 “(C) *the protection of installations and property*
19 *of the Agency;*

20 “(D) *the protection of—*

21 “(i) *current and former Agency personnel*
22 *and their immediate families;*

23 “(ii) *individuals nominated by the Presi-*
24 *dent to the position of Director (including with*
25 *respect to an individual whom a President-elect*

1 *(as defined in section 3(c) of the Presidential*
2 *Transition Act of 1963 (3 U.S.C. 102 note) has*
3 *declared an intent to nominate) and their imme-*
4 *diates families; and*

5 *“(iii) defectors and their immediate fami-*
6 *lies, and other persons in the United States*
7 *under Agency auspices; and*

8 *“(E) with respect to the Office of the Director of*
9 *National Intelligence, the protection of—*

10 *“(i) installations and property of the Office*
11 *of the Director of National Intelligence pursuant*
12 *to section 15(a)(1);*

13 *“(ii) the Director of National Intelligence;*

14 *“(iii) current and former personnel of the*
15 *Office of the Director of National Intelligence*
16 *and their immediate families as the Director of*
17 *National Intelligence may designate; and*

18 *“(iv) individuals nominated by the Presi-*
19 *dent to the position of Director of National Intel-*
20 *ligence (including with respect to an individual*
21 *whom a President-elect has declared an intent to*
22 *nominate) and their immediate families;”.*

23 ***(b) CONFORMING AMENDMENT.—Section 15(d)(1) of***
24 ***such Act (50 U.S.C. 3515(d)(1)) is amended by striking***
25 ***“designated by the Director under section 5(a)(4) to carry***

1 *firearms for the protection of current or former Agency per-*
 2 *sonnel and their immediate families, defectors and their im-*
 3 *mediate families, and other persons in the United States*
 4 *under Agency auspices,” and inserting the following: “des-*
 5 *ignated by the Director to carry firearms under subpara-*
 6 *graph (D) of section 5(a)(4) or clause (ii), (iii), or (iv) of*
 7 *subparagraph (E) of such section,”.*

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

12 **SEC. 412. NOTIFICATION OF USE OF CERTAIN EXPENDI-**
 13 **TURE AUTHORITIES.**

14 (a) *CIA.—Section 8 of the Central Intelligence Agency*
 15 *Act of 1949 (50 U.S.C. 3510) is amended by adding at the*
 16 *end the following new subsection:*

17 “(c) *NOTIFICATION.—Not later than 30 days after the*
 18 *date on which the Director makes a novel or significant ex-*
 19 *penditure pursuant to subsection (a), the Director shall no-*
 20 *tify the Permanent Select Committee on Intelligence of the*
 21 *House of Representatives and the Select Committee on Intel-*
 22 *ligence of the Senate of such expenditure.”.*

23 (b) *OTHER ELEMENTS.—Section 102A of the National*
 24 *Security Act of 1947 (50 U.S.C. 3024), as amended by sec-*
 25 *tion 402, is further amended—*

1 (1) *in subsection (m)(1), by inserting before the*
2 *period at the end the following: “, including with re-*
3 *spect to the notification requirement under section*
4 *8(c) of such Act (50 U.S.C. 3510(c))”;* and

5 (2) *in subsection (n), by adding at the end the*
6 *following new paragraph:*

7 “*(5) Any authority provided to the Director of Na-*
8 *tional Intelligence or the head of an element of the intel-*
9 *ligence community pursuant to this subsection to make an*
10 *expenditure referred to in subsection (a) of section 8 of the*
11 *Central Intelligence Agency Act of 1949 (50 U.S.C. 3510)*
12 *is subject to the notification requirement under subsection*
13 *(c) of such section. If the Director of National Intelligence*
14 *is required to make a notification for a specific expenditure*
15 *pursuant to both this paragraph and paragraph (4)(G), the*
16 *Director may make a single notification.”.*

17 **SEC. 413. CLARIFICATION OF AUTHORITIES RELATING TO**
18 **SECURITY PERSONNEL AT OFFICE OF DIREC-**
19 **TOR OF NATIONAL INTELLIGENCE FACILITIES**
20 **AND INSTALLATIONS.**

21 (a) *AUTHORITY OF CENTRAL INTELLIGENCE AGENCY*
22 *SECURITY PERSONNEL.—*

23 (1) *AUTHORITY.—Section 15(a)(1) of the Central*
24 *Intelligence Agency Act of 1949 (50 U.S.C.*
25 *3515(a)(1)) is amended—*

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

3 (B) by redesignating subparagraph (D) as
4 subparagraph (E);

5 (C) by inserting after subparagraph (C) the
6 following new subparagraph:

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

9 (D) in subparagraph (E), as redesignated
10 by subparagraph (B), by striking “subparagraph
11 (C)” and inserting “subparagraph (C) or (D),”.

12 (2) *RULES AND REGULATIONS.*—Section 15(a)(4)
13 of such Act (50 U.S.C. 3515(a)(4) is amended—

14 (A) by striking “The rules” and inserting
15 “(A) Except as provided in subparagraph (B),
16 the rules”; and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(B) With respect to the areas referred to in subpara-
20 graph (D) of paragraph (1), the rules and regulations en-
21 forced by such personnel and applicable to such areas shall
22 be the rules and regulations prescribed by the Director, in
23 coordination with the Director of National Intelligence.”.

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

4 (b) *AUTHORITY OF OFFICE OF DIRECTOR OF NA-*
5 *TIONAL INTELLIGENCE SECURITY PERSONNEL.*—Section
6 102A(m) of the National Security Act of 1947 (50 U.S.C.
7 3024(m)), as amended by section 412(b)(1), is further
8 amended by adding at the end the following new paragraph:
9 “(3) In addition to the authority provided to the Di-
10 rector of the Central Intelligence Agency to authorize secu-
11 rity personnel of the Central Intelligence Agency within,
12 and in certain streets, sidewalks, and open areas with re-
13 spect to, a facility or installation operated by the Director
14 of National Intelligence under section 15(a) of the Central
15 Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)), the
16 Director of National Intelligence may exercise with respect
17 to the security personnel of the Office of the Director of Na-
18 tional Intelligence such authority to the same extent, and
19 subject to the same conditions and limitations, that the Di-
20 rector of the Central Intelligence Agency may exercise such
21 authority with respect to security personnel of the Central
22 Intelligence Agency.”.

1 **SEC. 414. OFFICE OF WORKFORCE SUPPORT OF CENTRAL**
2 **INTELLIGENCE AGENCY.**

3 (a) *ESTABLISHMENT.*—Not later than 120 days after
4 the date of the enactment of this Act, the Director shall es-
5 tablish an office, to be known as the “Office of Workforce
6 Support”, to provide independent support and advocacy for
7 the physical and mental health and well-being of current
8 and former officers, employees, and contractors of the Agen-
9 cy.

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

11 (1) *DEPUTY DIRECTOR.*—The Director shall ap-
12 point a Deputy Director for Workforce Support as the
13 head of the Office of Workforce Support, who shall re-
14 port directly to the Director.

15 (2) *FULL-TIME ASSIGNED OFFICERS.*—To assist
16 in performing the functions under subsection (c), the
17 Director shall ensure there is assigned to the Office of
18 Workforce Support not fewer than 10 officers of the
19 Agency, who shall have no official duties other than
20 duties related to such Office while so assigned.

21 (c) *FUNCTIONS.*—The functions of the Office of Work-
22 force Support shall be, with respect to eligible individuals
23 under subsection (e), as follows:

24 (1) *Providing to such individuals independent*
25 *and confidential advice and assistance, and advo-*
26 *cating on behalf of such individuals, on matters relat-*

1 *ing to health and well-being, including with respect*
2 *to physical health, mental health, retirement benefits,*
3 *disability compensation, and other related programs*
4 *and benefits for which the individual may be eligible*
5 *(without regard to whether such programs and bene-*
6 *fits are administered or funded by the United States*
7 *Government or the private sector).*

8 *(2) Maintaining, and making available to such*
9 *individuals, the following:*

10 *(A) A list of physicians and mental health*
11 *care providers (including from the private sector,*
12 *as applicable), who hold an appropriate security*
13 *clearance, or are eligible to hold an appropriate*
14 *security clearance, and are qualified to provide*
15 *confidential services and support to such indi-*
16 *viduals.*

17 *(B) A list of private attorneys who hold an*
18 *appropriate security clearance and are qualified*
19 *to provide to such individuals confidential legal*
20 *advice, including with respect to physical health,*
21 *mental health, retirement benefits, disability*
22 *compensation, and other related matters.*

23 *(d) PROVISION OF SERVICES TO FORMER OFFICERS,*
24 *EMPLOYEES, AND CONTRACTORS.—In the case of an indi-*
25 *vidual specified in subsection (e)(2), services under the Of-*

1 *Office of Workforce Support shall be provided upon the request*
2 *of the individual.*

3 (e) *ELIGIBILITY.*—*An individual is eligible for receiv-*
4 *ing a service under the Office of Workforce Support if the*
5 *individual is—*

6 (1) *an officer, employee, or contractor of the*
7 *Agency; or*

8 (2) *a former officer, employee, or contractor of*
9 *the Agency whose employment or contract with the*
10 *Agency, as the case may be, concluded not more than*
11 *10 years prior to the date on which the individual*
12 *seeks the service.*

13 (f) *BRIEFINGS.*—*On a biannual basis until the date*
14 *of termination under subsection (g), the Director shall pro-*
15 *vide to the congressional intelligence committees a briefing*
16 *on the status of the Office of Workforce Support, including*
17 *on—*

18 (1) *the number of officers assigned to such Office*
19 *pursuant to subsection (b)(2); and*

20 (2) *the number of eligible individuals under sub-*
21 *section (e) who have received services under such Of-*
22 *fice, and the type of services so received.*

23 (g) *TERMINATION.*—*The Office of Workforce Support*
24 *shall terminate on the date that is 3 years after the date*
25 *on which such Office is established.*

1 **SEC. 415. ESTABLISHMENT OF EXTERNAL ADVISORY BOARD**
2 **FOR TALENT FOR THE CENTRAL INTEL-**
3 **LIGENCE AGENCY.**

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

6 (1) *the Central Intelligence Agency plays one of*
7 *the most critical roles in national defense;*

8 (2) *the intelligence provided by the officers of the*
9 *Agency protects the United States;*

10 (3) *to carry out this mission, the Agency needs*
11 *to attract, train, lead, and retain the most talented*
12 *and diverse workforce possible;*

13 (4) *therefore, the Director must ensure the Agen-*
14 *cy is incorporating best practices from the private*
15 *sector to hire, lead, manage, and retain the most im-*
16 *portant element of the organization, Agency per-*
17 *sonnel; and*

18 (5) *An External Advisory Board for Talent will*
19 *provide the Agency an important mechanism to im-*
20 *prove how the Agency recruits, leads, and manages*
21 *Agency personnel.*

22 (b) *ESTABLISHMENT.*—*Not later than 180 days after*
23 *the date of the enactment of this Act, the Director of the*
24 *Central Intelligence Agency shall establish an advisory*
25 *board for the Central Intelligence Agency, to be known as*

1 the “*External Advisory Board for Talent*” (in this section
2 referred to as the “*Board*”).

3 (c) *DUTIES.*—*The duties of the Board shall be to advise*
4 *the Director and the head of the Talent Center of the Agen-*
5 *cy, or such successor organizational element, on—*

6 (1) *the most up-to-date best practices and inno-*
7 *vations in the areas of hiring, leadership, manage-*
8 *ment practices, and talent retention; and*

9 (2) *the fostering of a culture of continuous im-*
10 *provement within the Agency, whereby each successive*
11 *generation of officers of the Agency become more effec-*
12 *tive leaders and improve the mission performance of*
13 *the Agency organically and from within.*

14 (d) *MEMBERSHIP.*—

15 (1) *COMPOSITION.*—*The Board shall be composed*
16 *of at least 7 members selected from a diverse range of*
17 *private sector industries, each of whom shall be, in*
18 *the determination of the Director, a highly accom-*
19 *plished executive or thought leader in the field of*
20 *human resource management with a demonstrated*
21 *history of leading, or advising, high-functioning orga-*
22 *nizations.*

23 (2) *PAY.*—*Each member of the Board shall be*
24 *compensated at a rate prescribed by the Director for*
25 *each day (including travel time) during which the*

1 *member is engaged in the actual performance of du-*
2 *ties vested in the Board.*

3 (3) *TRAVEL EXPENSES.*—*Each member of the*
4 *Board may receive travel expenses, including per*
5 *diem in lieu of subsistence, in accordance with appli-*
6 *cable provisions under subchapter I of chapter 57 of*
7 *title 5, United States Code, for travel between the res-*
8 *idence of the member and the metropolitan Wash-*
9 *ington, D.C., area.*

10 (e) *MEETINGS.*—*On a basis that is at least quarterly*
11 *until the date of termination under subsection (h), the*
12 *Board shall hold a meeting with the Director to provide*
13 *the views of the Board on the state of the Agency workforce,*
14 *a summary of the minutes of which shall be distributed*
15 *among the Agency workforce to ensure transparency.*

16 (f) *IMPLEMENTATION OF RECOMMENDATIONS.*—

17 (1) *ASSISTANCE FROM TALENT CENTER.*—*The*
18 *head of the Talent Center of the Agency, or such suc-*
19 *cessor organizational element, shall assist the Board*
20 *in carrying out any studies necessary for the fulfil-*
21 *ment of the duties of the Board and shall assist the*
22 *Director in implementing any recommendations of*
23 *the Board.*

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

4 (g) *REPORTS AND BRIEFINGS.*—

5 (1) *ANNUAL REPORTS.*—*On an annual basis*
6 *until the date of termination under subsection (h), the*
7 *Board shall submit to the Director and the congres-*
8 *sional intelligence committees a report on the state of*
9 *the Agency workforce.*

10 (2) *PERIODIC BRIEFINGS.*—*On a regular basis*
11 *until the date of termination under subsection (h), the*
12 *members of the Board shall provide briefings to the*
13 *congressional intelligence committees, and the staff*
14 *members of such committees.*

15 (h) *TERMINATION.*—*The Board shall terminate on the*
16 *date that is 3 years after the date on which the Board is*
17 *established.*

18 (i) *DEFINITIONS.*—*In this section, the terms “Agency”*
19 *and “Director” have the meaning given those terms in sec-*
20 *tion 1 of the Central Intelligence Agency Act of 1949 (50*
21 *U.S.C. 3501).*

22 **SEC. 416. STUDY ON RELATIONSHIP BETWEEN CENTRAL IN-**
23 **TELLIGENCE AGENCY AND CONGRESS.**

24 (a) *FINDINGS.*—*Congress finds the following:*

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

6 (2) *The study, organized thematically, provides a*
7 *valuable primer for officials of the Agency, members*
8 *of Congress, congressional staff, and the general pub-*
9 *lic about the necessarily secret business of intelligence*
10 *oversight.*

11 (b) *STUDY.—*

12 (1) *REQUIREMENT.—Not later than 2 years after*
13 *the date of the enactment of this Act, the Director of*
14 *the Central Intelligence Agency, acting through the*
15 *Center for the Study of Intelligence, shall prepare a*
16 *study, in book form, describing the relationship be-*
17 *tween the Central Intelligence Agency and Congress*
18 *between 2004 and 2022. The Director shall ensure*
19 *that the study is modeled on the manuscript described*
20 *in subsection (a)(1), including with respect to the or-*
21 *ganizational structure.*

22 (2) *ELEMENTS.—The study under paragraph (1)*
23 *shall document the following:*

24 (A) *Major legislation affecting the Agency.*

25 (B) *Programs and budget.*

1 (C) *Oversight of analysis.*

2 (D) *Oversight of collection.*

3 (E) *Oversight of covert action.*

4 (F) *Oversight of security and personnel*
5 *matters.*

6 (G) *The process by which officials of the*
7 *Agency are appointed by the President, by and*
8 *with the advice and consent of the Senate.*

9 (H) *For each of the elements specified in*
10 *subparagraphs (A) through (G), highlights of the*
11 *principal issues before Congress and a discussion*
12 *of how those issues were handled.*

13 (I) *Any other matters the Director deter-*
14 *mines appropriate.*

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

18 (4) *FORM.—The study under paragraph (1) shall*
19 *be made in unclassified form, but the Director may*
20 *submit to the congressional intelligence committees a*
21 *classified annex.*

22 **SEC. 417. HISTORICAL ADVISORY PANEL OF CENTRAL IN-**
23 **TELLIGENCE AGENCY.**

24 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
25 *that Congress expresses its appreciation—*

1 (1) *to the Director of the Central Intelligence*
2 *Agency for reconstituting the Historical Advisory*
3 *Panel; and*

4 (2) *for the important work of the Historical Ad-*
5 *visory Panel, especially for—*

6 (A) *the efforts of the Panel to aid with the*
7 *declassification of materials that enrich the his-*
8 *torical national security record; and*

9 (B) *the assistance of the Panel in liaison*
10 *with the scholarly community.*

11 (b) *REPORTING REQUIREMENT.—The Historical Advi-*
12 *sory Panel shall report directly to the Director of the Cen-*
13 *tral Intelligence Agency.*

14 (c) *HISTORICAL ADVISORY PANEL DEFINED.—The*
15 *term “Historical Advisory Panel” means the panel of the*
16 *Central Intelligence Agency, regardless of the name of the*
17 *panel, that assists in conducting declassification reviews*
18 *and providing other assistance with respect to matters of*
19 *historical interest.*

20 ***Subtitle C—Elements of the Defense***
21 ***Intelligence Enterprise***

22 ***SEC. 421. DEPUTY DIRECTOR FOR DEFENSE INTELLIGENCE***
23 ***RESPONSIBLE FOR WARFIGHTER SUPPORT.***

24 *Section 137 of title 10, United States Code, is amended*
25 *by adding at the end the following new subsection:*

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

4 “(3) The term ‘Federal retirement system’ in-
5 cludes the Federal Employees’ Retirement System (in-
6 cluding the Thrift Savings Plan).

7 “(4) The term ‘military retirement system’ in-
8 cludes military retired pay programs under chapters
9 61, 63, 65, and 67 of this title and the Survivor Ben-
10 efit Plan established by chapter 73 of this title.

11 **“§ 1802. Cover enhancement authority**

12 “(a) *AUTHORITY.*—Notwithstanding any other provi-
13 sion of law, the Secretary of Defense may exercise the au-
14 thorities under this chapter to protect from unauthorized
15 disclosure—

16 “(1) intelligence operations of the Department of
17 Defense;

18 “(2) the identities of undercover officers;

19 “(3) intelligence sources and methods; or

20 “(4) cover mechanisms.

21 “(b) *DESIGNATION OF EMPLOYEES AND MEMBERS.*—

22 (1) Subject to paragraph (2), the Secretary of Defense may
23 designate any employee of the Department of Defense or
24 member of the armed forces who is under cover to be an
25 employee or a member to whom this chapter applies.

1 “(2) *The Secretary of Defense may not designate more*
2 *than 15 persons under paragraph (1) in a fiscal year unless*
3 *the Secretary provides notice of the intent to designate more*
4 *than 15 persons in such fiscal year to the congressional de-*
5 *fense committees and the congressional intelligence commit-*
6 *tees (as such term is defined in section 3 of the National*
7 *Security Act of 1957 (50 U.S.C. 3003)).*

8 “(3) *A designation may be made under this subsection*
9 *with respect to any or all authorities exercised under this*
10 *chapter.*

11 “(c) *INTERAGENCY COORDINATION AND SUPPORT.—*
12 *Establishment of any such cover enhancement authority for*
13 *intelligence operations of the Department of Defense shall*
14 *be pre-coordinated using processes and procedures for intel-*
15 *ligence community deconfliction mutually agreed upon by*
16 *the Secretary of Defense and the Director of the Central In-*
17 *telligence Agency.*

18 “**§ 1803. Compensation**

19 “*The Secretary of Defense may pay a designated em-*
20 *ployee or designated member salary, allowances, and other*
21 *benefits in an amount and in a manner consistent with*
22 *the cover of that employee or member, without regard to*
23 *any limitation that is otherwise applicable to a Federal em-*
24 *ployee or member of the armed forces. A designated em-*
25 *ployee or designated member may accept, use, and, to the*

1 *extent authorized by regulations prescribed under this chap-*
2 *ter, retain any salary, allowances, and other benefits pro-*
3 *vided under this chapter.*

4 **“§ 1804. Retirement benefits**

5 “(a) *ESTABLISHMENT OF RETIREMENT SYSTEM.—The*
6 *Secretary of Defense may establish, administer, contract*
7 *for, or implement through another Federal department or*
8 *agency, a cover retirement system for designated employees*
9 *and designated members (and the spouse, former spouses,*
10 *and survivors of such designated employees and designated*
11 *members). A designated employee or designated member*
12 *may not receive credit for service under the retirement sys-*
13 *tem established under this paragraph and another Federal*
14 *retirement system for the same time period.*

15 “(b) *CONVERSION TO OTHER FEDERAL RETIREMENT*
16 *SYSTEM.—A designated employee or designated member*
17 *participating in the retirement system established under*
18 *subsection (a) may convert to coverage under the Federal*
19 *retirement system or military retirement system that would*
20 *otherwise apply to such employee or member at any appro-*
21 *priate time determined by the Secretary of Defense (includ-*
22 *ing at the time of separation of service by reason of retire-*
23 *ment), if the Secretary of Defense determines that the par-*
24 *ticipation of the employee or member in the retirement sys-*

1 *tem established under this subsection is no longer necessary*
2 *to protect from unauthorized disclosure—*

3 “(1) *intelligence operations;*

4 “(2) *the identities of undercover officers;*

5 “(3) *intelligence sources and methods; or*

6 “(4) *cover mechanisms.*

7 “(c) *CONVERSION TREATMENT.—Upon a conversion*
8 *under subsection (b)—*

9 “(1) *all periods of service under the retirement*
10 *system established under this section shall be deemed*
11 *periods of creditable service under the applicable Fed-*
12 *eral retirement system or military retirement system;*

13 “(2) *the Secretary of Defense shall transmit an*
14 *amount for deposit in any applicable fund of that*
15 *Federal retirement system or military retirement sys-*
16 *tem that—*

17 “(A) *is necessary to cover all employee or*
18 *member and agency contributions including—*

19 “(i) *interest as determined by the head*
20 *of the agency administering the Federal re-*
21 *irement system or military retirement sys-*
22 *tem into which the employee or member is*
23 *converting; or*

24 “(ii) *in the case of an employee or*
25 *member converting into the Federal Em-*

1 *ployee’s Retirement System or military re-*
2 *tirement system, interest as determined*
3 *under chapter 84 of title 5 or chapter 74 of*
4 *this title, as the case may be; and*

5 *“(B) ensures that such conversion does not*
6 *result in any unfunded liability to that fund;*
7 *and*

8 *“(3) in the case of a designated employee or des-*
9 *ignated member who participated in an employee or*
10 *member investment retirement system established*
11 *under subsection (a) and is converted to coverage*
12 *under the Federal retirement system or military re-*
13 *tirement system, the Secretary of Defense may trans-*
14 *mit any or all amounts of that designated employee*
15 *or designated member in that employee or military*
16 *investment retirement system (or similar part of that*
17 *retirement system) to the Thrift Savings Fund.*

18 *“(d) TRANSMITTED AMOUNTS.—(1) Amounts described*
19 *under subsection (c)(2) shall be paid from any fund the Sec-*
20 *retary of Defense deems appropriate.*

21 *“(2) The Secretary of Defense may use amounts con-*
22 *tributed by the designated employee or designated member*
23 *to a retirement system established under subsection (a) to*
24 *offset amounts paid under paragraph (1).*

1 “(e) *RECORDS.*—*The Secretary of Defense shall trans-*
2 *mit all necessary records relating to a designated employee*
3 *or designated member who converts to a Federal retirement*
4 *system or military retirement system under subsection (b)*
5 *(including records relating to periods of service which are*
6 *deemed to be periods of creditable service under subsection*
7 *(c)(1)) to the head of the agency administering that Federal*
8 *retirement system or military retirement system.*

9 “**§ 1805. Health insurance benefits**

10 “(a) *IN GENERAL.*—*The Secretary of Defense may es-*
11 *tablish, administer, contract for, or implement through an-*
12 *other Federal agency, a cover health insurance program for*
13 *designated employees and designated members and eligible*
14 *family members. A designated employee or designated mem-*
15 *ber may not participate in the health insurance program*
16 *established under this section and the program under chap-*
17 *ter 89 of title 5 or chapter 55 of this title at the same time.*

18 “(b) *CONVERSION TO FEDERAL EMPLOYEES HEALTH*
19 *BENEFITS PROGRAM.*—*A designated employee partici-*
20 *pating in the health insurance program established under*
21 *subsection (a) may convert to coverage under the program*
22 *under chapter 89 of title 5, and a designated member par-*
23 *ticipating in the program established under subsection (a)*
24 *may convert to coverage under the program under chapter*
25 *55 of this title or chapter 17 of title 38, at any appropriate*

1 *time determined by the Secretary of Defense (including at*
2 *the time of separation of service by reason of retirement),*
3 *if the Secretary of Defense determines that the participation*
4 *of the employee or member in the health insurance program*
5 *established under this subsection is no longer necessary to*
6 *protect from unauthorized disclosure—*

7 “(1) *intelligence operations;*

8 “(2) *the identities of undercover officers;*

9 “(3) *intelligence sources and methods; or*

10 “(4) *cover mechanisms.*

11 “(c) *CONVERSION TREATMENT.—Upon a conversion of*
12 *a designated employee under subsection (b)—*

13 “(1) *the employee (and family, if applicable)*
14 *shall be entitled to immediate enrollment and cov-*
15 *erage under chapter 89 of title 5;*

16 “(2) *any requirement of prior enrollment in a*
17 *health benefits plan under chapter 89 of title 5 for*
18 *continuation of coverage purposes shall not apply;*

19 “(3) *the employee shall be deemed to have had*
20 *coverage under chapter 89 of title 5 from the first op-*
21 *portunity to enroll for purposes of continuing cov-*
22 *erage; and*

23 “(4) *the Secretary of Defense shall transmit an*
24 *amount for deposit in the Employees’ Health Benefits*

1 *Fund that is necessary to cover any costs of such con-*
2 *version.*

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

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

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

10 “(2) *with respect to a member of the armed*
11 *forces, a dependent as defined in section 1072 of this*
12 *title.*

13 **“§ 1806. Life insurance benefits**

14 “(a) *IN GENERAL.*—*The Secretary of Defense may es-*
15 *tablish, administer, contract for, or implement through an-*
16 *other Federal agency, a cover life insurance program for*
17 *designated employees and designated members (and the*
18 *family of such designated employees or designated mem-*
19 *bers). A designated employee or designated member may not*
20 *participate in the life insurance program established under*
21 *this section and the program under chapter 87 of title 5*
22 *for the same time period.*

23 “(b) *CONVERSION TO FEDERAL EMPLOYEES GROUP*
24 *LIFE INSURANCE PROGRAM.*—*A designated employee par-*
25 *ticipating in the life insurance program established under*

1 *subsection (a) may convert to coverage under the program*
2 *under chapter 87 of title 5, and a designated member par-*
3 *ticipating in the life insurance program established under*
4 *subsection (a) may convert to coverage under the program*
5 *under chapter 19 of title 38, at any appropriate time deter-*
6 *mined by the Secretary of Defense (including at the time*
7 *of separation of service by reason of retirement), if the Sec-*
8 *retary of Defense determines that the participation of the*
9 *employee or member in the life insurance program estab-*
10 *lished under this section is no longer necessary to protect*
11 *from unauthorized disclosure—*

12 “(1) *intelligence operations;*

13 “(2) *the identities of undercover officers;*

14 “(3) *intelligence sources and methods; or*

15 “(4) *cover mechanisms.*

16 “(c) *CONVERSION TREATMENT.—Upon a conversion of*
17 *a designated employee under subsection (b)—*

18 “(1) *the employee (and family, if applicable)*
19 *shall be entitled to immediate coverage under chapter*
20 *87 of title 5;*

21 “(2) *any requirement of prior enrollment in a*
22 *life insurance program under chapter 87 of title 5 for*
23 *continuation of coverage purposes shall not apply;*

24 “(3) *the employee shall be deemed to have had*
25 *coverage under chapter 87 of title 5 for the full period*

1 *of service during which the employee would have been*
2 *entitled to be insured for purposes of continuing cov-*
3 *erage; and*

4 “(4) *the Secretary of Defense shall transmit an*
5 *amount for deposit in the Employees’ Life Insurance*
6 *Fund that is necessary to cover any costs of such con-*
7 *version.*

8 “(d) *TRANSMITTED AMOUNTS.—Any amount described*
9 *under subsection (c)(4) shall be paid from any fund the Sec-*
10 *retary of Defense deems appropriate.*

11 **“§ 1807. Exemption from certain requirements**

12 *“The Secretary of Defense may exempt a designated*
13 *employee or designated member from mandatory compli-*
14 *ance with any Federal regulation, rule, standardized ad-*
15 *ministrative policy, process, or procedure that the Secretary*
16 *of Defense determines—*

17 “(1) *would be inconsistent with the cover of that*
18 *employee or member; and*

19 “(2) *could expose that employee to detection as*
20 *a Federal employee or that member as a member of*
21 *the armed forces.*

22 **“§ 1808. Taxation and social security**

23 “(a) *IN GENERAL.—Notwithstanding any other provi-*
24 *sion of law, a designated employee or designated member—*

1 “(1) shall file a Federal or State tax return as
2 if that employee or member is not a Federal employee
3 or member of the armed forces and may claim and
4 receive the benefit of any exclusion, deduction, tax
5 credit, or other tax treatment that would otherwise
6 apply if that designated employee was not a Federal
7 employee or that designated member was not a mem-
8 ber of the armed forces, if the Secretary of Defense de-
9 termines that taking any action under this subsection
10 is necessary to protect from unauthorized disclosure—

11 “(A) intelligence operations;

12 “(B) the identities of undercover officers;

13 “(C) intelligence sources and methods; or

14 “(D) cover mechanisms; and

15 “(2) shall receive social security benefits based on
16 the social security contributions made.

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

24 “(c) *INTERNAL REVENUE SERVICE REVIEW.*—The Sec-
25 retary of Defense shall establish procedures to carry out this

1 *section. The procedures shall be subject to periodic review*
2 *by the Internal Revenue Service.*

3 **“§ 1809. Regulations**

4 *“The Secretary of Defense shall prescribe regulations*
5 *to carry out this chapter. The regulations shall ensure that*
6 *the combination of salary, allowances, and benefits that an*
7 *employee or member designated under this chapter may re-*
8 *tain does not significantly exceed, except to the extent deter-*
9 *mined by the Secretary of Defense to be necessary to exercise*
10 *the authority in this chapter, the combination of salary,*
11 *allowances, and benefits otherwise received by employees or*
12 *members not designated under this chapter.*

13 **“§ 1810. Finality of decisions**

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

18 **“§ 1811. Subsequently enacted laws**

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

1 **SEC. 423. AUTHORITY OF ARMY COUNTERINTELLIGENCE**
2 **AGENTS TO EXECUTE WARRANTS AND MAKE**
3 **ARRESTS.**

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

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

10 (2) *in subsection (b)—*

11 (A) *by striking “any employee of the De-*
12 *partment of the Army who is a special agent”*
13 *and inserting the following: “any employee of the*
14 *Department of the Army who is—*
15 *“(1) a special agent”;*

16 (B) *in paragraph (1), as designated by sub-*
17 *paragraph (A), by striking the period at the end*
18 *and inserting “; or”; and*

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

21 “(2) *a special agent of the Army Counterintel-*
22 *ligence Command (or a successor to that command)*
23 *whose duties include conducting, supervising, or co-*
24 *ordinating counterintelligence investigations involv-*
25 *ing potential or alleged violations punishable under*

1 *chapter 37, 113B, or 115 of title 18, and similar of-*
2 *fenses punishable under this title.”.*

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

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

7 **SEC. 424. INCLUSION OF SPACE FORCE AS ELEMENT OF IN-**
8 **TELLIGENCE COMMUNITY.**

9 *Section 3(4)(H) of the National Security Act of 1947*
10 *(50 U.S.C. 3003(4)(H)) is amended by inserting “the Space*
11 *Force,” after “the Marine Corps,”.*

12 **SEC. 425. MILITARY INTELLIGENCE COLLECTION AND**
13 **ANALYSIS PARTNERSHIPS.**

14 **(a) USE OF APPROPRIATED FUNDS.**—*The Director of*
15 *the Defense Intelligence Agency may use not more than*
16 *\$10,000,000 of appropriated funds available to the Defense*
17 *Intelligence Agency for each fiscal year to pay for the ex-*
18 *penses of partnerships with foreign countries, regional orga-*
19 *nizations with defense, intelligence, or security components,*
20 *and security alliances of which the United States is a mem-*
21 *ber for military intelligence collection and analysis activi-*
22 *ties.*

23 **(b) USE OF FUNDS OTHER THAN APPROPRIATED**
24 **FUNDS.**—*Notwithstanding any other provision of law, the*

1 *Director may use funds other than appropriated funds to*
2 *pay for the expenses of partnerships with foreign countries,*
3 *regional organizations with defense or security components,*
4 *and security alliances of which the United States is a mem-*
5 *ber for military intelligence collection and analysis activi-*
6 *ties, except that—*

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

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

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

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

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

5 (e) *COORDINATION WITH DIRECTOR OF NATIONAL IN-*
6 *TELLIGENCE.*—The *Director of the Defense Intelligence*
7 *Agency shall coordinate the military intelligence collection*
8 *and analysis activities funded pursuant to this section with*
9 *the Director of National Intelligence.*

10 (f) *BUDGET EXHIBIT.*—With respect to each fiscal year
11 *in which this section is carried out, the Secretary of Defense*
12 *shall ensure that the defense budget materials include a*
13 *budget exhibit detailing the receipt and disbursements of*
14 *funds to be used by the Director of the Defense Intelligence*
15 *Agency under subsections (a) and (b).*

16 (g) *SUNSET.*—

17 (1) *IN GENERAL.*—Subject to paragraph (2), the
18 *authority to carry out this section shall terminate on*
19 *the date that is 5 years after the date of the enact-*
20 *ment of this Act.*

21 (2) *EXCEPTION.*—A *military intelligence collec-*
22 *tion and analysis activity for which funds have been*
23 *obligated under this section before the date on which*
24 *the authority to carry out this section terminates*

1 *under paragraph (1) may continue until the comple-*
2 *tion of the activity.*

3 *(h) DEFINITIONS.—In this section:*

4 *(1) DEFENSE BUDGET MATERIALS.—The term*
5 *“defense budget materials” has the meaning given*
6 *that term in section 231 of title 10, United States*
7 *Code.*

8 *(2) MILITARY INTELLIGENCE COLLECTION AND*
9 *ANALYSIS ACTIVITY.—The term “military intelligence*
10 *collection and analysis activity” means—*

11 *(A) the conduct of a combined human intel-*
12 *ligence and counterintelligence activity;*

13 *(B) the collection, processing, exploitation,*
14 *analysis, and dissemination of all-source intel-*
15 *ligence;*

16 *(C) the conduct of a foreign defense intel-*
17 *ligence liaison relationship or defense intelligence*
18 *exchange program; or*

19 *(D) the research, development, acquisition,*
20 *and sustainment of an information technology*
21 *system or telecommunication capability in sup-*
22 *port of an activity described in subparagraph*
23 *(A), (B), or (C).*

1 **SEC. 426. INTELLIGENCE ASSESSMENT OF EFFECTS OF**
2 **COUNTERTERRORISM STRIKES.**

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

5 (1) *the intelligence community is responsible for*
6 *ensuring that products compliant with analytic*
7 *tradecraft are available to the operational elements of*
8 *the Department of Defense;*

9 (2) *such products must be prepared with the*
10 *rigor necessary to determine the status of a potential*
11 *terrorist target, the role of the target, how critical the*
12 *target is to the operations of a terrorist group, and*
13 *the effect removing that individual would have on the*
14 *strategic threat to the United States, United States*
15 *persons overseas, members of the United States Armed*
16 *Forces overseas, or facilities of the United States over-*
17 *seas; and*

18 (3) *the intelligence community is also responsible*
19 *for assessing the strategic impact of counterterrorism*
20 *strikes to determine whether the anticipated or desired*
21 *impact on the terrorist group or network was*
22 *achieved.*

23 (b) *INTELLIGENCE ASSESSMENT.*—*The Director of the*
24 *Defense Intelligence Agency, in coordination with the direc-*
25 *torates of intelligence of the combatant commands, shall*
26 *produce an intelligence assessment of the effects of counter-*

1 *terrorism strikes conducted by the Armed Forces on targets*
2 *outside of areas of active hostilities during the 5-year period*
3 *preceding the date of the enactment of this Act.*

4 (c) *ELEMENTS.—The assessment under subsection (b)*
5 *shall include the following:*

6 (1) *With respect to the counterterrorism strikes*
7 *covered by the assessment—*

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

15 (B) *the effects of the strike on the intent of*
16 *the respective terrorist group to conduct external*
17 *operations, particularly the operations targeting*
18 *the United States, United States persons over-*
19 *seas, members of the United States Armed Forces*
20 *overseas, or facilities of the United States over-*
21 *seas;*

22 (C) *the effects of the strike on the recruit-*
23 *ment of the respective terrorist group;*

1 (D) the effects of the strike on the local per-
2 ception of the respective terrorist group, the host
3 country, and the United States; and

4 (E) the effects of the strike on the capabili-
5 ties of the host country to conduct operations
6 against the targeted group.

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

12 (3) Recommendations to improve the efficacy, ac-
13 curacy, and timeliness of intelligence analysis to in-
14 crease the strategic effect of counterterrorism strikes.

15 (d) REPORT.—

16 (1) REQUIREMENT.—Not later than 180 days
17 after the date of the enactment of this Act, the Direc-
18 tor shall submit to the appropriate congressional com-
19 mittees a report containing the intelligence assessment
20 under subsection (b) and the judgments under para-
21 graph (2).

22 (2) JUDGMENTS.—The report shall include the
23 following judgments:

24 (A) What percentage of counterterrorism
25 strikes covered by the intelligence assessment

1 *under subsection (b) had a short-term effect on*
2 *the planned external operations of the respective*
3 *terrorist group, particularly the operations tar-*
4 *geting the United States, United States persons*
5 *overseas, members of the United States Armed*
6 *Forces overseas, or facilities of the United States*
7 *overseas.*

8 *(B) What percentage of counterterrorism*
9 *strikes covered by the intelligence assessment*
10 *under subsection (b) had a long-term effect on*
11 *the planned external operations of the respective*
12 *terrorist group, particularly the operations tar-*
13 *geting the United States, United States persons*
14 *overseas, members of the United States Armed*
15 *Forces overseas, or facilities of the United States*
16 *overseas.*

17 *(C) A qualitative assessment of the effects of*
18 *the counterterrorism strikes.*

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

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

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means the following:*

4 (A) *The congressional intelligence commit-*
5 *tees.*

6 (B) *The congressional defense committees*
7 *(as defined in section 101(a)(16) of title 10,*
8 *United States Code).*

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

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

20 **SEC. 427. SUBMISSION OF CERTAIN LEGISLATIVE PRO-**
21 **POSALS.**

22 (a) *REQUIREMENT.*—*In submitting a covered legisla-*
23 *tive proposal, the Secretary of Defense shall also simulta-*
24 *neously submit to the congressional intelligence committees*
25 *the proposal, including a brief explanation of the proposal.*

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

4 (c) *COVERED LEGISLATIVE PROPOSAL DEFINED.*—In
5 this section, the term “covered legislative proposal” means
6 a provision of legislation proposed by the Secretary of De-
7 fense to Congress that is approved by the Office of Manage-
8 ment and Budget and involves the grant, expansion, modi-
9 fication, or cessation of authority involving the intelligence,
10 intelligence-related, or tactical intelligence activities of the
11 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 culture*
17 *at the Agency.*

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

24 (3) *The Agency has committed to improving*
25 *Agency culture and leadership; however, actions taken*

1 to date fall short of addressing the permissive envi-
2 ronment for management abuses.

3 (b) *MANDATORY PROVISION OF EXIT SURVEY OR*
4 *INTERVIEW.*—

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

11 (2) *ANNUAL SUBMISSIONS TO CONGRESS.*—*On*
12 *an annual basis during the 3-year period beginning*
13 *on the date of the enactment of this Act, the Director*
14 *of the Defense Intelligence Agency shall submit to the*
15 *congressional intelligence committees a written anal-*
16 *ysis of the results of the exit surveys or exit interviews*
17 *completed pursuant to paragraph (1) during the year*
18 *covered by the report together with a plan of the Di-*
19 *rector to address any issues identified pursuant to*
20 *such results to improve retention and culture.*

21 (c) *CONGRESSIONAL OVERSIGHT RELATING TO WORK-*
22 *FORCE CLIMATE SURVEYS.*—

23 (1) *NOTIFICATIONS OF AD-HOC WORKFORCE CLI-*
24 *MATE SURVEYS.*—*Not later than 14 days after the*
25 *date on which the Director of the Defense Intelligence*

1 *Agency conducts an ad-hoc workforce climate survey*
2 *(including in response to a specific incident or con-*
3 *cern), the Director shall notify the congressional intel-*
4 *ligence committees.*

5 (2) *REPORTS ON FINAL RESULTS.*—*Not later*
6 *than 90 days after the date on which the Director of*
7 *the Defense Intelligence Agency concludes the conduct*
8 *of any workforce climate survey, the Director shall*
9 *submit to the congressional intelligence committees a*
10 *report containing the final results of such workforce*
11 *climate survey. Such report shall include the fol-*
12 *lowing:*

13 (A) *The topic of the workforce climate sur-*
14 *vey, and the workforce level surveyed.*

15 (B) *The rationale for conducting the work-*
16 *force climate survey.*

17 (C) *The measures in place to ensure the ac-*
18 *cessibility of the workforce climate survey.*

19 (D) *The lead official or entity conducting*
20 *the workforce climate survey.*

21 (E) *Any actions the Director intends to*
22 *take, or is considering, in response to the results*
23 *of the workforce climate survey.*

24 (3) *ACCESSIBILITY OF WORKFORCE CLIMATE*
25 *SURVEYS.*—*The Director of the Defense Intelligence*

1 *Agency shall ensure that, to the extent practicable,*
2 *and consistent with the protection of intelligence*
3 *sources and methods, workforce climate surveys are*
4 *accessible to employees of such Agency on classified*
5 *and unclassified systems.*

6 *(d) FEASIBILITY REPORT.—Not later than 270 days*
7 *after the date of enactment of this Act, the Director of the*
8 *Defense Intelligence Agency shall submit to the congres-*
9 *sional intelligence committees a report containing an anal-*
10 *ysis of the feasibility (including the anticipated cost, per-*
11 *sonnel requirements, necessary authorities, and such other*
12 *matters as may be determined appropriate by the Director*
13 *for purposes of analyzing feasibility) of—*

14 *(1) conducting 360-degree performance reviews*
15 *among employees of the Defense Intelligence Agency;*
16 *and*

17 *(2) including leadership suitability assessments*
18 *(including personality evaluations, communication*
19 *style assessments, and emotional intelligence aptitude*
20 *assessments) for promotions of such employees to a*
21 *position within grade GS-14 or above of the General*
22 *Schedule.*

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

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

6 (2) does not include an exit survey specified in
7 subsection (b).

8 **SEC. 429. CYBER INTELLIGENCE SURVEILLANCE RECON-**
9 **NAISSANCE INFORMATION.**

10 (a) *QUARTERLY BRIEFINGS.*—On a quarterly basis,
11 the Secretary of Defense shall provide to the appropriate
12 congressional committees a briefing on, with respect to the
13 period covered by the briefing, the intelligence activities oc-
14 curring in cyberspace in support of current and future of-
15 fensive cyberspace operations or defensive cyberspace oper-
16 ations.

17 (b) *ANNUAL CERTIFICATIONS.*—Not later than 180
18 days after the date of the enactment of this Act, and annu-
19 ally thereafter for 5 years, the Secretary of Defense shall
20 certify to the appropriate congressional committees that,
21 with respect to the period covered by the certification, the
22 Secretary has reported to such committees all intelligence
23 activities occurring in cyberspace in support of current and
24 future offensive cyberspace operations or defensive cyber-
25 space operations.

1 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term “appropriate congres-*
3 *sional committees” means the following:*

4 (1) *The congressional intelligence committees.*

5 (2) *The congressional defense committees (as de-*
6 *fin ed in section 101(a)(16) of title 10, United States*
7 *Code).*

8 **SEC. 430. INFORMATION ON COVER ACTIVITIES OF DEPART-**
9 **MENT OF DEFENSE.**

10 (a) *INFORMATION.*—*Not less frequently than quarterly,*
11 *the Secretary of Defense shall provide to the appropriate*
12 *congressional committees information on the cover activities*
13 *of the Department of Defense.*

14 (b) *ELEMENTS.*—*The Secretary shall ensure that the*
15 *information provided under subsection (a) includes, with*
16 *respect to the period covered by the information, the fol-*
17 *lowing:*

18 (1) *A detailed description of each cover activity*
19 *or cover support activity provided by an element of*
20 *the Department of Defense to an activity, operation,*
21 *or other initiative of the Department of Defense or*
22 *other department or agency of the United States Gov-*
23 *ernment, including—*

24 (A) *a description of the specific activity;*

25 *and*

1 (B) when such activity was approved or de-
2 commissioned.

3 (2) Any other matters the Secretary determines
4 appropriate.

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

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means—

10 (1) the congressional intelligence committees; and

11 (2) the congressional defense committees (as de-
12 fined in section 101(a)(16) of title 10, United States
13 Code).

14 **Subtitle D—Other Elements**

15 **SEC. 441. AUTHORIZATION RELATING TO CERTAIN INTEL- 16 LIGENCE AND COUNTERINTELLIGENCE AC- 17 TIVITIES OF COAST GUARD.**

18 (a) AUTHORIZATION.—Subject to subsection (b), and
19 consistent with the policies, procedures, and coordination
20 required pursuant to section 811 of the Counterintelligence
21 and Security Enhancements Act of 1994 (50 U.S.C. 3381)
22 and section 902 of the Counterintelligence Enhancement Act
23 of 2002 (50 U.S.C. 3382), the Commandant of the Coast
24 Guard may expend amounts made available for the intel-
25 ligence and counterintelligence activities of the Coast Guard

1 *to conduct such an activity without regard to any other*
2 *provision of law or regulation relating to the expenditure*
3 *of Government funds, if—*

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

6 (2) *following each such expenditure, the Com-*
7 *mandant submits to the congressional intelligence*
8 *committees a certification that the object of the activ-*
9 *ity conducted was of a nature described in paragraph*
10 *(1).*

11 (b) *LIMITATION.—Of the funds made available for a*
12 *fiscal year for the intelligence and counterintelligence ac-*
13 *tivities of the Coast Guard, not more than 5 percent may*
14 *be expended during the fiscal year under subsection (a) to*
15 *conduct such activities in accordance with such subsection*
16 *unless, for each intended expenditure in excess of such per-*
17 *centage—*

18 (1) *the Commandant submits to the congres-*
19 *sional intelligence committees a notification of the in-*
20 *tent to expend the amounts; and*

21 (2) *a period of 30 days has elapsed following the*
22 *date on which the Commandant submits such notifi-*
23 *cation.*

24 (c) *ANNUAL REPORT.—*

1 (1) *SUBMISSION.*—Not later than December 1 of
2 each year, the Commandant shall submit to the con-
3 gressional intelligence committees a report on all ex-
4 penditures during the preceding fiscal year under
5 subsection (a).

6 (2) *MATTERS.*—Each report under paragraph
7 (1) shall include, for each individual expenditure cov-
8 ered by such report that is in excess of the percentage
9 specified in subsection (b) for the relevant fiscal year,
10 the following:

11 (A) *A detailed description of the purpose of*
12 *such expenditure.*

13 (B) *The amount of such expenditure.*

14 (C) *An identification of the approving au-*
15 *thority for such expenditure.*

16 (D) *A justification as to why other authori-*
17 *ties available to the Coast Guard could not be*
18 *used for such expenditure.*

19 (E) *Any other matters the Commandant*
20 *considers appropriate.*

21 (d) *CONGRESSIONAL INTELLIGENCE COMMITTEES DE-*
22 *FINED.*—In this section, the term “congressional intelligence
23 committees” has the meaning given such term in section
24 3 of the National Security Act of 1947 (50 U.S.C. 3003).

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

4 **SEC. 442. STUDY ON PERSONNEL UNDER STRATEGIC INTEL-**
5 **LIGENCE PARTNERSHIP PROGRAM.**

6 (a) *STUDY.*—*The Director of National Intelligence and*
7 *the Director of the Office of Intelligence and Counterintel-*
8 *ligence of the Department of Energy, in consultation with*
9 *the National Laboratories Directors' Council, shall jointly*
10 *conduct a study of the skills, recruitment, and retention of*
11 *the personnel at the national laboratories who carry out*
12 *projects under the Strategic Intelligence Partnership Pro-*
13 *gram.*

14 (b) *ELEMENTS.*—*The study under subsection (a) shall*
15 *address the following:*

16 (1) *The degree to which the personnel at the na-*
17 *tional laboratories who carry out projects under the*
18 *Strategic Intelligence Partnership Program have the*
19 *requisite training, skillsets, or expertise in critical*
20 *science, technology, and engineering areas to support*
21 *ongoing and anticipated projects under such Pro-*
22 *gram, and the sufficiency of such personnel.*

23 (2) *Whether such personnel have compensation,*
24 *benefits, and pay scales that are competitive with*
25 *comparable roles in the private sector in the geo-*

1 *graphic market in which the relevant national labora-*
2 *tory is located.*

3 (3) *Any challenges associated with the retention*
4 *of such personnel.*

5 (4) *The talent composition of such personnel,*
6 *broken down by career phase and degree status, to in-*
7 *clude any relevant exit survey data.*

8 (5) *A description of current or previous pro-*
9 *grams enabling such personnel to rotate between ele-*
10 *ments of the intelligence community and the national*
11 *laboratories, including the number of personnel on*
12 *nonreimbursable or reimbursable assignment to an*
13 *element of the intelligence community.*

14 (6) *The degree to which such projects and per-*
15 *sonnel support or augment other ongoing mission*
16 *areas and capacities at the national laboratories.*

17 (c) *RECOMMENDATIONS.*—*Upon completing the study*
18 *under subsection (a), the Directors shall jointly develop*
19 *findings and recommendations based on the results of the*
20 *study regarding the recruitment and retention of personnel*
21 *at the national laboratories who carry out projects under*
22 *the Strategic Intelligence Partnership Program, including*
23 *with respect to the following:*

24 (1) *New or alternative business models, sponsor-*
25 *ship arrangements, or work scope agreements.*

1 (2) *Extending eligibility for existing, or estab-*
2 *lishing new, recruitment, retention, or other career*
3 *incentive programs, including student loan repay-*
4 *ment and forgiveness programs, to such personnel.*

5 (3) *Initiating geographically flexible or remote*
6 *work arrangements for such personnel.*

7 (4) *Enabling such personnel to participate in*
8 *training at elements of the intelligence community, or*
9 *obtain academic training at the National Intelligence*
10 *University.*

11 (5) *Establishing new, or enhancing existing, op-*
12 *portunities for detailee or rotational programs among*
13 *the intelligence community and the national labora-*
14 *tories.*

15 (6) *Using a compensation system modeled on the*
16 *Cyber Talent Management System of the Department*
17 *of Homeland Security for such personnel.*

18 (7) *Any other recommendations the Directors de-*
19 *termine relevant.*

20 (d) *REPORT.—*

21 (1) *REQUIREMENT.—Not later than one year*
22 *after the date of the enactment of this Act, the Direc-*
23 *tors shall jointly submit to the congressional intel-*
24 *ligence committees a report containing the study*

1 (2) *MITIGATION.*—*The report under paragraph*
2 *(1) shall include recommended steps, should any be*
3 *necessary, to improve the secure handling of covered*
4 *information, including with respect to whether the de-*
5 *isions and deliberations of the Bureau of Industry*
6 *and Security of the Department of Commerce that in-*
7 *volve covered information should be solely conducted*
8 *on classified networks.*

9 (3) *FORM.*—*The report under paragraph (1)*
10 *may be submitted in classified form, consistent with*
11 *the protection of sources and methods.*

12 (b) *DIRECTOR OF NATIONAL INTELLIGENCE ASSESS-*
13 *MENT.*—

14 (1) *REQUIREMENT.*—*Not later than 180 days*
15 *after the date of the enactment of this Act, the Direc-*
16 *tor of National Intelligence shall conduct an assess-*
17 *ment of how covered information is transmitted,*
18 *stored, and secured.*

19 (2) *MATTERS INCLUDED.*—*The assessment under*
20 *paragraph (1) shall include—*

21 (A) *the projected cost of installing classified*
22 *information systems for use by the Bureau of In-*
23 *dustry and Security; and*

24 (B) *the feasibility of identifying secured of-*
25 *fice space for such systems.*

1 (3) *SUBMISSION.*—Not later than 210 days after
2 the date of enactment of this Act, the Director shall
3 submit to the appropriate congressional committees
4 the findings of the assessment under paragraph (1).

5 (c) *DEFINITIONS.*—In this section:

6 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
7 *TEES.*—The term “appropriate congressional commit-
8 *tees” means—*

9 (A) *the congressional intelligence commit-*
10 *tees;*

11 (B) *the Committee on Energy and Com-*
12 *merce of the House of Representatives; and*

13 (C) *the Committee on Commerce, Science,*
14 *and Transportation of the Senate.*

15 (2) *COVERED INFORMATION.*—The term “covered
16 information” means information provided by an ele-
17 ment of the intelligence community to the Bureau of
18 Industry and Security of the Department of Com-
19 merce as part of decisions or deliberations by the Bu-
20 reau or information or material derived from classi-
21 fied deliberative or decisional interagency policy doc-
22 uments.

1 **TITLE V—MATTERS RELATING**
2 **TO EMERGING TECHNOLOGIES**
3 **Subtitle A—General Matters**

4 **SEC. 501. DEFINITIONS.**

5 *In this title:*

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

18 (2) *SMALL- OR MEDIUM-SIZED EMERGING TECH-*
19 *NOLOGY COMPANY.*—*The term “small- or medium-*
20 *sized emerging technology company” means an emerg-*
21 *ing technology company with fewer than 1,000 em-*
22 *ployees.*

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 Congress*
5 *that—*

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

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

15 (3) *broadly, Congress believes that the Director of*
16 *National Intelligence should be primarily responsible*
17 *for setting the policies and procedures as they relate*
18 *to artificial intelligence adoption, acquiring any nec-*
19 *essary common infrastructure such as training data,*
20 *intelligence community-wide contracts for data label-*
21 *ers, cloud storage and compute capabilities, and other*
22 *infrastructure necessary for intelligence community*
23 *elements rapidly to adopt artificial intelligence; and*

24 (4) *the heads of the elements of the intelligence*
25 *community should be primarily responsible for ac-*
26 *quiring and developing agency-specific artificial in-*

1 *telligence applications, in coordination with the Di-*
2 *rector and the heads of the elements of the intelligence*
3 *community, and assisting the Director with pre-*
4 *paring the necessary infrastructure such as data,*
5 *hardware, and software for the intelligence commu-*
6 *nity to adopt artificial intelligence applications.*

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

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

12 *(2) by inserting after paragraph (2) the fol-*
13 *lowing new paragraph:*

14 *“(3) Artificial intelligence.”.*

15 *(c) DIRECTOR OF NATIONAL INTELLIGENCE.—Section*
16 *102A(n) of the National Security Act of 1947 (50 U.S.C.*
17 *3024(n)), as amended by section 412(b)(2), is further*
18 *amended by adding at the end the following new paragraph:*

19 *“(6) The Director of National Intelligence, in consulta-*
20 *tion with the heads of the elements of the intelligence com-*
21 *munity and the Director of Science and Technology, shall*
22 *establish policies and procedures relating to the acquisition*
23 *and use of artificial intelligence by the intelligence commu-*
24 *nity, including with respect to data, computing, storage,*
25 *and models necessary for the intelligence community to le-*

1 *verage, incorporate, adopt, and maintain artificial intel-*
2 *ligence applications.”.*

3 *(d) DIRECTOR OF SCIENCE AND TECHNOLOGY.—*

4 *(1) DUAL-HATTED AS CHIEF TECHNOLOGY OFFI-*
5 *CER.—Subsection (a) of section 103E of such Act (50*
6 *U.S.C. 3030) is amended by inserting at the end the*
7 *following new sentence: “The Director of Science and*
8 *Technology shall also serve as the Chief Technology*
9 *Officer of the Office of the Director of National Intel-*
10 *ligence.”.*

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

13 *“(b) REQUIREMENT RELATING TO APPOINTMENT.—An*
14 *individual appointed as Director of Science and Technology*
15 *shall have a professional background and experience appro-*
16 *priate for the duties of the Director of Science and Tech-*
17 *nology. In making such appointment, the Director of Na-*
18 *tional Intelligence shall give preference to an individual*
19 *with varied professional experiences, including experience*
20 *outside of the United States Government.”.*

21 *(3) POLICIES.—Such section is amended—*

22 *(A) by redesignating subsection (d) as sub-*
23 *section (f); and*

24 *(B) by inserting after subsection (c) the fol-*
25 *lowing new subsection:*

1 “(d) *POLICIES.—The Director of Science and Tech-*
2 *nology shall—*

3 “(1) *recommend to the Director of National In-*
4 *telligence policies and procedures for the intelligence*
5 *community relating to incorporating artificial intel-*
6 *ligence in accordance with section 102A(n);*

7 “(2) *conduct reviews of the policies and proce-*
8 *dures of the intelligence community relating to the*
9 *adoption and integration of technology into the intel-*
10 *ligence community, including with respect to, as ap-*
11 *propriate—*

12 “(A) *incentives and policies relating to*
13 *human resources;*

14 “(B) *incentives and policies relating to ac-*
15 *quisition and contracting;*

16 “(C) *incentives and policies relating to fi-*
17 *nancial management and budgeting; and*

18 “(D) *technology standards and policies;*

19 “(3) *make recommendations to the Director of*
20 *National Intelligence with respect to the budgets of the*
21 *elements of the intelligence community regarding the*
22 *matters covered by this section, including with respect*
23 *to reprogramming funds to carry out the intelligence*
24 *community-wide artificial intelligence mission of the*
25 *Director of National Intelligence;*

1 “(4) coordinate with the Under Secretary of De-
2 fense for Research and Engineering on initiatives,
3 policies, and programs carried out jointly between the
4 intelligence community and the Department of De-
5 fense;

6 “(5) coordinate with the Director of the Office of
7 Science and Technology Policy to promote intelligence
8 community-specific requirements and perspectives
9 within the initiatives of the Office of Science and
10 Technology Policy; and

11 “(6) for purposes of integrating the priorities
12 and requirements of the intelligence community into
13 a broader national strategy on technology, coordinate
14 with the heads of—

15 “(A) the National Institute for Standards
16 and Technology;

17 “(B) the National Science Foundation; and

18 “(C) any other department or agency of the
19 United States Government, federally funded re-
20 search and development center, or other entity
21 that the Director of Science and Technology de-
22 termines appropriate.”.

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

1 “(e) *CLARIFICATION OF ROLE.*—*The Director of*
2 *Science and Technology may not have operational control*
3 *over any program directly managed by an element of the*
4 *intelligence community other than the Office of the Director*
5 *of National Intelligence.*”

6 (e) *CHIEF DATA OFFICER.*—

7 (1) *IN GENERAL.*—*The National Security Act of*
8 *1947 (50 U.S.C. 3001 et seq.) is amended by inserting*
9 *after section 103J the following new section (and con-*
10 *forming the table of contents at the beginning of such*
11 *Act accordingly):*

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

13 “(a) *DIRECTOR OF SCIENCE AND TECHNOLOGY.*—
14 *There is a Chief Data Officer within the Office of the Direc-*
15 *tor of National Intelligence who shall be appointed by the*
16 *Director of National Intelligence. The Chief Data Officer*
17 *is the Chief Data Officer of the Office of the Director of*
18 *National Intelligence for purposes of section 3520 of title*
19 *44, United States Code.*

20 “(b) *REQUIREMENT RELATING TO APPOINTMENT.*—*An*
21 *individual appointed as the Chief Data Officer shall have*
22 *a professional background and experience appropriate for*
23 *the duties of the Chief Data Officer. In making such ap-*
24 *pointment, the Director of National Intelligence shall give*
25 *preference to an individual with varied professional experi-*

1 *ences, including experience outside of the United States*
2 *Government.*

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

6 “(1) *shall recommend to the Director of National*
7 *Intelligence policies and procedures for the intel-*
8 *ligence community regarding the acquisition and use*
9 *of artificial intelligence with respect to the data needs*
10 *of the intelligence community in support of adopting*
11 *emerging technologies, in accordance with section*
12 *102A(n) and subject to the approval by the Director*
13 *of National Intelligence, the Director of Science and*
14 *Technology, and the Chief Information Officer;*

15 “(2) *shall conduct reviews of the policies and*
16 *procedures of the intelligence community relating to*
17 *data, including with respect to data curation, data*
18 *labeling, data acquisition, data security, data inter-*
19 *operability, and data accessibility, except with respect*
20 *to such policies and procedures established pursuant*
21 *to a provision of law or executive order relating to the*
22 *control, use, retention, collection, or dissemination of*
23 *data;*

24 “(3) *shall conduct ongoing reviews of the data*
25 *policies of the intelligence community, including to*

1 *ensure that such policies promote interoperability and*
2 *accessibility with commercial software providers, in-*
3 *cluding by the promotion of open application pro-*
4 *gramming interfaces;*

5 *“(4) shall coordinate with the Chief Data Officer*
6 *of the Department of Defense and other relevant offi-*
7 *cial of the Department to ensure consistent data poli-*
8 *cies and, to the extent practicable and advisable, con-*
9 *sistent standards and policies that ensure data is ac-*
10 *cessible between relevant elements of the intelligence*
11 *community and the Department;*

12 *“(5) may make recommendations to the Director*
13 *of National Intelligence, acting through the Chief*
14 *Technology Officer, with respect to the budgets of the*
15 *elements of the intelligence community regarding*
16 *data, if such recommendations are—*

17 *“(A) consistent with the policies established*
18 *by the Director; and*

19 *“(B) made in furtherance of accelerating the*
20 *transition to digital business practices across the*
21 *intelligence community, including with respect*
22 *to the acquisition, curation, dissemination, and*
23 *other data practices necessary to adopt artificial*
24 *intelligence capabilities and other emerging tech-*
25 *nologies within the intelligence community; and*

1 *after section 102A the following new section (and con-*
2 *forming the table of contents at the beginning of such Act*
3 *accordingly):*

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

5 “(a) *IN GENERAL.*—*In addition to other acquisition*
6 *authorities, the head of an element of the intelligence com-*
7 *munity may exercise the authorities under subsections (b),*
8 *(c), and (d).*

9 “(b) *COOPERATIVE AGREEMENTS AND GRANTS.*—*The*
10 *head of an element of the intelligence community may use*
11 *cooperative agreements and grants, in accordance with*
12 *chapter 63 of title 31, United States Code, to carry out*
13 *basic, applied, and advanced research and development,*
14 *and prototype projects in support of intelligence activities.*

15 “(c) *OTHER TRANSACTION AUTHORITY.*—*The head of*
16 *an element of the intelligence community may enter into*
17 *transactions (other than contracts, cooperative agreements,*
18 *and grants) under the authority of this subsection to carry*
19 *out basic, applied, and advanced research projects in sup-*
20 *port of intelligence activities.*

21 “(d) *AUTHORITY OF ELEMENTS OF THE INTEL-*
22 *LIGENCE COMMUNITY TO CARRY OUT CERTAIN PROTOTYPE*
23 *PROJECTS.*—

24 “(1) *AUTHORITY.*—*The head of an element of the*
25 *intelligence community may, under the authority of*

1 *subsection (c), enter into a transaction to carry out*
2 *a prototype project in support of intelligence activi-*
3 *ties only if each party to the transaction, other than*
4 *the Federal Government, is a covered contractor.*

5 *“(2) FOLLOW-ON PRODUCTION CONTRACTS OR*
6 *TRANSACTIONS.—*

7 *“(A) IN GENERAL.—A transaction entered*
8 *into under this subsection for a prototype project*
9 *may provide for the award of a follow-on pro-*
10 *duction contract or a follow-on production trans-*
11 *action to the participants in the transaction. A*
12 *transaction includes all individual prototype*
13 *subprojects awarded under the transaction to a*
14 *consortium of United States industry and aca-*
15 *demie institutions.*

16 *“(B) FOLLOW-ON PRODUCTION CON-*
17 *TRACTS.—A follow-on production contract pro-*
18 *vided for in a transaction under subparagraph*
19 *(A) may be awarded to the participants in the*
20 *transaction without the use of any competitive*
21 *procedure that would otherwise apply if the fol-*
22 *lowing criteria are satisfied:*

23 *“(i) The authorizing official of the rel-*
24 *evant element of the intelligence community*
25 *determines that Government users of the*

1 *proposed production product or production*
2 *service have been consulted.*

3 “(ii) *In the case of a proposed produc-*
4 *tion product that is software, there are*
5 *mechanisms in place for Government users*
6 *to provide feedback to participants to the*
7 *follow-on production contract.*

8 “(iii) *In the case of a proposed produc-*
9 *tion product that is software, the follow-on*
10 *production contract includes a requirement*
11 *that, for the duration of such contract (or*
12 *such other period of time as may be agreed*
13 *to as a term of such contract)—*

14 “(I) *the participants provide to*
15 *the head of the relevant element of the*
16 *intelligence community the most up-to-*
17 *date version of the production product*
18 *that is available in the commercial*
19 *marketplace; and*

20 “(II) *there are mechanisms in*
21 *place for the participants to provide*
22 *real-time updates to the production*
23 *product.*

24 “(C) *FOLLOW-ON PRODUCTION TRANS-*
25 *ACTIONS.—A follow-on production transaction*

1 *provided for in a transaction under subpara-*
2 *graph (A) may be awarded to the participants*
3 *in the transaction without the use of any com-*
4 *petitive procedure that would otherwise apply.*

5 “(e) *RECOVERY OF FUNDS.*—

6 “(1) *IN GENERAL.*—*A cooperative agreement au-*
7 *thorized by subsection (a) and a transaction author-*
8 *ized by subsection (c) or (d) may include a clause*
9 *that requires a person to make payments to the Office*
10 *of the Director of National Intelligence or any other*
11 *element of the intelligence community as a condition*
12 *for receiving support under the agreement or other*
13 *transaction.*

14 “(2) *ACCOUNTING FOR RECOVERED FUNDS.*—*The*
15 *amount of any payment received by the Federal Gov-*
16 *ernment pursuant to a requirement imposed under*
17 *paragraph (1) may be credited to the appropriate ac-*
18 *count for research and development or procurement.*
19 *Amounts so credited shall be merged with other funds*
20 *in the account and shall be available for the same*
21 *purposes and the same period for which other funds*
22 *in such account are available.*

23 “(f) *EDUCATION.*—*The Director of National Intel-*
24 *ligence and the heads of the elements of the intelligence com-*
25 *munity shall ensure that management, technical, and con-*

1 *tracting personnel of the elements of the intelligence commu-*
2 *nity who are involved in the award or administration of*
3 *transactions under subsection (c) or (d), or alternative ac-*
4 *quisition pathways, are afforded opportunities for adequate*
5 *education and training relating to such award or adminis-*
6 *tration.*

7 “(g) *AGREEMENTS OFFICERS.*—*To ensure adequate*
8 *availability of staff warranted as Agreements Officers, by*
9 *not later than October 1, 2024, at least 50 percent of the*
10 *contracting staff within the intelligence community that*
11 *hold at least some responsibility for buying technology shall*
12 *have received the appropriate training to become warranted*
13 *as Agreements Officers, who are given authority to execute*
14 *and administer the agreements, grants, and transactions*
15 *authorized by this section.*

16 “(h) *DELEGATION REQUIRED.*—*The Director of Na-*
17 *tional Intelligence and the heads of the elements of the intel-*
18 *ligence community shall, to the maximum extent prac-*
19 *ticable, delegate the authority to make a determination or*
20 *decision referred to in this section to the official responsible*
21 *for technology adoption in the relevant element of the intel-*
22 *ligence community, regardless of whether such official serves*
23 *in an acquisition position.*

24 “(i) *DEFINITIONS.*—*In this section:*

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

4 “(2) *COMMERCIAL SERVICE*.—The term ‘commer-
5 cial service’ has the meaning given that term in sec-
6 tion 103a of title 41, United States Code.

7 “(3) *COVERED CONTRACTOR*.—The term ‘covered
8 contractor’ means a contractor of an element of the
9 intelligence community that is a small- or medium-
10 sized emerging technology company.

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

23 “(5) *PRODUCTION PRODUCT*.—The term ‘produc-
24 tion product’ means any commercial product that is
25 not a prototype or development product and is in-

1 *tended to provide capability to the United States Gov-*
2 *ernment at scale as determined by the authorizing of-*
3 *ficial of the relevant element of the intelligence com-*
4 *munity.*

5 “(6) *PRODUCTION SERVICE.*—*The term ‘produc-*
6 *tion service’ means any commercial service that is not*
7 *a prototype or development service and is intended to*
8 *provide capability to the United States Government*
9 *at scale as determined by the authorizing official of*
10 *the relevant element of the intelligence community.*

11 “(7) *SMALL- OR MEDIUM-SIZED EMERGING*
12 *TECHNOLOGY COMPANY.*—*The term ‘small- or me-*
13 *dium-sized emerging technology company’ means an*
14 *emerging technology company with fewer than 1,000*
15 *employees.’”.*

16 (b) *GUIDANCE.*—*Not later than 180 days after the date*
17 *of the enactment of this Act, the Director of National Intel-*
18 *ligence shall issue guidance for carrying out the amend-*
19 *ments made by subsection (a).*

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

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

23 (1) *Congress is concerned that the administrative*
24 *and technical burdens on small- and medium-sized*
25 *emerging technology companies to do business with*

1 *the intelligence community is inadvertently pre-*
2 *cluding the most cutting-edge, advanced companies*
3 *from contracting with the United States Government;*

4 (2) *this dynamic has significant negative con-*
5 *sequences for United States national security, includ-*
6 *ing United States global technological competitiveness*
7 *in the fields of artificial intelligence, quantum com-*
8 *puting, and advanced manufacturing, among others;*

9 (3) *some such companies have attempted still to*
10 *contract with the intelligence community by spending*
11 *valuable capital and time on government affairs ex-*
12 *perts to navigate the challenges of integrating into the*
13 *intelligence community, yet, the administrative and*
14 *technical burdens of contracting with the intelligence*
15 *community are often too high even for the companies*
16 *that are able to afford this consulting;*

17 (4) *Congress believes that the United States Gov-*
18 *ernment has both an obligation and an opportunity*
19 *to assist these technology companies navigate the hur-*
20 *dles it takes to work with the intelligence community*
21 *to ensure that the Federal Government benefits from*
22 *the best that the private sector has to offer; and*

23 (5) *doing so will help cultivate an ecosystem of*
24 *cutting-edge technology companies that can provide*
25 *products and services that are essential to the mis-*

1 *sions of the intelligence community, and advance the*
2 *goal of ensuring United States adversaries do not out-*
3 *pace the United States in these critical fields.*

4 *(b) PLAN FOR ESTABLISHMENT.—*

5 *(1) SUBMISSION.—Not later than 1 year after*
6 *the date of the enactment of this Act, the Director of*
7 *National Intelligence, in coordination with the heads*
8 *of the elements of the intelligence community, shall*
9 *submit to the congressional intelligence committees a*
10 *plan for the establishment of an office within each ele-*
11 *ment, to be known as the “Office of Commercial Inte-*
12 *gration” of that element, for the purpose of providing*
13 *administrative assistance to covered contractors.*

14 *(2) ELEMENTS.—The plan under paragraph (1)*
15 *shall include the following:*

16 *(A) A proposal for the designation of a sen-*
17 *ior official of the Office of the Director of Na-*
18 *tional Intelligence who shall be responsible for*
19 *the coordination across the Offices of Commercial*
20 *Integration.*

21 *(B) Guidelines requiring each Director of*
22 *Commercial Integration to share best practices*
23 *and other information, and coordinate, with the*
24 *other Directors of Commercial Integration.*

1 (C) *A timeline of the steps necessary to es-*
2 *tablish each Office of Commercial Integration by*
3 *the date that is not later than 2 years after the*
4 *date of the enactment of this Act.*

5 (D) *An assessment of the personnel require-*
6 *ments, and any other resource requirements, nec-*
7 *essary to establish each Office of Commercial In-*
8 *tegration by such date, including an identifica-*
9 *tion of—*

10 (i) *each Director of Commercial Inte-*
11 *gration;*

12 (ii) *the amount of personnel necessary*
13 *for the establishment of each Office of Com-*
14 *mercial Integration; and*

15 (iii) *the necessary qualifications of any*
16 *such personnel.*

17 (E) *Policies regarding the types of adminis-*
18 *trative assistance that may be provided to cov-*
19 *ered contractors by each Office of Commercial*
20 *Integration, taking into account the role of such*
21 *assistance as an incentive for emerging tech-*
22 *nology companies to enter into contracts with the*
23 *heads of the elements of the intelligence commu-*
24 *nity. In developing such policies, the Director of*
25 *National Intelligence shall prioritize assistance*

1 to reduce administrative burdens faced by pre-
2 ferred contractors.

3 (F) Eligibility criteria for determining the
4 types of covered contractors that may receive ad-
5 ministrative assistance provided by each Office
6 of Commercial Integration.

7 (G) Guidelines that outline, with respect to
8 a contract, at what stage covered contractors de-
9 termined eligible pursuant to the criteria speci-
10 fied in subparagraph (F) may receive such ad-
11 ministrative assistance.

12 (H) Policies regarding outreach efforts to be
13 conducted by each Director of Commercial Inte-
14 gration with respect to such eligible covered con-
15 tractors.

16 (I) Policies regarding how the intelligence
17 community will coordinate with the Director of
18 the Federal Bureau of Investigation to provide
19 proactive counterintelligence risk analysis and
20 assistance to private entities.

21 (J) Such other intelligence community-wide
22 policies as the Director of National Intelligence
23 may prescribe relating to the improvement of
24 commercial integration (and the coordination of

1 *such improvements) by and among the elements*
2 *of the intelligence community.*

3 *(c) DEADLINE FOR ESTABLISHMENT.—Not later than*
4 *2 years after the date of the enactment of this Act, each*
5 *head of an element of the intelligence community shall es-*
6 *tablish within that element, in accordance with the plan*
7 *under subsection (b), an Office of Commercial Integration*
8 *of that element.*

9 *(d) STAFF; DETAILEES.—*

10 *(1) STAFF.—Each Director of Commercial Inte-*
11 *gration may appoint personnel as the Director deter-*
12 *mines appropriate.*

13 *(2) DETAILEES.—Upon request of a Director of*
14 *Commercial Integration, the head of any Federal de-*
15 *partment of agency may detail, on a reimbursable*
16 *basis, any of the personnel of such department or*
17 *agency to the Office of Commercial Integration con-*
18 *cerned.*

19 *(3) EXPERTISE.—In appointing personnel under*
20 *paragraph (1) and accepting detailed personnel pur-*
21 *suant to paragraph (2), each Director of Commercial*
22 *Integration shall seek to appoint and accept personnel*
23 *with expertise in a range of disciplines necessary for*
24 *the accelerated integration of commercial technologies*
25 *into the intelligence community (as determined by the*

1 *Director), including expertise in the administrative*
2 *burdens associated with the following:*

3 *(A) Authorization to operate certifications.*

4 *(B) Contracting.*

5 *(C) Facility clearances.*

6 *(D) Security clearances.*

7 *(e) REPORTS REQUIRED.—*

8 *(1) REPORTS.—Not later than 2 years after the*
9 *date of the enactment of this Act, and annually there-*
10 *after for 3 years, each Director of Commercial Inte-*
11 *gration shall submit to the congressional intelligence*
12 *committees a report on the status of the Office of*
13 *Commercial Integration concerned, including the fol-*
14 *lowing, with respect to the year covered by the report:*

15 *(A) A description of the assistance offered*
16 *by the Director.*

17 *(B) A description of the methods by which*
18 *the Director advertised such assistance.*

19 *(C) Any updates to the policies of such Of-*
20 *fice.*

21 *(D) Statistics on the types of covered con-*
22 *tractors that received administrative assistance*
23 *provided by such Office, and the extent of the use*
24 *of the assistance by such covered contractors.*

1 (E) *A summary of any successes relating to*
2 *administrative assistance provided by such Of-*
3 *fice.*

4 (F) *Recommendations on how to improve*
5 *the efficiency or effectiveness of such Office.*

6 (G) *An identification of any additional re-*
7 *sources or authorities necessary for such Office to*
8 *fulfill the duties of the Office.*

9 (2) *COORDINATION.—In carrying out paragraph*
10 *(1), each Director of Commercial Integration shall co-*
11 *ordinate with the senior official designated pursuant*
12 *to subsection (b)(2)(A).*

13 (f) *DEFINITIONS.—In this section:*

14 (1) *COVERED CONTRACTOR.—The term “covered*
15 *contractor” has the meaning given that term in sec-*
16 *tion 514(c).*

17 (2) *DIRECTOR OF COMMERCIAL INTEGRATION.—*
18 *The term “Director of Commercial Integration”*
19 *means the head of an Office of Commercial Integra-*
20 *tion.*

21 (3) *OFFICE OF COMMERCIAL INTEGRATION CON-*
22 *CERNED.—The term “Office of Commercial Integra-*
23 *tion concerned”, with respect to a Director of Com-*
24 *mercial Integration, means the Office of Commercial*
25 *Integration of which that Director is head.*

1 (4) *PREFERRED CONTRACTOR*.—*The term “pre-*
2 *ferred contractor” means a contractor described in*
3 *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 Intel-*
5 *ligence shall carry out a pilot program to more effectively*
6 *transition eligible projects that present the potential to meet*
7 *the operational needs of covered elements of the intelligence*
8 *community to Phase III through the designation of eligible*
9 *projects as Entrepreneurial Innovation Projects.*

10 (b) *DESIGNATION.*—

11 (1) *IN GENERAL.*—*Under the pilot program*
12 *under subsection (a), each head of a covered element*
13 *of the intelligence community, in consultation with*
14 *the Director of National Intelligence, shall designate*
15 *not fewer than 5 eligible projects per year as Entre-*
16 *preneurial Innovation Projects.*

17 (2) *REQUIRED CRITERIA.*—*The head of a covered*
18 *element of the intelligence community may designate*
19 *an eligible project as an Entrepreneurial Innovation*
20 *Project under paragraph (1) if the head determines*
21 *the eligible project meets the following criteria:*

22 (A) *The eligible project demonstrates the po-*
23 *tential to—*

24 (i) *advance the national security capa-*
25 *bilities of the United States;*

1 (ii) provide new technologies or proc-
2 esses, or new applications of existing tech-
3 nologies, that will enable new alternatives to
4 existing programs, systems, and initiatives
5 of the intelligence community;

6 (iii) provide future cost savings; or

7 (iv) significantly reduce the time to de-
8 liver capabilities to the intelligence commu-
9 nity.

10 (B) Any other criteria that the head deter-
11 mines appropriate.

12 (3) MITIGATION OF CONFLICTS OF INTEREST.—

13 Each head of a covered element of the intelligence
14 community, in consultation with the Director of Na-
15 tional Intelligence, shall establish procedures designed
16 to mitigate, to the greatest extent practicable, organi-
17 zational conflicts of interest relating to the designa-
18 tion of projects under paragraph (1), including con-
19 flicts of interest from within a department or agency
20 of the United States Government for which the des-
21 ignation and successful completion of an Entrepre-
22 neurial Innovation Project may represent a com-
23 peting alternative to an existing or proposed program
24 or other activity of such department or agency.

1 (4) *APPLICATIONS.*—*An eligible project seeking a*
2 *designation under paragraph (1) shall submit to the*
3 *head of the covered element of the intelligence commu-*
4 *nity from which such designation is sought an appli-*
5 *cation containing—*

6 (A) *an explanation as to how the eligible*
7 *project meets the criteria specified in paragraph*
8 *(2); and*

9 (B) *such other information as the head, in*
10 *consultation with the Director of National Intel-*
11 *ligence, considers appropriate.*

12 (5) *REVOCATION OF DESIGNATION.*—*If the head*
13 *of a covered element of the intelligence community*
14 *that previously designated a project under paragraph*
15 *(1) determines such project no longer meets the re-*
16 *quired criteria specified in paragraph (2), or that the*
17 *technology that is the subject of such project has be-*
18 *come irrelevant, such head may revoke the Entrepren-*
19 *neurial Innovation Project designation for such*
20 *project.*

21 (c) *BENEFITS OF DESIGNATION.*—

22 (1) *INCLUSION IN MULTIYEAR NATIONAL INTEL-*
23 *LIGENCE PROGRAM PLAN.*—*The Director of National*
24 *Intelligence shall include in the relevant multiyear*
25 *national intelligence program plan submitted to Con-*

1 *gress under section 1403 of the National Defense Au-*
2 *thorization Act for Fiscal Year 1991 (50 U.S.C. 3301)*
3 *the estimated expenditures of each designated project.*

4 (2) *INCLUSION UNDER SEPARATE HEADING.—*

5 *The designating head shall ensure that each des-*
6 *ignated project is included under a separate heading*
7 *in the relevant multiyear national intelligence pro-*
8 *gram plan submitted to Congress under such section*
9 *1403 of the National Defense Authorization Act for*
10 *Fiscal Year 1991 (50 U.S.C. 3301).*

11 (3) *CONSIDERATION IN PROGRAMMING AND*

12 *BUDGETING.—Each designated project shall be taken*
13 *into consideration by the designating head in the pro-*
14 *gramming and budgeting phases of the intelligence*
15 *planning, programming, budgeting, and evaluation*
16 *process.*

17 (d) *REPORTS TO CONGRESS.—*

18 (1) *ANNUAL REPORTS.—On an annual basis for*
19 *each fiscal year during which the pilot program*
20 *under subsection (a) is carried out, concurrently with*
21 *the submission of the budget of the President for that*
22 *fiscal year under section 1105(a) of title 31, United*
23 *States Code, the Director of National Intelligence*
24 *shall submit to the appropriate congressional commit-*
25 *tees a report that includes the following:*

1 (A) *A description of each designated project.*

2 (B) *A summary of the potential of each des-*
3 *ignated project, as specified in subsection*
4 *(b)(2)(A).*

5 (C) *For each designated project, a descrip-*
6 *tion of the progress made toward delivering on*
7 *such potential.*

8 (D) *A description of the progress made to-*
9 *ward inclusion of the designated project in the*
10 *future-years intelligence program.*

11 (E) *Such other information on the status of*
12 *such pilot program as the Director considers ap-*
13 *propriate.*

14 (2) *FINAL REPORT.*—*In the final report sub-*
15 *mitted under paragraph (1) prior to the date of ter-*
16 *mination under subsection (e), the Director of Na-*
17 *tional Intelligence shall include a recommendation on*
18 *whether to extend the pilot program under subsection*
19 *(a) and the appropriate duration of such extension,*
20 *if any.*

21 (e) *TERMINATION DATE.*—*The authority to carry out*
22 *the pilot program under subsection (a) shall terminate on*
23 *December 31, 2027.*

24 (f) *DEFINITIONS.*—*In this section:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.—The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the congressional intelligence commit-*
5 *tees;*

6 (B) *the Committee on Small Business of the*
7 *House of Representatives; and*

8 (C) *the Committee on Small Business and*
9 *Entrepreneurship of the Senate.*

10 (2) *COVERED ELEMENT OF THE INTELLIGENCE*
11 *COMMUNITY.—The term “covered element of the intel-*
12 *ligence community” means the following:*

13 (A) *The Office of the Director of National*
14 *Intelligence.*

15 (B) *The Central Intelligence Agency.*

16 (C) *The National Security Agency.*

17 (D) *The National Geospatial-Intelligence*
18 *Agency.*

19 (E) *The National Reconnaissance Office.*

20 (3) *DESIGNATED PROJECT.—The term “des-*
21 *ignated project” means a project that has been des-*
22 *ignated as an Entrepreneurial Innovation Project*
23 *under the pilot program under subsection (a) and for*
24 *which such designation has not been revoked under*
25 *subsection (b)(5).*

1 (4) *DESIGNATING HEAD*.—The term “designating
2 head” means, with respect to the designation of a
3 project as an *Entrepreneurial Innovation Project*
4 under the pilot program under subsection (a), the
5 head of the covered element of the intelligence commu-
6 nity making such designation.

7 (5) *ELIGIBLE PROJECT*.—The term “eligible
8 project” means a project for which a small business
9 concern has completed a *Phase II SBIR* or *STTR*
10 award.

11 (6) *PHASE II; PHASE III; SBIR; STTR*.—The terms
12 “Phase II”, “Phase III”, “SBIR”, and “STTR” have
13 the meanings given such terms in section 9(e) of the
14 *Small Business Act* (15 U.S.C. 638(e)).

15 (7) *SMALL BUSINESS CONCERN*.—The term
16 “small business concern” has the meaning given such
17 term under section 3 of the *Small Business Act* (15
18 U.S.C. 632).

19 **SEC. 514. REDUCTION OF BARRIERS RELATING TO CON-**
20 **TRACTS FOR ARTIFICIAL INTELLIGENCE AND**
21 **OTHER EMERGING TECHNOLOGIES.**

22 (a) *FINDINGS; SENSE OF CONGRESS*.—

23 (1) *FINDINGS*.—Congress finds the following:

24 (A) *Authorizations to operate are essential*
25 *to maintaining network and system security.*

1 (B) *However, Congress is concerned that the*
2 *executive branch does not have a user-friendly*
3 *platform or process to adjudicate and review au-*
4 *thority to operate applications.*

5 (C) *Nor is the executive branch resourced to*
6 *meet the demand for authority to operate certifi-*
7 *cations from commercial vendors, leading to*
8 *lengthy delays to bring commercial solutions into*
9 *government networks and systems.*

10 (D) *These barriers handicap the executive*
11 *branch when contracting for cutting-edge tech-*
12 *nologies.*

13 (2) *SENSE OF CONGRESS.—It is the sense of*
14 *Congress that—*

15 (A) *the intelligence community and the Sec-*
16 *retary of Defense should develop a resourcing*
17 *plan to address these issues, including developing*
18 *common platforms for applications and require-*
19 *ments to be shared with industry, and a process*
20 *for authority to operate certification reciprocity*
21 *across the Department of Defense and the intel-*
22 *ligence community, with the appropriate safe-*
23 *guards;*

24 (B) *easing these administrative costs and*
25 *burdens helps cultivate an ecosystem that*

1 *incentivizes small- and medium-sized emerging*
2 *technology companies to work with the Federal*
3 *Government, which is essential for the United*
4 *States to compete globally for technology suprem-*
5 *acy;*

6 *(C) sensitive compartmented information*
7 *facilities are often requirements for companies*
8 *that wish to conduct business with the intel-*
9 *ligence community;*

10 *(D) unfortunately, the process to accredit*
11 *and certify a facility as a sensitive compart-*
12 *mented information facility is time consuming*
13 *and expensive, which further raises the barriers*
14 *to entry for small- and medium-sized emerging*
15 *technology companies; and*

16 *(E) lowering those barriers is an important*
17 *function of the intelligence community to gain*
18 *access to the cutting-edge technology offered by*
19 *such companies.*

20 *(b) PROTOCOL ON AUTHORITY TO OPERATE CERTIFI-*
21 *CATIONS.—*

22 *(1) PROTOCOL.—Not later than 180 days after*
23 *the date of the enactment of this Act, the Director of*
24 *National Intelligence, in coordination with the Sec-*
25 *retary of Defense, shall develop and submit to the ap-*

1 *appropriate congressional committees a protocol setting*
2 *forth policies and procedures relating to authority to*
3 *operate certifications held by commercial providers.*

4 (2) *ELEMENTS.—The protocol under paragraph*
5 *(1) shall include, at a minimum, the following:*

6 (A) *A policy that ensures reciprocal rec-*
7 *ognition among the elements of the intelligence*
8 *community and the Department of Defense of*
9 *authority to operate certifications held by com-*
10 *mercial providers. Such reciprocal recognition*
11 *shall be limited to authority to operate certifi-*
12 *cations for systems that store or provide access to*
13 *data classified at an equal or higher classifica-*
14 *tion level.*

15 (B) *Procedures under which a commercial*
16 *provider that is a contractor of an element of the*
17 *intelligence community or the Department of De-*
18 *fense and holds an authority to operate certifi-*
19 *cation for a system that relates to the contract*
20 *concerned may provide to head of such element*
21 *or the Secretary of Defense, as the case may be,*
22 *the most recently updated version of any soft-*
23 *ware, data, or application under such system*
24 *without being required to submit an application*

1 *for a new or renewed authority to operate certifi-*
2 *cation.*

3 *(C) Procedures for the automated review, re-*
4 *newal, and revocation of authority to operate*
5 *certifications held by commercial providers, sub-*
6 *ject to such conditions as may be prescribed by*
7 *the Director of National Intelligence, in coordi-*
8 *nation with the Secretary of Defense.*

9 *(D) Standard documentation requirements*
10 *for commercial providers submitting applica-*
11 *tions for authority to operate certifications. Such*
12 *requirements shall be—*

13 *(i) established jointly by the Director*
14 *of National Intelligence and the Secretary of*
15 *Defense; and*

16 *(ii) except as provided in paragraph*
17 *(3), uniform across the Department of De-*
18 *fense and the elements of the intelligence*
19 *community for each appropriate level of se-*
20 *curity.*

21 *(E) A requirement to establish a joint por-*
22 *tal of the Office of the Director of National Intel-*
23 *ligence and the Department of Defense for the*
24 *maintenance of records, applications, and system*
25 *requirements for authority to operate certifi-*

1 *cations. Such portal shall be designed to store*
2 *unclassified information, but may provide for*
3 *the storage of classified information to the extent*
4 *determined necessary by the Director of National*
5 *Intelligence and the Secretary of Defense.*

6 *(F) A workforce plan that addresses the*
7 *shortage of personnel of the intelligence commu-*
8 *nity who are authorized to grant an authority to*
9 *operate certification, including recommendations*
10 *by the Director of National Intelligence for in-*
11 *creased pay and other incentives to recruit and*
12 *retain such personnel.*

13 *(G) Policies and procedures to ensure co-*
14 *ordination across the elements of the intelligence*
15 *community with respect to the protocol under*
16 *paragraph (1), including a requirement for—*

17 *(i) the Director of National Intelligence*
18 *to designate an official to lead such coordi-*
19 *nation across the intelligence community;*
20 *and*

21 *(ii) the head of each element of the in-*
22 *telligence community to designate an offi-*
23 *cial of the element to oversee the implemen-*
24 *tation of such protocol with respect to the*
25 *element.*

1 (H) *Procedures to ensure data security and*
2 *safety with respect to the implementation of the*
3 *protocol under paragraph (1).*

4 (I) *A proposed timeline for the implementa-*
5 *tion of the protocol under paragraph (1) by the*
6 *deadline specified in such paragraph.*

7 (3) *EXCEPTION TO STANDARD DOCUMENTATION*
8 *REQUIREMENTS.—The Director of National Intel-*
9 *ligence and the Secretary of Defense may jointly es-*
10 *tablish nonuniform documentation requirements for*
11 *commercial providers submitting applications for au-*
12 *thority to operate certifications, in addition to the re-*
13 *quirements specified in paragraph (2)(D), only if,*
14 *prior to such establishment, the Director and Sec-*
15 *retary provide to the appropriate congressional com-*
16 *mittees a briefing on why such additional require-*
17 *ments are necessary.*

18 (4) *DEFINITIONS.—In this subsection:*

19 (A) *The term “appropriate congressional*
20 *committees” means—*

21 (i) *the congressional intelligence com-*
22 *mittees; and*

23 (ii) *the Committees on Armed Services*
24 *of the House of Representatives and the*
25 *Senate.*

1 (B) *The term “authority to operate certifi-*
2 *cation” means, with respect to a system, a for-*
3 *mal designation by a designated approving au-*
4 *thority that authorizes the operation of the sys-*
5 *tem by a Federal department or agency and in-*
6 *cludes an acknowledgment that the Federal de-*
7 *partment or agency accepts the risk of such oper-*
8 *ation.*

9 (C) *The term “contract concerned”, with re-*
10 *spect to a contractor of an element of the intel-*
11 *ligence community or the Department of Defense,*
12 *means the contract entered into by that con-*
13 *tractor with the head of the element or the Sec-*
14 *retary of Defense, as the case may be.*

15 (c) *PLAN TO EXPAND SENSITIVE COMPARTMENTED IN-*
16 *FORMATION FACILITY ACCESS BY CERTAIN CONTRAC-*
17 *TORS.—*

18 (1) *PLAN; BRIEFING.—Not later than 180 days*
19 *after the date of the enactment of this Act, the Direc-*
20 *tor of National Intelligence and the Secretary of De-*
21 *fense, in consultation with the heads of such other ele-*
22 *ments of the intelligence community as the Director*
23 *of National Intelligence may determine appropriate,*
24 *shall jointly—*

1 (A) develop a plan to expand access by cov-
2 ered contractors to sensitive compartmented in-
3 formation facilities for the purpose of providing
4 covered contractors with a facility to securely
5 perform work under covered contracts; and

6 (B) provide to the appropriate congressional
7 committees a briefing on such plan.

8 (2) *MATTERS.*—The plan under paragraph (1)
9 shall include the following:

10 (A) An overview of the existing sensitive
11 compartmented information facilities, if any,
12 that may be repurposed for the purpose specified
13 in paragraph (1).

14 (B) An assessment of the feasibility of
15 building additional sensitive compartmented in-
16 formation facilities for such purpose.

17 (C) An assessment of the relative costs and
18 benefits of repurposing existing, or building ad-
19 ditional, sensitive compartmented information
20 facilities for such purpose.

21 (D) The eligibility criteria for determining
22 which covered contractors may be granted access
23 to sensitive compartmented information facilities
24 for such purpose.

1 (E) *An estimate of the maximum number of*
2 *covered contractors that may be provided access*
3 *to sensitive compartmented information facilities*
4 *for such purpose, taking into account the matters*
5 *specified in subparagraphs (A) and (B).*

6 (F) *Policies to ensure the efficient and nar-*
7 *row use of sensitive compartmented information*
8 *facilities for such purpose, including a timeline*
9 *for the length of such use by a covered contractor*
10 *and a detailed description of the process to ter-*
11 *minate access to the sensitive compartmented in-*
12 *formation facility by a covered contractor*
13 *upon—*

14 (i) *the expiration of the covered con-*
15 *tract of the covered contractor; or*

16 (ii) *a determination that the covered*
17 *contractor no longer has a need for such ac-*
18 *cess to fulfill the terms of such contract.*

19 (G) *Pricing structures for the use of sen-*
20 *sitive compartmented information facilities by*
21 *covered contractors for the purpose specified in*
22 *paragraph (1). Such pricing structures—*

23 (i) *may include free use (for the pur-*
24 *pose of incentivizing future covered con-*
25 *tracts), with the potential for pricing to in-*

1 crease dependent on the length of the covered
2 contract, the size of the covered contractor,
3 and the need for such use; and

4 (ii) shall ensure that the cumulative
5 cost for a covered contractor to rent and
6 independently certify a sensitive compart-
7 mented information facility for such pur-
8 pose does not exceed the market average for
9 the Director of National Intelligence or the
10 Secretary of Defense to build, certify, and
11 maintain a sensitive compartmented infor-
12 mation facility.

13 (H) A security plan for vetting each covered
14 contractor prior to the access of a sensitive com-
15 partmented information facility by the covered
16 contractor for the purpose specified in paragraph
17 (1), and an assessment of potential security con-
18 cerns regarding such access.

19 (I) A proposed timeline for the expansion of
20 access to sensitive compartmented information
21 facilities in accordance with paragraph (1).

22 (J) Such other matters as the Director of
23 National Intelligence or the Secretary of Defense
24 considers relevant to such expansion.

1 (3) *ELIGIBILITY CRITERIA FOR COVERED CON-*
2 *TRACTORS.—Under the eligibility criteria specified in*
3 *subparagraph (D)—*

4 (A) *unless the Director of National Intel-*
5 *ligence determines the source of the financing of*
6 *a covered contractor poses a national security*
7 *risk, such source of financing may not be taken*
8 *into consideration in making a determination as*
9 *to the eligibility of the covered contractor; and*

10 (B) *preference shall be given to any pre-*
11 *ferred contractor described in paragraph (4).*

12 (4) *PREFERRED CONTRACTORS.—A preferred*
13 *contractor described in this paragraph is a covered*
14 *contractor—*

15 (A) *that is a small business concern that*
16 *has a Phase I or Phase II SBIR award for a*
17 *project under a covered contract and dem-*
18 *onstrates a need for access to a sensitive com-*
19 *partmented information facility with respect to*
20 *such ongoing project; or*

21 (B) *the covered contract of which is a con-*
22 *tract entered into with the Director of AFWERX*
23 *of the Air Force (or such successor program), the*
24 *Director of the Defense Innovation Unit of the*
25 *Department of Defense, or the head of any other*

1 *program or element of the Federal Government*
2 *with a focus on technology or innovation.*

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

4 (A) *APPROPRIATE CONGRESSIONAL COMMIT-*
5 *TEES.—The term “appropriate congressional*
6 *committees” means—*

7 (i) *the congressional intelligence com-*
8 *mittees; and*

9 (ii) *the Committees on Armed Services*
10 *of the House of Representatives and the*
11 *Senate.*

12 (B) *COVERED CONTRACT.—The term “cov-*
13 *ered contract” means a contract entered into by*
14 *a covered contractor with the head of an element*
15 *of the intelligence community or the Secretary of*
16 *Defense that relates to the development of tech-*
17 *nology solutions for the intelligence community*
18 *or the Department of Defense, as the case may*
19 *be.*

20 (C) *COVERED CONTRACTOR.—The term*
21 *“covered contractor” means a contractor of the*
22 *intelligence community or the Department of De-*
23 *fense that the Director of National Intelligence*
24 *determines is a small- or medium-sized tech-*
25 *nology company in an early stage of developing*

1 *technology solutions pursuant to a covered con-*
2 *tract.*

3 (D) *PHASE I; PHASE II; SBIR.*—*The terms*
4 *“Phase I”, “Phase II”, and “SBIR” have the*
5 *meanings given those terms in section 9(e) of the*
6 *Small Business Act (15 U.S.C. 638(e)).*

7 (E) *SMALL BUSINESS CONCERN.*—*The term*
8 *“small business concern” has the meaning given*
9 *that term in section 3 of the Small Business Act*
10 *(15 U.S.C. 632).*

11 (d) *REPORTS ON EXPANSION OF SECURITY CLEAR-*
12 *ANCES FOR CERTAIN CONTRACTORS.*—

13 (1) *REPORTS.*—*Not later than 180 days after the*
14 *date of the enactment of this Act, and annually there-*
15 *after for 3 years, the Director of National Intelligence*
16 *shall submit to the congressional intelligence commit-*
17 *tees a report on the extent to which security clearance*
18 *requirements delay, limit, or otherwise disincentivize*
19 *emerging technology companies from entering into*
20 *contracts with the United States Government.*

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

23 (A) *Statistics on the periods of time between*
24 *the submission of applications for security clear-*
25 *ances by employees of emerging technology com-*

1 *panies and the grant of such security clearances,*
2 *disaggregated by the size of the respective com-*
3 *pany.*

4 *(B) The number of security clearances*
5 *granted to employees of small- or medium-sized*
6 *emerging technology companies during the pe-*
7 *riod covered by the report.*

8 *(C) The number of applications for security*
9 *clearances submitted by employees of emerging*
10 *technology companies that have yet to be adju-*
11 *dicated as of the date on which the report is sub-*
12 *mitted.*

13 *(D) A projection, for the year following the*
14 *date on which the report is submitted, of the*
15 *number of security clearances necessary for em-*
16 *ployees of emerging technology companies to per-*
17 *form work on behalf of the intelligence commu-*
18 *nity during such year, and an assessment of the*
19 *capacity of the intelligence community to meet*
20 *such demand.*

21 *(E) An identification of each occurrence,*
22 *during the period covered by the report, in which*
23 *an emerging technology company withdrew from*
24 *or declined to accept a contract with the United*
25 *States Government on the sole basis of delays,*

1 *limitations, or other issues involving security*
2 *clearances, and a description of the types of busi-*
3 *ness the United States Government has lost as a*
4 *result of such occurrences.*

5 *(F) Recommendations for expediting the*
6 *grant of security clearances to employees of*
7 *emerging technology companies, including with*
8 *respect to any additional resources, authorities,*
9 *or personnel that the Director of National Intel-*
10 *ligence determines may be necessary for such ex-*
11 *pedition.*

12 *(3) FORM.—Each report under paragraph (1)*
13 *may be submitted in classified form, but if so sub-*
14 *mitted shall include an unclassified executive sum-*
15 *mary.*

16 *(4) PROPOSAL CONCURRENT WITH BUDGET SUB-*
17 *MISSION.—At the time that the President submits to*
18 *Congress the budget for fiscal year 2024 pursuant to*
19 *section 1105 of title 31, United States Code, the Di-*
20 *rector of National Intelligence shall submit to the con-*
21 *gressional intelligence committees a proposal to im-*
22 *prove the capacity of the workforce responsible for the*
23 *investigation and adjudication of security clearances,*
24 *with the goal of reducing the period of time specified*
25 *in paragraph (2)(A) to less than 60 days. Such pro-*

1 *posal shall include an identification of any resources*
2 *the Director determines necessary to expand the num-*
3 *ber of individuals authorized to conduct polygraphs*
4 *on behalf of the intelligence community, including by*
5 *furnishing necessary training to such individuals.*

6 **SEC. 515. COMPLIANCE BY THE INTELLIGENCE COMMUNITY**
7 **WITH REQUIREMENTS OF THE FEDERAL AC-**
8 **QUISITION REGULATION RELATING TO COM-**
9 **MERCIALY AVAILABLE OFF-THE-SHELF**
10 **ITEMS AND COMMERCIAL SERVICES.**

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

13 *(1) parts 10 and 12 of the Federal Acquisition*
14 *Regulation broadly require departments and agencies*
15 *of the United States Government to conduct market*
16 *research to determine whether commercially available*
17 *off-the-shelf items, nondevelopmental items, or com-*
18 *mmercial services are available that could meet the re-*
19 *quirements of the department or agency;*

20 *(2) the requirements under such parts 10 and 12,*
21 *among other important goals, reduce administrative*
22 *costs and allow expedited acquisition and deployment*
23 *of such items and services;*

24 *(3) however, such departments and agencies too*
25 *often contract for custom products, rather than buy-*

1 *ing existing commercial products and adapting those*
2 *as necessary, which creates a fundamental compliance*
3 *issue; and*

4 *(4) the intelligence community should adopt a*
5 *culture shift to ensure better compliance with such*
6 *parts 10 and 12.*

7 *(b) POLICY.—*

8 *(1) REQUIREMENT.—Not later than 1 year after*
9 *the date of the enactment of this Act, the Director of*
10 *National Intelligence shall implement a policy to en-*
11 *sure that each element of the intelligence community*
12 *complies with parts 10 and 12 of the Federal Acquisi-*
13 *tion Regulation with respect to any procurement.*

14 *(2) ELEMENTS.—The policy under paragraph*
15 *(1) shall include the following:*

16 *(A) Written criteria for an element of the*
17 *intelligence community to evaluate when a pro-*
18 *curement of a covered item or service is permis-*
19 *sible, including—*

20 *(i) requiring the element to conduct an*
21 *independent market analysis to determine*
22 *whether a commercially available off-the-*
23 *shelf item, nondevelopmental item, or com-*
24 *mercial service is viable; and*

1 (ii) a description of the offeror for such
2 covered item or service and how the covered
3 item or service to be acquired will be inte-
4 grated into existing systems of the intel-
5 ligence community.

6 (B) If an element of the intelligence commu-
7 nity enters into a contract for artificial intel-
8 ligence or other emerging technologies that is a
9 covered item or service, not later than 45 days
10 before entering into such contract, the head of the
11 element shall notify the congressional intelligence
12 committees in writing of the intent to enter into
13 such contract, including a brief summary of—

14 (i) the justification for not using a
15 commercially available off-the-shelf item,
16 nondevelopmental item, or commercial serv-
17 ice; and

18 (ii) the independent market analysis
19 conducted under subparagraph (A).

20 (C) A detailed set of performance incentives
21 for the acquisition personnel of the intelligence
22 community that—

23 (i) prioritizes and rewards adherence
24 to parts 10 and 12 of the Federal Acquisi-
25 tion Regulation; and

1 (ii) incentivizes reliance by the intel-
2 ligence community on commercially avail-
3 able off-the-shelf items, nondevelopmental
4 items, or commercial services and
5 incentivizes such personnel that enter into
6 contracts for covered items or services only
7 when necessary.

8 (D) Methods to ensure the coordination
9 across the elements of the intelligence community
10 in carrying out the policy, including by desig-
11 nating an official of each element to ensure im-
12 plementation and incentives for elements to share
13 best practices for entering into contracts for cov-
14 ered items or services.

15 (E) On an annual basis, the head of each
16 element of the intelligence community shall cer-
17 tify in writing to the congressional intelligence
18 committees that each contract involving software
19 development that was awarded during the year
20 covered by the certification was awarded in ad-
21 herence to section 3453 of title 10, United States
22 Code, and such parts 10 and 12, as applicable.

23 (F) Any other incentives for the acquisition
24 personnel of the intelligence community that the
25 Director determines appropriate to improve the

1 *use of commercially available off-the-shelf items,*
2 *nondevelopmental items, and commercial services*
3 *in contracts for emerging technologies, including*
4 *with respect to pay incentives, time off for train-*
5 *ing, and nonmonetary awards.*

6 (3) *SUBMISSION.*—*Not later than 180 days after*
7 *the date of the enactment of this Act, the Director of*
8 *National Intelligence shall submit to the congressional*
9 *intelligence committees—*

10 (A) *the policy developed under paragraph*

11 (1); *and*

12 (B) *a plan to implement the policy not*
13 *later than 1 year after the date of such enact-*
14 *ment.*

15 (4) *MARKET ANALYSIS.*—*In carrying out the*
16 *independent market analysis pursuant to paragraph*
17 *(1)(A)(ii), the Director may enter into a contract*
18 *with an independent market research group with*
19 *qualifications and expertise to find available commer-*
20 *cially available off-the-shelf items, nondevelopmental*
21 *items, or commercial services to meet the needs of the*
22 *intelligence community.*

23 (c) *ANNUAL REPORTS.*—

24 (1) *REQUIREMENT.*—*Not later than 2 years after*
25 *the date of the enactment of this Act, and annually*

1 *thereafter for 3 years, the Director, in consultation*
2 *with the head of each element of the intelligence com-*
3 *munity, shall submit to the congressional intelligence*
4 *committees a report on the policy developed under*
5 *subsection (a).*

6 (2) *ELEMENTS.—Each report under paragraph*
7 (1) *shall include, with respect to the period covered by*
8 *the report, the following:*

9 (A) *An evaluation of the success of the pol-*
10 *icy, including with respect to the progress the*
11 *elements have made in complying with parts 10*
12 *and 12 of the Federal Acquisition Regulation.*

13 (B) *A comparison of the number of con-*
14 *tracts that were awarded for commercially avail-*
15 *able off-the-shelf items, nondevelopmental items,*
16 *or commercial services versus the number award-*
17 *ed for covered items or services.*

18 (C) *A description of how any market anal-*
19 *yses are conducted pursuant to subsection*
20 *(a)(1)(A)(ii).*

21 (D) *Any recommendations to improve com-*
22 *pliance with such parts 10 and 12.*

23 (d) *DEFINITIONS.—In this section:*

24 (1) *COMMERCIALLY AVAILABLE OFF-THE-SHELF*
25 *ITEM; COMMERCIAL SERVICE; NONDEVELOPMENTAL*

1 *ITEM.*—*The terms “commercially available off-the-*
2 *shelf item”, “commercial service”, and “nondevelop-*
3 *mental items” have the meanings given, respectively,*
4 *in subchapter I of division A of title 41, United*
5 *States Code.*

6 (2) *COVERED ITEM OR SERVICE.*—*The term*
7 *“covered item or service” means a product, system, or*
8 *service that is not a commercially available off-the-*
9 *shelf item, a commercial service, or a nondevelop-*
10 *mental item.*

11 **SEC. 516. POLICY ON REQUIRED USER ADOPTION METRICS**
12 **IN CERTAIN CONTRACTS FOR ARTIFICIAL IN-**
13 **TELLIGENCE SOFTWARE PRODUCTS.**

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

16 (1) *it is critical that the intelligence community*
17 *acquire products that can be integrated, to the highest*
18 *extent possible, within existing workflows and per-*
19 *sonnel capabilities;*

20 (2) *one step toward that goal is ensuring that*
21 *products procured by the intelligence community have*
22 *user-adoption metrics, which allow programmers and*
23 *vendors to assess the effectiveness of a given product*
24 *to an intelligence community user;*

1 (3) *requiring such metrics also incentivizes ven-*
2 *dors to incorporate training and adoption programs*
3 *into their products, as opposed to contracts which*
4 *simply sell an application to the intelligence commu-*
5 *nity with no customer success feature built in; and*

6 (4) *in addition, this data is critical to informing*
7 *decisions about the continued use of a product, in-*
8 *cluding relating to whether a prototype will transi-*
9 *tion from development to an enterprise-wide contract*
10 *or program of record.*

11 (b) *POLICY.—Not later than 180 days after the date*
12 *of the enactment of this Act, the Director of National Intel-*
13 *ligence shall establish a policy containing the following:*

14 (1) *With respect to a contract or other agreement*
15 *entered into between the head of an element of the in-*
16 *telligence community and a commercial provider for*
17 *the acquisition of a covered product for users within*
18 *the intelligence community—*

19 (A) *a requirement that each such contract*
20 *or other agreement include, as a term of the con-*
21 *tract or agreement, a commitment by the com-*
22 *mercial provider to furnish a means of collecting*
23 *user adoption metrics for assessing the adoption*
24 *of the covered product by such users; and*

1 (B) a requirement that the head assess the
2 user adoption of the covered product through
3 such means.

4 (2) Such exceptions to the requirements under
5 paragraph (1) as may be determined appropriate by
6 the Director.

7 (c) *REPORTS.*—

8 (1) *SUBMISSION.*—Not later than 1 year after
9 the date on which the Director of National Intel-
10 ligence establishes the policy under subsection (b), and
11 annually thereafter for 3 years, the Director, in co-
12 ordination with the heads of the elements of the intel-
13 ligence community, shall submit to the congressional
14 intelligence committees a report on the user adoption
15 metrics for each covered product acquired using, in
16 whole or in part, funds made available under the Na-
17 tional Intelligence Program.

18 (2) *MATTERS.*—Each report under paragraph
19 (1) shall include, with respect to the year covered by
20 the report, the following:

21 (A) A detailed description of the effective-
22 ness of the policy under subsection (b), including
23 a cost-benefit analysis of such policy.

1 (B) *A summary of the user adoption*
2 *metrics collected pursuant to such policy for each*
3 *program referred to in paragraph (1).*

4 (C) *An identification of any instance in*
5 *which the head of an element of the intelligence*
6 *community determined that requiring a commit-*
7 *ment to furnish a means of collecting user adop-*
8 *tion metrics as a term of a contract or agreement*
9 *pursuant to such policy was not practicable pur-*
10 *suant to an exception specified in subsection*
11 *(b)(2) and, as a result, did not require such com-*
12 *mitment.*

13 (D) *A justification for the continuation of*
14 *the use of any covered product acquired by the*
15 *head of an element of the intelligence community*
16 *that the head has determined, pursuant to an as-*
17 *essment required under subsection (b)(1)(B),*
18 *was not sufficiently adopted by users or other-*
19 *wise received negative user feedback.*

20 (E) *Any other matters, including any rel-*
21 *evant recommendations, determined appropriate*
22 *by the Director.*

23 (3) *TIMING.*—*Each report under paragraph (1)*
24 *shall be submitted prior to the date of the presen-*
25 *tation of the consolidated National Intelligence Pro-*

1 *gram budget for the year covered by the report to the*
2 *President for approval pursuant to section 102A(c) of*
3 *the National Security Act of 1947 (50 U.S.C. 3024).*

4 *(d) DEFINITIONS.—In this section:*

5 *(1) COVERED PRODUCT.—The term “covered*
6 *product” means a commercial software product that*
7 *involves artificial intelligence.*

8 *(2) NATIONAL INTELLIGENCE PROGRAM.—The*
9 *term “National Intelligence Program” has the mean-*
10 *ing given that term in section 3 of the National Secu-*
11 *rity Act of 1947 (50 U.S.C. 3003).*

12 **SEC. 517. ASSESSMENTS RELATING TO INFORMATION TECH-**
13 **NOLOGY AND SOFTWARE SYSTEMS.**

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

16 *(1) the intelligence community continues to rely*
17 *heavily on legacy information technology systems and*
18 *software;*

19 *(2) transitioning these systems as appropriate to*
20 *modern software as a service, cloud-based, and open-*
21 *source systems is a priority;*

22 *(3) in many instances, there are no incentives to*
23 *make such a transition due to the cost, complexity,*
24 *administrative hurdles, and user adoption challenges*
25 *with any such transition; and*

1 (4) *therefore, it is imperative for the intelligence*
2 *community to create incentives to ensure that its sys-*
3 *tems evolve with industry and remain competitive*
4 *with foreign adversaries of the United States.*

5 **(b) ASSESSMENTS REQUIRED.—**

6 **(1) INTELLIGENCE COMMUNITY-WIDE BASELINE**
7 **ASSESSMENT.—***Not later than 1 year after the date of*
8 *the enactment of this Act, the Director of National In-*
9 *telligence, in consultation with the heads of the ele-*
10 *ments of the intelligence community, shall complete*
11 *an assessment of the information technology and soft-*
12 *ware systems of each element of the intelligence com-*
13 *munity, to review whether such systems integrate new*
14 *and emerging technology and, as appropriate, make*
15 *recommendations to decommission or replace outdated*
16 *systems. Such assessment shall include, with respect*
17 *to each such system, an evaluation of the following:*

18 **(A) The usability of the system.**

19 **(B) Whether the system is the most up-to-**
20 **date version of the system available.**

21 **(C) The compatibility of the system with**
22 **new and emerging technology.**

23 **(D) The costs and benefits of using an alter-**
24 **native system in lieu of the system, including the**
25 **financial cost of transitioning to such an alter-**

1 *native system and any technical or administra-*
2 *tive 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, RENEWAL,*
6 *OR EXTENSION OF CERTAIN CONTRACTS.—Not later*
7 *than 60 days after the date on which the head of an*
8 *element of the intelligence community enters into, re-*
9 *news, or extends a contract for the acquisition of an*
10 *information technology or software system, the Direc-*
11 *tor of National Intelligence shall conduct an assess-*
12 *ment of such system in accordance with paragraph*
13 *(1), including by evaluating each of the matters speci-*
14 *fied in subparagraphs (A) through (E) of such para-*
15 *graph, with respect to such system.*

16 (c) *GUIDANCE.—The Director shall issue to the heads*
17 *of the elements of the intelligence community guidance to—*

18 (1) *incentivize each such head to adopt and inte-*
19 *grate new and emerging technology within informa-*
20 *tion technology and software systems of the element*
21 *and to decommission and replace outdated systems,*
22 *including through potential funding enhancements;*
23 *and*

24 (2) *incentivize, and hold accountable, personnel*
25 *of the intelligence community with respect to the inte-*

1 *gration of new and emerging technology within such*
2 *systems, including through the provision of appro-*
3 *prate training programs and evaluations.*

4 *(d) SUBMISSIONS TO CONGRESS.—*

5 *(1) REPORT ON ASSESSMENT RESULTS.—Not*
6 *later than 60 days after the date on which the Direc-*
7 *tor completes the assessment under subsection (b)(1),*
8 *the Director shall submit to the appropriate congres-*
9 *sional committees a report containing the results of*
10 *such assessment.*

11 *(2) SUBMISSION OF GUIDANCE.—Not later than*
12 *60 days after the date on which the Director issues*
13 *the guidance under subsection (c), the Director shall*
14 *submit to the appropriate congressional committees a*
15 *copy of such guidance.*

16 *(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
17 *FINED.—In this section, the term “appropriate congres-*
18 *sional committees” means—*

19 *(1) the congressional intelligence committees; and*

20 *(2) the Committees on Appropriations of the*
21 *House of Representatives and the Senate.*

Subtitle C—Reports**SEC. 521. REPORTS ON INTEGRATION OF ARTIFICIAL INTELLIGENCE WITHIN INTELLIGENCE COMMUNITY.**

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

(1) *artificial intelligence and other emerging technologies must be incorporated into the intelligence community at a pace that matches industry and is competitive with United States adversaries;*

(2) *while collaboration can and does occur in instances, Congress is concerned that the United States is not integrated enough across disciplines to further this essential mission; and*

(3) *while each intelligence community element is pursuing artificial intelligence adoption by either establishing new offices or surging resources to existing offices, there is not a single office or official at each intelligence community element that has the authority to oversee artificial intelligence adoption at the agency, and can serve as the coordinator for interagency cooperation.*

(b) *REPORT BY DIRECTOR OF NATIONAL INTELLIGENCE.*—*Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence,*

1 *in coordination with the heads of the elements of the intel-*
2 *ligence community, shall submit to the congressional intel-*
3 *ligence committees a report on the efforts of the intelligence*
4 *community to develop, acquire, adopt, and maintain artifi-*
5 *cial intelligence across the intelligence community to im-*
6 *prove intelligence collection across the collection spectrum*
7 *and optimize internal work flows. Such report shall contain*
8 *a separate review of each such element that includes, with*
9 *respect to the element, the following:*

10 (1) *A description of the authorities of the element*
11 *relating to the use of artificial intelligence, and*
12 *whether the element lacks any resources or authorities*
13 *necessary to accelerate the adoption by the element of*
14 *artificial intelligence solutions, including commercial*
15 *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 adoption*
19 *by the element of artificial intelligence solutions, and*
20 *whether the head of the element lacks any resources or*
21 *authorities to hire the personnel necessary to so accel-*
22 *erate 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 *telligence 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 com-*
8 *mercial products involving artificial intelligence and*
9 *in particular, the efforts of such head to acquire and*
10 *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 disaggregated*
17 *by, and include input from, organizational units of*
18 *the element that focus on the following:*

19 *(A) Acquisitions and contracting.*

20 *(B) Personnel and workforce matters.*

21 *(C) Financial management and budgeting.*

22 *(D) Operations and capabilities.*

23 *(6) An assessment, conducted by the Inspector*
24 *General of the Intelligence Community, of the efforts*
25 *of the head of the element to coordinate across the in-*

1 *telligence community for the purpose of ensuring the*
2 *adoption of best practices, sharing of information,*
3 *and efficient use of resources relating to artificial in-*
4 *telligence, including an identification by such head of*
5 *any administrative or technical barriers to such co-*
6 *ordination, and recommendations for improving such*
7 *coordination. With respect to the review of the Office*
8 *of the Director of National Intelligence, such assess-*
9 *ment shall also include a specific assessment of how*
10 *the Director of National Intelligence, in consultation*
11 *with the Director of Science and Technology and the*
12 *Chief Data Officer, oversees, or plans to oversee, such*
13 *coordination.*

14 *(c) ANNUAL REPORTS BY DIRECTOR OF SCIENCE AND*
15 *TECHNOLOGY.—*

16 *(1) REPORTS.—Not later than 1 year after the*
17 *date of the enactment of this Act, and annually there-*
18 *after for 3 years, the Director of Science and Tech-*
19 *nology, in coordination with the Chief Data Officer*
20 *with respect to the matters specified in paragraph (3),*
21 *and in consultation with the Director of National In-*
22 *telligence and the heads of the elements of the intel-*
23 *ligence community, shall submit to the congressional*
24 *intelligence committees a report on the progress of the*

1 *adoption of artificial intelligence within the intel-*
2 *ligence 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 of*
7 *each element of the intelligence community in the*
8 *adoption and maintenance of artificial intel-*
9 *ligence during such year, including a description*
10 *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 commer-*
17 *cial 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 Direc-
9 tor of Science and Technology for the efficient,
10 accelerated, and comprehensive adoption of arti-
11 ficial intelligence across the intelligence commu-
12 nity during the year following the year covered
13 by the report, including any technological ad-
14 vances in artificial intelligence that the intel-
15 ligence community should leverage from industry
16 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 United
20 States Government outpaces foreign adversaries
21 in such field.

22 (E) Any gaps in resource or authorities, or
23 other administrative or technical barriers, to the
24 adoption of artificial intelligence by the intel-
25 ligence 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 mat-*
7 *ters specified in paragraph (2) with respect to the or-*
8 *ganization of data for the accelerated adoption of ar-*
9 *tificial intelligence solutions.*

10 **SEC. 522. REPORT ON POTENTIAL BENEFITS OF ESTABLISH-**
11 **MENT 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 activities*
18 *of which would incorporate lessons learned from AFWERX*
19 *of the Air Force (or such successor program), the Defense*
20 *Innovation Unit of the Department of Defense, and other*
21 *programs and elements of the Federal Government with a*
22 *focus on technology or innovation.*

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

1 (1) *A review of the avenues for small- and me-*
2 *dium-sized emerging technology companies to provide*
3 *to the intelligence community artificial intelligence or*
4 *other technology solutions, including an identifica-*
5 *tion, for each of the 5 years preceding the year in*
6 *which the report is submitted, of the annual number*
7 *of such companies that have provided the intelligence*
8 *community with such solutions.*

9 (2) *A review of the processes by which the heads*
10 *of the elements of the intelligence community acquire*
11 *and transition commercial research of small- and me-*
12 *dium-sized emerging technology companies in a pro-*
13 *totype or other early developmental stage.*

14 (3) *An assessment of—*

15 (A) *whether the intelligence community is*
16 *postured to incorporate the technological innova-*
17 *tions of emerging technology companies, includ-*
18 *ing 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 ben-*
24 *efits associated with the establishment of ICWERX in*
25 *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 MATHEMATICS, AND RELATED**
5 **AREAS.**

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

8 (1) *increasing the talent diversity, density, and*
9 *expertise for critical fields in the intelligence commu-*
10 *nity is essential to accelerating the incorporation, in-*
11 *tegration, and maintenance of emerging technologies*
12 *into the workflows and business practices of the intel-*
13 *ligence community;*

14 (2) *Congress is concerned that the intelligence*
15 *community has not yet conducted a baseline assess-*
16 *ment of what talent currently exists within the intel-*
17 *ligence community, and where gaps prevent the intel-*
18 *ligence community from meeting the technology de-*
19 *mands in the next decade;*

20 (3) *Congress is aware that the Director of Na-*
21 *tional Intelligence is starting the process to lead a*
22 *needs assessment across the intelligence community*
23 *and encourages all elements of the intelligence com-*
24 *munity to work expeditiously with the Director to de-*
25 *velop that detailed assessment; and*

1 (4) *this type of needs assessment should be insti-*
2 *tutionalized and built into the future human capital*
3 *strategy for the next generation of intelligence officers*
4 *and officials.*

5 (b) *REQUIREMENTS.—The Director of National Intel-*
6 *ligence, in coordination with the Chief Technology Officer*
7 *and the Chief Human Capital Officer of the Office of the*
8 *Director of National Intelligence, shall—*

9 (1) *develop an organizational management plan*
10 *for the adoption and maintenance of artificial intel-*
11 *ligence across the intelligence community; and*

12 (2) *require that each head of an element of the*
13 *intelligence community, with respect to such ele-*
14 *ment—*

15 (A) *develop a plan for the recruitment of*
16 *personnel to positions the primary duties of*
17 *which involve the integration, maintenance, or*
18 *use of artificial intelligence (and the retention*
19 *and training of personnel serving in such posi-*
20 *tions);*

21 (B) *develop a plan for—*

22 (i) *the review and evaluation, on a*
23 *continuous basis, of the expertise necessary*
24 *to accelerate the adoption of artificial intel-*

1 *ligence and other emerging technology solu-*
2 *tions; and*

3 *(ii) the update of efforts to recruit and*
4 *retain personnel with such expertise; and*

5 *(C) coordinate and share information and*
6 *best practices relating to such recruitment and*
7 *retention within the element and across the intel-*
8 *ligence community.*

9 *(c) REPORT.—*

10 *(1) SUBMISSION.—Not later than January 1,*
11 *2024, the Director of National Intelligence, in coordi-*
12 *nation with the Chief Technology Officer and the*
13 *Chief Human Capital Officer of the Office of the Di-*
14 *rector of National Intelligence, shall submit to the*
15 *congressional intelligence committees a report on the*
16 *workforce needs of the intelligence community relating*
17 *to artificial intelligence, cybersecurity, and other*
18 *science, technology, engineering, and mathematics*
19 *areas.*

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

22 *(A) A detailed description of the organiza-*
23 *tional management plan under subsection (b)(1).*

24 *(B) With respect to each element of the in-*
25 *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 compared*
11 *to carrying out other duties under the posi-*
12 *tion.*

13 (ii) *A detailed description of the plan*
14 *of the head of the element under subsection*
15 *(b)(2)(A), including an identification of*
16 *any official responsible for coordinating re-*
17 *ruitment, retention, and training for the*
18 *element under such plan.*

19 (iii) *A detailed description of the plan*
20 *of the head of the element under subsection*
21 *(b)(2)(B).*

22 (iv) *A detailed description of the meth-*
23 *ods by which the head coordinates and*
24 *shares information and best practices under*
25 *subsection (b)(2)(C), including an identi-*

1 *fication of any official responsible for such*
2 *coordination and sharing for the element.*

3 *(v) Such other matters as the Director*
4 *of National Intelligence may determine ap-*
5 *propriate.*

6 *(C) An assessment of any gaps in the orga-*
7 *nizational management plan specified in sub-*
8 *section (b)(1), including, for each element of the*
9 *intelligence community, an identification of any*
10 *additional roles, positions, expertise, or authori-*
11 *ties necessary for the adoption and maintenance*
12 *of artificial intelligence by that element.*

13 *(D) An assessment of the quality and sus-*
14 *tainability of the talent pipeline of the intel-*
15 *ligence community with respect to talent in cy-*
16 *bersecurity and other science, technology, engi-*
17 *neering, and mathematics areas. Such assess-*
18 *ment shall include the following:*

19 *(i) An assessment of the priorities of*
20 *the intelligence community with respect to*
21 *cybersecurity and other science, technology,*
22 *engineering, and mathematics areas, and*
23 *the personnel necessary to address such pri-*
24 *orities.*

1 (ii) *A summary of the education, re-*
2 *ruitment, and retention programs (includ-*
3 *ing skills-based training and career and*
4 *technical educational programs) available to*
5 *personnel of the intelligence community, re-*
6 *gardless of whether such programs are ad-*
7 *ministered by the head of an element of the*
8 *intelligence community or the head of an-*
9 *other Federal department or agency, and an*
10 *analysis of how such programs support the*
11 *quality and sustainability of such talent*
12 *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 sup-*
16 *port the quality and sustainability of such*
17 *talent pipeline.*

18 (iv) *An assessment of any gaps in au-*
19 *thorities, resources, recruitment or retention*
20 *incentives, skills-based training, or edu-*
21 *cational programs, that may negatively af-*
22 *fect the quality or sustainability of such tal-*
23 *ent pipeline.*

24 (d) *INFORMATION ACCESS.—The heads of the elements*
25 *of the intelligence community shall furnish to the Chief*

1 *Technology Officer and the Chief Human Capital Officer*
2 *of the Office of the Director of National Intelligence such*
3 *information as may be necessary for the development of the*
4 *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 Congress*
9 *that—*

10 *(1) systems integration is a critical part of in-*
11 *corporating emerging technologies into the intelligence*
12 *community;*

13 *(2) unfortunately, Congress understands that*
14 *there remains an uneven approach across the intel-*
15 *ligence community for contracting and executing sys-*
16 *tem integration;*

17 *(3) such disparate policies lead to added admin-*
18 *istrative costs for both the intelligence community and*
19 *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 best*
8 *practices and standard commercial software as a*
9 *service feature.*

10 *(b) PROCUREMENT OF COMMERCIAL SOFTWARE PROD-*
11 *UCTS.—*

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 intelligence*
16 *community, shall recommend to the Director of Na-*
17 *tional Intelligence an intelligence community-wide*
18 *policy to ensure that the procurement of commercial*
19 *software products by the intelligence community is*
20 *carried out in accordance with best practices.*

21 *(2) ELEMENTS.—The policy under paragraph*
22 *(1) shall include the following:*

23 *(A) Guidelines for the heads of the elements*
24 *of the intelligence community to determine which*
25 *contracts for commercial software products are*

1 covered by the policy, including with respect to
2 agreements, authorizations to operate, and other
3 acquisition activities.

4 (B) Guidelines for using standardized terms
5 in such contracts, modeled after commercial best
6 practices, including common procedures and lan-
7 guage regarding—

8 (i) terms for who is responsible for sys-
9 tem integration under the contract;

10 (ii) a timeline required for system in-
11 tegration;

12 (iii) a mechanism included in each
13 contract to ensure the ability of the vendor
14 to provide continuous updates and version
15 control for the software;

16 (iv) a mechanism included in each
17 contract that allows the United States Gov-
18 ernment to receive and use the latest up-
19 dates for the software and receive such up-
20 dates in near real-time;

21 (v) automatic technological mecha-
22 nisms for security and data validation, in-
23 cluding security protocols that are predi-
24 cated on commercial best practices; and

1 (vi) procedures to provide incentives,
2 and a technical framework, for system inte-
3 gration for new commercial software solu-
4 tions to fit within existing workflows and
5 information technology infrastructure.

6 (C) Guidelines to ensure coordination of the
7 policy throughout the intelligence community,
8 including identifying the officials in each ele-
9 ment of the intelligence who are responsible for
10 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 intelligence
14 committees a report on the policy recommended under
15 paragraph (1), including the following with respect to
16 the period covered by the report:

17 (A) An evaluation of compliance with such
18 policy by the elements of the intelligence commu-
19 nity.

20 (B) An identification of the elements of such
21 policy that achieve the goal referred to in para-
22 graph (1), and the elements of such policy that
23 fail to achieve such goal, including any concerns
24 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 ele-*
7 *ment of specific successes and concerns in*
8 *contracting for, and incorporating, system*
9 *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 Na-*
16 *tional Intelligence, in consultation with the Director*
17 *of Science and Technology and the heads of the ele-*
18 *ments of the intelligence community that the Director*
19 *of National Intelligence determines appropriate, shall*
20 *implement a policy to promote the intelligence com-*
21 *munity-wide use of code-free artificial intelligence*
22 *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 in-*
6 *telligence community to oversee implementation*
7 *of the policy and such coordination.*

8 (3) *SUBMISSION.—Not later than 180 days after*
9 *the date of the enactment of this Act, the Director of*
10 *National Intelligence shall submit to the congressional*
11 *intelligence committees the proposed policy under*
12 *paragraph (1), including a detailed plan and*
13 *timeline for carrying out the incentives described in*
14 *paragraph (2)(A).*

15 (4) *ANNUAL REPORTS OR BRIEFINGS.—Not later*
16 *than 1 year after commencing the implementation of*
17 *the policy under paragraph (1), and annually there-*
18 *after for 3 years, the Director of National Intelligence,*
19 *in consultation with the Director of Science and*
20 *Technology and the heads of the elements of the intel-*
21 *ligence community that the Director of National In-*
22 *telligence determines appropriate, shall submit to the*
23 *congressional intelligence committees a report, or pro-*
24 *vide to such committees a briefing, that—*

25 (A) *details the success of the policy;*

1 (B) includes statistics on the progress of the
2 intelligence community in implementing code-
3 free artificial intelligence enablement tools; and

4 (C) contains any recommendations for im-
5 provements or enhancements to the policy.

6 (d) **CODE-FREE ARTIFICIAL INTELLIGENCE**
7 **ENABLEMENT TOOLS DEFINED.**—In this section, the term
8 “code-free artificial intelligence enablement tools” means
9 software that provides an environment where visual drag-
10 and-drop applications or similar tools allow 1 or more in-
11 dividuals to program applications without linear coding.

12 **SEC. 532. IMPROVEMENTS TO EMPLOYEES AND MANAGERS**
13 **RELATING TO EMERGING TECHNOLOGIES,**
14 **SOFTWARE DEVELOPMENT, ACQUISITION,**
15 **AND SUSTAINMENT.**

16 (a) **CADRE OF EXPERTS.**—

17 (1) **ESTABLISH OF CADRE.**—Not later than Jan-
18 uary 1, 2024, the Director of National Intelligence,
19 acting through the Director of Science and Tech-
20 nology, shall establish a cadre of personnel who are
21 experts in emerging technologies, software develop-
22 ment, systems integration, and acquisition, to im-
23 prove the adoption by the intelligence community of
24 commercial solutions for emerging technologies.

1 (2) *STRUCTURE.*—*The Director of Science and*
2 *Technology—*

3 (A) *shall ensure the cadre has the appro-*
4 *priate number of members;*

5 (B) *shall establish an appropriate leader-*
6 *ship structure and office within which the cadre*
7 *shall be managed; and*

8 (C) *shall determine the appropriate officials*
9 *to whom members of the cadre shall report.*

10 (3) *RESPONSIBILITIES.*—*The cadre of personnel*
11 *authorized under paragraph (1) shall be responsible*
12 *for—*

13 (A) *assisting the Director of Science and*
14 *Technology with continuing to develop and*
15 *evolve intelligence community-wide policies,*
16 *rules, and procedures to accelerate the adoption*
17 *of emerging technologies, including with respect*
18 *to artificial intelligence, machine learning, and*
19 *software development and systems integration*
20 *into the intelligence community;*

21 (B) *assisting elements of the intelligence*
22 *community with software development and ac-*
23 *quisition;*

24 (C) *establishing training requirements for*
25 *acquisition professionals within the intelligence*

1 *community to increase the number of acquisition*
2 *experts, with a particular emphasis on—*

3 *(i) the principles contained in the*
4 *TechFAR Handbook for Procuring Digital*
5 *Services Using Agile Processes of the U.S.*
6 *Digital Service; and*

7 *(ii) the requirements under parts 10*
8 *and 12 of the Federal Acquisition Regula-*
9 *tion, in accordance with the protocol of the*
10 *Director of National Intelligence relating to*
11 *such parts pursuant to section 515; and*

12 *(D) other functions as the Director of*
13 *Science and Technology determines appropriate*
14 *based on the evolving needs of identifying, incor-*
15 *porating, and maintaining evolving technology*
16 *in the intelligence community.*

17 (4) *ASSIGNMENT.—The Director of Science and*
18 *Technology shall establish processes to assign members*
19 *of the cadre to provide—*

20 *(A) expertise on matters relating to software*
21 *development, integration, acquisition, and*
22 *sustainment; and*

23 *(B) support for appropriate programs or*
24 *activities of the intelligence community.*

25 (5) *ADMINISTRATION.—*

1 (A) *IN GENERAL.*—*The Director of Science*
2 *and Technology, in coordination with the Presi-*
3 *dent of the Defense Acquisition University and*
4 *in consultation with academia and industry,*
5 *shall develop a career path, including training,*
6 *development opportunities, exchanges, and talent*
7 *management programs, for the cadre. The Direc-*
8 *tor of Science and Technology may use existing*
9 *personnel and acquisition authorities to establish*
10 *the cadre, as appropriate, including—*

11 (i) *section 9903 of title 5, United*
12 *States Code;*

13 (ii) *authorities relating to services con-*
14 *tracting;*

15 (iii) *the Intergovernmental Personnel*
16 *Act of 1970 (42 U.S.C. 4701 et seq.); and*

17 (iv) *authorities relating to exchange*
18 *programs with industry.*

19 (B) *ASSIGNMENTS.*—*Civilian and military*
20 *personnel from within the intelligence commu-*
21 *nity may be assigned to serve as members of the*
22 *cadre.*

23 (6) *FUNDING.*—*The Director of Science and*
24 *Technology may use amounts made available under*
25 *the National Intelligence Program for the purpose of*

1 *recruitment, training, and retention of members of*
2 *the cadre, including by using such amounts to pay*
3 *salaries of newly hired members of the cadre for up*
4 *to 3 years.*

5 (7) *COORDINATION.*—*The Director of Science*
6 *and Technology shall coordinate with the Under Sec-*
7 *retary of Defense for Acquisition and Sustainment*
8 *and the Under Secretary of Defense for Research and*
9 *Engineering to ensure that the programs, policies,*
10 *rules, and regulations relating to the cadre of the in-*
11 *telligence community and the cadre of the Depart-*
12 *ment of Defense are consistent and streamlined.*

13 (8) *REPORTS.*—*On an annual basis, the Director*
14 *of Science and Technology shall submit to the congres-*
15 *sional intelligence committees a report on the cadre,*
16 *including, with respect to the period covered by the*
17 *report, the following:*

18 (A) *The number of experts onboarded as*
19 *part of the cadre and the backgrounds and exper-*
20 *tise of the experts.*

21 (B) *The number of experts required for the*
22 *cadre.*

23 (C) *The training requirements for the cadre.*

24 (D) *A comprehensive assessment of the value*
25 *of the cadre to carry out this section, including*

1 *details on specific work the cadre is carrying out*
2 *to facilitate faster adoption of emerging tech-*
3 *nologies into the intelligence community.*

4 **(b) TRAINING.—**

5 **(1) TRAINING CURRICULUM.—***The Secretary of*
6 *Defense and the Director of National Intelligence, in*
7 *consultation with the President of the Defense Acqui-*
8 *sition University and the heads of the elements of the*
9 *intelligence community that the Secretary and Direc-*
10 *tor determine appropriate, shall jointly establish a*
11 *training curriculum for acquisition officials within*
12 *the Department of Defense and the intelligence com-*
13 *munity focused on improving the understanding and*
14 *awareness of contracting authorities and procedures*
15 *for the acquisition of emerging technologies. The Sec-*
16 *retary and the Director shall ensure that the cur-*
17 *riculum substantially relies on the principles con-*
18 *tained in the TechFAR Handbook for Procuring Dig-*
19 *ital Services Using Agile Processes of the U.S. Digital*
20 *Service.*

21 **(2) PROVISION OF TRAINING.—***The Director shall*
22 *ensure that the training curriculum under paragraph*
23 *(1) is provided to each element of the intelligence*
24 *community.*

1 (3) *REPORT.*—Not later than January 1, 2023,
2 the Secretary and the Director shall jointly submit to
3 the congressional intelligence committees a report con-
4 taining an update on the status of the curriculum
5 under paragraph (1).

6 (c) *EXECUTIVE EDUCATION ACTIVITIES.*—

7 (1) *ESTABLISHMENT.*—Not later than January
8 1, 2024, the Director of National Intelligence, in co-
9 ordination with the heads of the elements of the intel-
10 ligence community, shall establish executive education
11 activities on emerging technologies for appropriate
12 managers within the intelligence community who are
13 members of the Senior Intelligence Service or are paid
14 at the GS–13, GS–14, or GS–15 levels. The activities
15 shall be specifically designed to prepare new and ex-
16 isting managers on relevant technologies and how
17 these technologies may be applied to the intelligence
18 community.

19 (2) *PARTICIPATION.*—The Director, in coordina-
20 tion with the heads of the elements of the intelligence
21 community, shall develop a plan for managers de-
22 scribed in paragraph (1) to participate in the edu-
23 cation activities established under such paragraph.
24 The Director shall ensure that—

1 (A) *the plan is tailored to each individual*
2 *element of the intelligence community; and*

3 (B) *not later than 2 years after the estab-*
4 *lishment of the education activities, all such*
5 *managers are required to certify that the man-*
6 *agers have successfully completed the education*
7 *activities.*

8 (3) *REPORT.—Not later than January 1, 2023,*
9 *the Director shall submit to the congressional intel-*
10 *ligence committees a report containing an update on*
11 *the executive education activities under paragraph*
12 *(1). The report shall include the following:*

13 (A) *An overview of—*

14 (i) *who participated in the activities;*

15 (ii) *what technologies were included in*
16 *the activities and how those technologies*
17 *were identified; and*

18 (iii) *what other efforts are underway to*
19 *ensure that the leadership of the intelligence*
20 *community is able to identify, incorporate,*
21 *and maintain the most advanced technology*
22 *in executing the missions of the intelligence*
23 *community.*

24 (B) *An identification of other incentives,*
25 *activities, resources, and programs that the Di-*

1 (B) by striking “the Russian military” and
2 inserting “the military of the covered country”;
3 (4) by striking subsection (c) and inserting the
4 following new subsection:

5 “(c) *DEFINITIONS.*—*In this section:*

6 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
7 *TEES.*—*The term ‘appropriate congressional commit-*
8 *tees’ means the following:*

9 “(A) *The congressional intelligence commit-*
10 *tees.*

11 “(B) *The Committees on Armed Services of*
12 *the House of Representatives and the Senate.*

13 “(C) *The Committee on Foreign Affairs of*
14 *the House of Representatives and the Committee*
15 *on Foreign Relations of the Senate.*

16 “(2) *COVERED COUNTRY.*—*The term ‘covered*
17 *country’ means the following:*

18 “(A) *Russia.*

19 “(B) *China.*

20 “(C) *Iran.*

21 “(D) *North Korea.*”; and

22 (5) *in the heading, by striking “CLUB–K CON-*
23 *TAINER MISSILE SYSTEM BY THE RUSSIAN FED-*
24 *ERATION” and inserting “CONTAINERIZED MIS-*
25 *SILE SYSTEM BY RUSSIA OR CERTAIN OTHER*

1 *community with respect to the commitment of*
2 *such Russian atrocities.*

3 (C) *Addressing any gaps in intelligence col-*
4 *lection relating to the commitment of such Rus-*
5 *sian atrocities and developing recommendations*
6 *to address any gaps so identified, including by*
7 *recommending the modification of the priorities*
8 *of the intelligence community with respect to in-*
9 *telligence collection.*

10 (D) *Collaborating with appropriate coun-*
11 *terparts across the intelligence community to en-*
12 *sure appropriate coordination on, and integra-*
13 *tion of the analysis of, the commitment of such*
14 *Russian atrocities.*

15 (E) *Identifying intelligence and other infor-*
16 *mation that may be relevant to preserve evidence*
17 *of potential war crimes by Russia, consistent*
18 *with the public commitments of the United*
19 *States to support investigations into the conduct*
20 *of Russia.*

21 (F) *Ensuring the Atrocities Early Warning*
22 *Task Force and other relevant departments and*
23 *agencies of the United States Government receive*
24 *appropriate support from the intelligence com-*
25 *munity with respect to the collection, analysis,*

1 *preservation, and, as appropriate, dissemina-*
2 *tion, of intelligence related to Russian atrocities*
3 *in Ukraine.*

4 (3) *PLAN REQUIRED.*—*Not later than 30 days*
5 *after the date of enactment of this Act, the Director*
6 *of National Intelligence shall submit to the congress-*
7 *sional intelligence committees—*

8 (A) *the name of the official designated as*
9 *the Coordinator pursuant to paragraph (1); and*

10 (B) *the strategy of the intelligence commu-*
11 *nity for the collection of intelligence related to*
12 *Russian atrocities in Ukraine, including a de-*
13 *tailed description of how the Coordinator shall*
14 *support, and assist in facilitating the implemen-*
15 *tation of, such strategy.*

16 (4) *ANNUAL REPORT TO CONGRESS.*—

17 (A) *REPORTS REQUIRED.*—*Not later than*
18 *May 1, 2023, and annually thereafter until May*
19 *1, 2026, the Director of National Intelligence*
20 *shall submit to the congressional intelligence*
21 *committees a report detailing, for the year cov-*
22 *ered by the report—*

23 (i) *the analytical findings and activi-*
24 *ties of the intelligence community with re-*
25 *spect to Russian atrocities in Ukraine; and*

1 (ii) *the recipients of information*
2 *shared pursuant to this section for the pur-*
3 *pose of ensuring accountability for such*
4 *Russian atrocities, and the date of any such*
5 *sharing.*

6 (B) *FORM.—Each report submitted under*
7 *subparagraph (A) may be submitted in classified*
8 *form, consistent with the protection of intel-*
9 *ligence sources and methods.*

10 (C) *SUPPLEMENT.—The Director of Na-*
11 *tional Intelligence may supplement an existing*
12 *reporting requirement with the information re-*
13 *quired under subparagraph (A) on an annual*
14 *basis to satisfy that requirement with prior noti-*
15 *fication of intent to do so to the congressional in-*
16 *telligence committees.*

17 (b) *DEFINITIONS.—In this section:*

18 (1) *ATROCITY.—The term “atrocit-*
19 *y” means a*
20 *war crime, crime against humanity, genocide, or*
21 *crime of aggression.*

22 (2) *COMMIT.—The term “commit”, with respect*
23 *to an atrocity, includes the planning, committing,*
 aiding, and abetting of such atrocity.

1 (3) *FOREIGN PERSON*.—The term “foreign per-
2 son” means a person that is not a United States per-
3 son.

4 (4) *RUSSIAN ATROCITY*.—The term “Russian
5 atrocities” means an atrocity that is committed by an
6 individual who is—

7 (A) a member of the armed forces, or the se-
8 curity or other defense services, of the Russian
9 Federation;

10 (B) an employee of any other element of the
11 Russian Government; or

12 (C) an agent or contractor of an individual
13 specified in subparagraph (A) or (B).

14 (5) *UNITED STATES PERSON*.—The term “United
15 States person” has the meaning given that term in
16 section 105A(c) of the National Security Act of 1947
17 (50 U.S.C. 3039).

18 (c) *SUNSET*.—This section shall cease to have effect on
19 the date that is 4 years after the date of the enactment of
20 this Act.

21 **SEC. 603. LEAD INTELLIGENCE COMMUNITY COORDINATOR**
22 **FOR COUNTERING AND NEUTRALIZING PRO-**
23 **LIFERATION OF IRAN-ORIGIN UNMANNED**
24 **AIRCRAFT SYSTEMS.**

25 (a) *COORDINATOR*.—

1 (1) *DESIGNATION.*—Not later than 30 days after
2 the date of enactment of this Act, the Director of Na-
3 tional Intelligence shall designate an official from an
4 element of the intelligence community to serve as the
5 lead intelligence community coordinator for coun-
6 tering and neutralizing the proliferation of Iran-ori-
7 gin unmanned aircraft systems (in this section re-
8 ferred to as the “Coordinator”).

9 (2) *PLAN.*—Not later than 120 days after the
10 date on which the Coordinator is designated under
11 paragraph (1), the Coordinator shall—

12 (A) develop a comprehensive plan of action,
13 driven by intelligence information, for coun-
14 tering and neutralizing the threats posed by the
15 proliferation of Iran-origin unmanned aircraft
16 systems; and

17 (B) provide to the congressional intelligence
18 committees a briefing on such plan of action.

19 (3) *FINAL REPORT.*—

20 (A) *SUBMISSION.*—Not later than January
21 1, 2024, the Director of National Intelligence
22 shall submit to the congressional intelligence
23 committees a final report on the activities and
24 findings of the Coordinator.

1 (B) *MATTERS.*—*The report under subpara-*
2 *graph (A) shall include the following:*

3 (i) *An assessment of the threats posed*
4 *by Iran-origin unmanned aircraft systems,*
5 *including the threat to facilities and per-*
6 *sonnel of the United States Government in*
7 *the greater Middle East, particularly in the*
8 *areas of such region that are located within*
9 *the area of responsibility of the Commander*
10 *of the United States Central Command.*

11 (ii) *A detailed description of intel-*
12 *ligence sharing efforts, as well as other joint*
13 *efforts driven by intelligence information,*
14 *with allies and partners of the United*
15 *States, to assist in countering and neutral-*
16 *izing such threats.*

17 (iii) *Recommendations for any changes*
18 *in United States policy or legislative au-*
19 *thorities to improve the capacity of the in-*
20 *telligence community to assist in countering*
21 *and neutralizing such threats.*

22 (C) *FORM.*—*The report under subparagraph*
23 *(A) may be submitted in classified form.*

24 (b) *COLLABORATION WITH FIVE EYES PARTNERSHIP*
25 *AND ISRAEL.*—*Taking into account the findings of the final*

1 report under subsection (a)(3), the Director of National In-
2 telligence shall seek to—

3 (1) develop and implement a common approach
4 among the Five Eyes Partnership toward countering
5 the threats posed by Iran-origin unmanned aircraft
6 systems, including by leveraging the unique intel-
7 ligence capabilities and information of the members of
8 the Five Eyes Partnership; and

9 (2) intensify cooperation with Israel for the pur-
10 pose of countering Iran-origin unmanned aircraft
11 systems, including by strengthening and expanding
12 existing cooperative efforts conducted pursuant to sec-
13 tion 1278 of the National Defense Authorization Act
14 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
15 1702; 22 U.S.C. 8606 note).

16 (c) DEFINITIONS.—In this section:

17 (1) FIVE EYES PARTNERSHIP.—The term “Five
18 Eyes Partnership” means the intelligence alliance
19 comprising Australia, Canada, New Zealand, the
20 United Kingdom, and the United States.

21 (2) UNMANNED AIRCRAFT SYSTEM.—The term
22 “unmanned aircraft system” includes an unmanned
23 powered aircraft (including communication links and
24 the components that control the unmanned aircraft),
25 that—

- 1 (A) does not carry a human operator;
- 2 (B) may fly autonomously or be piloted re-
- 3 motely;
- 4 (C) may be expendable or recoverable; and
- 5 (D) may carry a lethal payload or explode
- 6 upon reaching a designated location.

7 (d) *SUNSET*.—This section shall cease to have effect on

8 the date on which the final report is submitted under sub-

9 section (a)(3).

10 **SEC. 604. COLLABORATION BETWEEN INTELLIGENCE COM-**

11 **MUNITY AND DEPARTMENT OF COMMERCE**

12 **TO COUNTER FOREIGN COMMERCIAL**

13 **THREATS.**

14 (a) *WORKING GROUP*.—

15 (1) *ESTABLISHMENT*.—Unless the Director of

16 National Intelligence and the Secretary of Commerce

17 make the joint determination specified in subsection

18 (b), the Director and the Secretary, in consultation

19 with the head of any other department or agency of

20 the United States Government determined appro-

21 priate by the Director or the Secretary, shall jointly

22 establish a working group to counter foreign commer-

23 cial threats (in this section referred to as the “Work-

24 ing Group”).

1 (2) *MEMBERSHIP.*—*The composition of the*
2 *Working Group may include any officer or employee*
3 *of a department or agency of the United States Gov-*
4 *ernment determined appropriate by the Director or*
5 *the Secretary.*

6 (3) *DUTIES.*—*The duties of the Working Group*
7 *shall be the following:*

8 (A) *To identify current foreign commercial*
9 *threats.*

10 (B) *To identify probable future foreign com-*
11 *mercial threats.*

12 (C) *To discuss opportunities to address the*
13 *harm to the national security of the United*
14 *States arising out of foreign commercial threats.*

15 (D) *To identify goods, services, or intellec-*
16 *tual property that, if produced by, offered by,*
17 *sold by, licensed by, or otherwise distributed*
18 *under the control of, the United States, would*
19 *mitigate the foreign commercial threat.*

20 (4) *MEETINGS.*—*Not later than 30 days after the*
21 *date of the enactment of this Act, and on a regular*
22 *basis that is not less frequently than quarterly there-*
23 *after until the date of termination under paragraph*
24 *(5), the Working Group shall meet.*

1 (5) *TERMINATION.*—Beginning on the date that
2 is 2 years after the date of the establishment under
3 paragraph (1), the Working Group may be termi-
4 nated upon the Director of National Intelligence and
5 the Secretary of Commerce jointly—

6 (A) determining that termination of the
7 Working Group is appropriate; and

8 (B) submitting to the appropriate congres-
9 sional committees a notification of such deter-
10 mination (including a description of the jus-
11 tification for such determination).

12 (6) *REPORTS.*—

13 (A) *SUBMISSION TO CONGRESS.*—Not later
14 than 60 days after the date of the enactment of
15 this Act, and biannually thereafter until the date
16 of termination under paragraph (5), the Work-
17 ing Group shall submit to the appropriate con-
18 gressional committees a report on the activities
19 of the Working Group.

20 (B) *MATTERS.*—Each report under sub-
21 paragraph (A) shall include a description of the
22 following:

23 (i) Any current foreign commercial
24 threats identified by the Working Group.

1 (ii) *Any future foreign commercial*
2 *threats identified by the Working Group.*

3 (iii) *The strategy of the United States*
4 *Government, if any, to mitigate any current*
5 *foreign commercial threats or future foreign*
6 *commercial threats so identified.*

7 (iv) *The plan of the intelligence com-*
8 *munity to provide to the Department of*
9 *Commerce and other nontraditional cus-*
10 *tomers of the intelligence community sup-*
11 *port in addressing foreign commercial*
12 *threats.*

13 (v) *Any other significant activity of*
14 *the Working Group.*

15 (b) *OPTION TO DISCHARGE OBLIGATION THROUGH*
16 *OTHER MEANS.—If the Director of National Intelligence*
17 *and the Secretary of Commerce make a joint determination*
18 *that the requirements of the Working Group under sub-*
19 *section (a) (including the duties under paragraph (3) and*
20 *the reporting requirement under paragraph (6) of such sub-*
21 *section) may be appropriately filled by an existing entity*
22 *or structure, and submit to the congressional intelligence*
23 *committees a notification of such determination (including*
24 *a description of the justification for such determination),*
25 *the Director and Secretary may task such entity or struc-*

1 *ture with such requirements in lieu of establishing the*
2 *Working Group.*

3 *(c) DEFINITIONS.—In this section:*

4 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
5 *TEES.—The term “appropriate congressional commit-*
6 *tees” means—*

7 *(A) the congressional intelligence commit-*
8 *tees;*

9 *(B) the Committee on Energy and Com-*
10 *merce of the House of Representatives; and*

11 *(C) the Committee on Commerce, Science,*
12 *and Transportation of the Senate.*

13 *(2) FOREIGN ADVERSARY.—The term “foreign*
14 *adversary” means the following:*

15 *(A) China.*

16 *(B) Iran.*

17 *(C) North Korea.*

18 *(D) Russia.*

19 *(E) Any other foreign country that the Di-*
20 *rector of National Intelligence or the Secretary of*
21 *Commerce designates for purposes of this section.*

22 *(3) FOREIGN COMMERCIAL THREAT.—The term*
23 *“foreign commercial threat” means a scenario in*
24 *which a rare commercial item or service is produced*
25 *by, offered by, sold by, licensed by, or otherwise dis-*

1 *tributed under the control of a foreign adversary in*
2 *a manner that may provide the foreign adversary le-*
3 *verage over an intended recipient by—*

4 *(A) withholding, or threatening to withhold,*
5 *the rare commercial item or service; or*

6 *(B) creating reliance on the rare commer-*
7 *cial item or service as essential to the safety,*
8 *health, or economic well-being of the intended re-*
9 *ipient.*

10 *(4) RARE COMMERCIAL ITEM OR SERVICE.—The*
11 *term “rare commercial item or service” means a good,*
12 *service, or intellectual property that is not widely*
13 *available for distribution.*

14 **SEC. 605. INTELLIGENCE ASSESSMENT ON FOREIGN**
15 **WEAPONIZATION OF ADVERTISEMENT TECH-**
16 **NOLOGY DATA.**

17 *(a) ASSESSMENT.—The Director of National Intel-*
18 *ligence shall conduct an intelligence assessment of the coun-*
19 *terintelligence risks of, and the exposure of intelligence com-*
20 *munity personnel to, tracking by foreign adversaries*
21 *through advertisement technology data.*

22 *(b) REPORT.—Not later than 60 days after the date*
23 *of the enactment of this Act, the Director shall submit to*
24 *the congressional intelligence committees a report on the in-*
25 *telligence assessment under subsection (a).*

1 (c) *ADVERTISEMENT TECHNOLOGY DATA DEFINED.*—
2 *In this section, the term “advertisement technology data”*
3 *means commercially available data derived from advertise-*
4 *ment technology that is used, or can be used, to geolocate*
5 *individuals or gain other targeting information on individ-*
6 *uals.*

7 **SEC. 606. INTELLIGENCE COMMUNITY ASSESSMENT RE-**
8 **GARDING RUSSIAN GRAY ZONE ASSETS.**

9 (a) *INTELLIGENCE COMMUNITY ASSESSMENT REGARD-*
10 *ING RUSSIAN GRAY ZONE ASSETS.*—

11 (1) *INTELLIGENCE COMMUNITY ASSESSMENT.*—
12 *The Director of National Intelligence, acting through*
13 *the National Intelligence Council, shall produce an*
14 *intelligence community assessment that contains—*

15 (A) *a description of the gray zone assets of*
16 *Russia;*

17 (B) *an identification of any opportunities*
18 *to hold such gray zone assets at risk, as a method*
19 *of influencing the behavior of Russia; and*

20 (C) *an assessment of the risks and potential*
21 *benefits, with respect to the interests of the*
22 *United States, that may result from the seizure*
23 *of such gray zone assets to hold the assets at risk.*

24 (2) *CONSIDERATIONS.*—*In identifying opportu-*
25 *nities to hold a gray zone asset of Russia at risk*

1 *under paragraph (1)(B), the National Intelligence*
2 *Council shall consider the following:*

3 *(A) The effect on civilians of holding the*
4 *gray zone asset at risk.*

5 *(B) The extent to which the gray zone asset*
6 *is substantially state-owned or substantially con-*
7 *trolled by Russia.*

8 *(C) The likelihood that holding the gray*
9 *zone asset at risk will influence the behavior of*
10 *Russia.*

11 *(D) The likelihood that holding the gray*
12 *asset at risk, or degrading the asset, will affect*
13 *any attempt of Russia to use force to change ex-*
14 *isting borders or undermine the political inde-*
15 *pendence or territorial integrity of any state, in-*
16 *cluding Ukraine.*

17 *(E) Such other factors as the National In-*
18 *telligence Council may determine appropriate.*

19 *(3) APPENDIX.—The intelligence community as-*
20 *essment under paragraph (1) shall include an ap-*
21 *pendix that contains a list of the categories of gray*
22 *zone assets of Russia, with specific examples of—*

23 *(A) gray zone assets in each category; and*

1 (B) for each such gray zone asset listed, the
2 ways in which Russia uses the asset to advance
3 its gray zone activities.

4 (4) *SUBMISSION.*—The Director, consistent with
5 the protection of sources and methods, shall submit to
6 the congressional intelligence committees the intel-
7 ligence community assessment under paragraph (1).

8 (5) *FORM.*—The intelligence community assess-
9 ment under paragraph (1) shall be submitted in un-
10 classified form, but may contain a classified annex.

11 (b) *DEFINITIONS.*—In this section:

12 (1) *GRAY ZONE ACTIVITY.*—The term “gray zone
13 activity” has the meaning given that term in section
14 825 of the Intelligence Authorization Act for Fiscal
15 Year 2022 (Public Law 117–103).

16 (2) *GRAY ZONE ASSET.*—The term “gray zone
17 asset”—

18 (A) means an entity or proxy that is con-
19 trolled, in whole or in part, by a foreign adver-
20 sary of the United States and is used by such
21 foreign adversary in connection with a gray zone
22 activity; and

23 (B) includes a state-owned enterprise of a
24 foreign adversary that is so used.

1 **SEC. 607. INTELLIGENCE ASSESSMENT ON EFFECTS OF**
2 **SANCTIONS ON RUSSIA.**

3 (a) *REQUIREMENT.*—Not later than 120 days after the
4 date of the enactment of this Act, the Assistant Secretary
5 of the Treasury for Intelligence and Analysis, in consulta-
6 tion with other departments and agencies of the United
7 States Government that the Assistant Secretary determines
8 appropriate, shall submit to the appropriate congressional
9 committees an intelligence assessment on the effects of the
10 financial and economic sanctions the United States, and
11 the allies and partners of the United States, have imposed
12 on Russia following its further unjustified incursion into
13 Ukrainian territory on February 24, 2022.

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

16 (1) *An analysis of the effects of sanctions on the*
17 *economy of Russia and on individual sectors, entities,*
18 *and persons.*

19 (2) *Methodologies for assessing the effects of dif-*
20 *ferent categories of financial and economic sanctions*
21 *and export controls on the targets of the sanctions, in-*
22 *cluding with respect to specific industries, entities,*
23 *individuals, or transactions.*

24 (3) *A discussion of sanctions that had significant*
25 *effects based on the methodologies under paragraph*
26 (2).

1 (4) *A discussion of sanctions that had no meas-*
2 *urable effects based on the methodologies under para-*
3 *graph (2).*

4 (5) *A description of measures that the Russian*
5 *Government has introduced to mitigate the effects of*
6 *sanctions and an analysis of the efficacy of such*
7 *measures.*

8 (6) *A projection of the effects of sanctions in the*
9 *short- and long-term following the date of the assess-*
10 *ment.*

11 (7) *A description of evasion techniques used by*
12 *the Russian Government, entities, and persons covered*
13 *by the sanctions, and by other governments, entities,*
14 *and persons who have assisted in the use of such tech-*
15 *niques, in response to the sanctions.*

16 (8) *An enumeration of—*

17 (A) *the known governments, entities, and*
18 *persons who have assisted in the use of evasion*
19 *techniques described in paragraph (7); and*

20 (B) *the types of transactions for which as-*
21 *sistance has been provided.*

22 (c) *FORM.—The intelligence assessment under sub-*
23 *section (a) may be submitted in classified form, but if so*
24 *submitted shall include an unclassified executive summary,*
25 *consistent with the protection of sources and methods.*

1 *in averting a rapid Russian military occupation of*
2 *Kyiv.*

3 (3) *According to the RAND corporation, the in-*
4 *telligence community estimated that the Afghan gov-*
5 *ernment's forces could hold out against the Taliban*
6 *for as long as 2 years if all ground forces of the*
7 *United States were withdrawn. This estimate was re-*
8 *vised in June 2021 to reflect an intelligence commu-*
9 *nity view that Afghanistan's military collapse could*
10 *come in 6 to 12 months. In August 2021, the Afghan*
11 *government fell within days after the ground forces of*
12 *the United States were withdrawn.*

13 (4) *Similarly, the rapid advance of the Islamic*
14 *State in Iraq and Syria and near-total collapse of the*
15 *Iraqi Security Forces in 2014 appeared to take the*
16 *policymakers of the United States by surprise.*

17 (5) *The apparent gaps in these analyses had im-*
18 *portant implications for policy decisions of the*
19 *United States toward Russia and Afghanistan, and*
20 *suggest a need for further examination of how the in-*
21 *telligence community assesses a foreign military's will*
22 *to fight.*

23 (b) *REPORT.—Not later than 180 days after the date*
24 *of the enactment of this Act, the Director of National Intel-*
25 *ligence, acting through the National Intelligence Council,*

1 *and in coordination with the heads of the elements of the*
2 *intelligence community that the Director determines appro-*
3 *priate, shall submit to the appropriate congressional com-*
4 *mittees a report examining the extent to which analyses of*
5 *the military will to fight and the national will to fight in-*
6 *formed the all-source analyses of the intelligence community*
7 *regarding how the armed forces and governments of*
8 *Ukraine, Afghanistan, and Iraq would perform at key junc-*
9 *tures.*

10 *(c) ELEMENTS.—The report under subsection (b) shall*
11 *include the following:*

12 *(1) The methodology of the intelligence commu-*
13 *nity for measuring the military will to fight and the*
14 *national will to fight of a foreign country.*

15 *(2) The extent to which analysts of the intel-*
16 *ligence community applied such methodology when*
17 *assessing the military will to fight and the national*
18 *will to fight of—*

19 *(A) Afghanistan following the April 2021*
20 *announcement of the full withdrawal of the*
21 *United States Armed Forces;*

22 *(B) Iraq in the face of the rapid emergence*
23 *and advancement in 2014 of Islamic State in*
24 *Iraq and Syria; and*

1 (C) *Ukraine and Russia during the initial*
2 *phase of the invasion and march toward Kyiv by*
3 *Russia in February 2022.*

4 (3) *The extent to which—*

5 (A) *the assessments described in paragraph*
6 (2) *depended on the observations of personnel of*
7 *the United States Armed Forces who had trained*
8 *Afghan, Iraqi, and Ukrainian armed forces; and*

9 (B) *such observations reflected any stand-*
10 *ardized, objective methodology.*

11 (4) *Whether shortcomings in assessing the mili-*
12 *tary will to fight and the national will to fight may*
13 *have affected the capacity of the intelligence commu-*
14 *nity to provide “early warning” about the collapse of*
15 *government forces in Iraq and Afghanistan.*

16 (5) *The extent to which “red teaming” was used*
17 *to test the assessments described in paragraph (2).*

18 (6) *The extent to which dissenting opinions of*
19 *intelligence analysts were highlighted in final written*
20 *products presented to senior policymakers of the*
21 *United States.*

22 (7) *The extent to which analysts and supervisors*
23 *adhered to the policies, procedures, directives, and*
24 *best practices of the intelligence community.*

1 (8) *Recommendations for analyses by the intel-*
2 *ligence community going forward to incorporate les-*
3 *sons learned and enhance the quality of future ana-*
4 *lytical products to more accurately reflect the mili-*
5 *tary will to fight and the national will to fight and*
6 *improve the capacity of the intelligence community to*
7 *accurately predict the success or failure of the armed*
8 *forces of a foreign country.*

9 (d) *ANNEX.—In submitting the report under sub-*
10 *section (b) to the congressional intelligence committees, the*
11 *Director shall also include an accompanying annex, which*
12 *shall be classified, providing an inventory of the following:*

13 (1) *Collection gaps and challenges that may have*
14 *affected the analysis of the collapse of government*
15 *forces in Iraq and Afghanistan.*

16 (2) *Actions that the Director of National Intel-*
17 *ligence has taken to mitigate such gaps and chal-*
18 *lenges.*

19 (e) *FORM.—The report under subsection (b) may be*
20 *submitted in classified form, but if so submitted, shall in-*
21 *clude an unclassified summary of key findings, consistent*
22 *with the protection of intelligence sources and methods.*

23 (f) *DEFINITIONS.—In this section:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.—The term “appropriate congressional commit-*
3 *tees” means the following:*

4 (A) *The congressional intelligence commit-*
5 *tees.*

6 (B) *The Committee on Foreign Affairs and*
7 *the Committee on Armed Services of the House*
8 *of Representatives.*

9 (C) *The Committee on Foreign Relations*
10 *and the Committee on Armed Services of the*
11 *Senate.*

12 (2) *MILITARY WILL TO FIGHT.—The term “mili-*
13 *tary will to fight” means, with respect to the military*
14 *of a country, the disposition and decision to fight,*
15 *act, or persevere as needed.*

16 (3) *NATIONAL WILL TO FIGHT.—The term “na-*
17 *tional will to fight” means, with respect to the gov-*
18 *ernment of a country, the resolve to conduct sustained*
19 *military and other operations for an objective even*
20 *when the expectation of success decreases or the need*
21 *for significant political, economic, and military sac-*
22 *rifices increases.*

1 **SEC. 612. REPORT ON IMPACT OF RUSSIA INVASION OF**
2 **UKRAINE ON GLOBAL FOOD SECURITY.**

3 (a) *REQUIREMENT.*—Not later than 180 days after the
4 date of enactment of this Act, the Director of National Intel-
5 ligence, in coordination with the Assistant Secretary of
6 State for Intelligence and Research and other heads of ele-
7 ments of the intelligence community as the Director deter-
8 mines appropriate, shall submit to the congressional intel-
9 ligence committees a report on the implications of Russia's
10 invasion of Ukraine on global food insecurity and the im-
11 pact on national security.

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

14 (1) *An assessment of global food insecurity re-*
15 *sulting from Russia's invasion of Ukraine, includ-*
16 *ing—*

17 (A) *the potential for political instability as*
18 *a result of such food insecurity;*

19 (B) *the implications for national security;*
20 *and*

21 (C) *a description of which regions are at*
22 *greatest risk of such food insecurity.*

23 (2) *An assessment of whether Russia has taken*
24 *intentional steps to cause a global food shortage.*

25 (3) *An assessment of whether Russia, China, or*
26 *any other foreign actor has the capability to*

1 *reduce the ability of the United States to deter Russia*
2 *from threatening the national security of the United*
3 *States.*

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

6 **SEC. 614. REPORT ON ORDNANCE OF RUSSIA AND CHINA.**

7 *(a) REQUIREMENT.—Not later than 180 days after the*
8 *date of the enactment of this Act, the Director of the Defense*
9 *Intelligence Agency shall submit to the congressional intel-*
10 *ligence committees and the congressional defense committees*
11 *a report on ordnance of Russia and China, including the*
12 *technical specificity required for the safe handling and dis-*
13 *posal of such ordnance.*

14 *(b) COORDINATION.—The Director shall carry out sub-*
15 *section (a) in coordination with the head of any element*
16 *of the Defense Intelligence Enterprise that the Director de-*
17 *termines appropriate.*

18 *(c) DEFINITIONS.—In this section:*

19 *(1) CONGRESSIONAL DEFENSE COMMITTEES.—*
20 *The term “congressional defense committees” has the*
21 *meaning given that term in section 101(a) of title 10,*
22 *United States Code.*

23 *(2) DEFENSE INTELLIGENCE ENTERPRISE.—The*
24 *term “Defense Intelligence Enterprise” has the mean-*

1 *ing given that term in section 426(b) of title 10,*
2 *United States Code.*

3 **SEC. 615. REPORT ON ACTIVITIES OF CHINA AND RUSSIA**
4 **TARGETING LATIN AMERICA AND THE CARIB-**
5 **BEAN.**

6 *(a) REPORT.—Not later than 180 days after the date*
7 *of the enactment of this Act, the Director of National Intel-*
8 *ligence, acting through the National Intelligence Council,*
9 *shall submit to the congressional intelligence committees a*
10 *report on activities undertaken by China and Russia in*
11 *Latin America and the Caribbean that are intended to in-*
12 *crease the influence of China and Russia, respectively,*
13 *therein. Such report shall include a description of the fol-*
14 *lowing:*

15 *(1) Foreign malign influence campaigns by*
16 *China and Russia targeting Latin America and the*
17 *Caribbean.*

18 *(2) Financial investments intended to increase*
19 *Chinese or Russian influence in Latin America and*
20 *the Caribbean.*

21 *(3) Efforts by China and Russia to expand dip-*
22 *lomatic, military, or other ties to Latin America and*
23 *the Caribbean.*

24 *(4) Any other activities determined appropriate*
25 *by the Director.*

1 (b) *MATTERS.*—*With respect to the description of for-*
2 *oreign malign influence campaigns under subsection (a), the*
3 *report shall include an assessment of the following:*

4 (1) *The objectives of any such campaign.*

5 (2) *The themes and messaging used in any such*
6 *campaign.*

7 (3) *The scale and nature of the threat posed by*
8 *any such campaign.*

9 (4) *The effect of such threat on the national secu-*
10 *rity, diplomatic, military, or economic interests of the*
11 *United States.*

12 (5) *Any gaps in the intelligence collection or*
13 *analysis of the intelligence community with respect to*
14 *such threat, and recommendations for the mitigation*
15 *of any such gaps.*

16 (6) *Opportunities for the heads of the intelligence*
17 *community, or other relevant United States Govern-*
18 *ment entities, to identify, disrupt, or counter the cam-*
19 *paigns specified in subsection (a).*

20 (c) *FORM.*—*The report under subsection (a) shall be*
21 *submitted in unclassified form, but may include a classified*
22 *annex.*

23 (d) *DEFINITIONS.*—*In this section:*

24 (1) *FOREIGN MALIGN INFLUENCE.*—*The term*
25 *“foreign malign influence” means any hostile effort*

1 *undertaken by, at the direction of, or on behalf of or*
2 *with the substantial support of, the government of a*
3 *foreign country with the objective of influencing,*
4 *through overt or covert means—*

5 *(A) the political, military, economic, or*
6 *other policies or activities of the government of*
7 *the country that is the target of the hostile effort,*
8 *including any election within such target coun-*
9 *try; or*

10 *(B) the public opinion within such target*
11 *country.*

12 *(2) LATIN AMERICA AND THE CARIBBEAN.—The*
13 *term “Latin America and the Caribbean” means the*
14 *countries and non-United States territories of South*
15 *America, Central America, the Caribbean, and Mex-*
16 *ico.*

17 **SEC. 616. REPORT ON SUPPORT PROVIDED BY CHINA TO**
18 **RUSSIA.**

19 *(a) REQUIREMENT.—Not later than 90 days after the*
20 *date of the enactment of this Act, and every 180 days there-*
21 *after, consistent with the protection of intelligence sources*
22 *and methods, the Director of National Intelligence, in con-*
23 *sultation with the heads of elements of the intelligence com-*
24 *munity that the Director determines appropriate, shall sub-*
25 *mit to the appropriate congressional committees a report*

1 *on whether and how China, including with respect to the*
2 *Government of the People’s Republic of China, the Chinese*
3 *Communist Party, any Chinese state-owned enterprise, and*
4 *any other Chinese entity, has provided support to Russia*
5 *with respect to the unprovoked invasion of and full-scale*
6 *war by Russia against Ukraine.*

7 (b) *MATTERS INCLUDED.—The report under subsection*
8 *(a) shall include a discussion of support provided by China*
9 *to Russia with respect to—*

10 (1) *helping the Government of Russia or Russian*
11 *entities evade or circumvent sanctions by the United*
12 *States or multilateral sanctions and export controls;*

13 (2) *deliberately inhibiting onsite United States*
14 *Government export control end-use checks, including*
15 *interviews and investigations, in China;*

16 (3) *providing Russia with any technology, in-*
17 *cluding semiconductors classified as EAR99, that sup-*
18 *ports Russian intelligence or military capabilities;*

19 (4) *establishing economic or financial arrange-*
20 *ments that will have the effect of alleviating the effect*
21 *of sanctions by the United States or multilateral*
22 *sanctions; and*

23 (5) *providing any material, technical, or*
24 *logistical support, including to Russian military or*

1 *intelligence agencies and state-owned or state-linked*
2 *enterprises.*

3 (c) *FORM.*—*The report under subsection (a) shall be*
4 *submitted in unclassified form, but may contain a classified*
5 *annex.*

6 (d) *SUNSET.*—*The requirement to submit the report*
7 *under subsection (a) shall terminate on the earlier of—*

8 (1) *the date on which the Director of National*
9 *Intelligence determines the conflict in Ukraine has*
10 *ended; or*

11 (2) *the date that is 2 years after the date of the*
12 *enactment of this Act.*

13 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
14 *FINED.*—*In this section, the term “appropriate congres-*
15 *sional committees” means—*

16 (1) *the congressional intelligence committees;*

17 (2) *the Committee on Foreign Affairs and the*
18 *Committee on Financial Services of the House of Rep-*
19 *resentatives; and*

20 (3) *the Committee on Foreign Relations and the*
21 *Committee on Banking, Housing, and Urban Affairs*
22 *of the Senate.*

1 **SEC. 617. REPORT ON GLOBAL CCP INVESTMENT IN PORT**
2 **INFRASTRUCTURE.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of the enactment of this Act, the Director of National
5 Intelligence, in consultation with the Secretary of State and
6 the Secretary of Defense, shall submit to the appropriate
7 congressional committees a report documenting all Chinese
8 investment in port infrastructure globally, during the pe-
9 riod beginning on January 1, 2012, and ending on the date
10 of the submission of the report, and the commercial and
11 economic implications of such investments. The report shall
12 also include the following:

13 (1) *A review of existing and potential or planned*
14 *future Chinese investments, including investments by*
15 *government entities, and state-owned enterprises, in*
16 *port infrastructure at such ports.*

17 (2) *Any known Chinese interest in establishing a*
18 *military presence at or near such ports.*

19 (3) *An assessment of China’s current and poten-*
20 *tial future ability to leverage commercial ports for*
21 *military purposes and the implications of such abil-*
22 *ity for the national and economic security of the*
23 *United States.*

24 (b) *FORM.*—The report required by subsection (a) shall
25 be submitted in unclassified form but may include a classi-

1 *fied annex produced consistent with the protection of*
2 *sources and methods.*

3 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
4 *FINED.—In this section, the term “appropriate congress-*
5 *sional committees” means—*

6 (1) *the congressional intelligence committees;*

7 (2) *the Committee on Armed Services and the*
8 *Committee on Foreign Affairs of the House of Rep-*
9 *resentatives; and*

10 (3) *the Committee on Armed Services and the*
11 *Committee on Foreign Relations of the Senate.*

12 **SEC. 618. SENSE OF CONGRESS ON PROVISION OF SUPPORT**
13 **BY INTELLIGENCE COMMUNITY FOR ATROC-**
14 **ITY PREVENTION AND ACCOUNTABILITY.**

15 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
16 *that the efforts of the United States Government regarding*
17 *atrocity prevention and response through interagency co-*
18 *ordination, such as the Atrocity Warning Task Force, are*
19 *critically important and that the Director of National In-*
20 *telligence and the Secretary of Defense should, as appro-*
21 *priate, do the following:*

22 (1) *Require each element of the intelligence com-*
23 *munity to support the Atrocity Warning Task Force*
24 *in its mission to prevent genocide and atrocities*

1 *through policy formulation and program development*
2 *by—*

3 *(A) collecting and analyzing intelligence*
4 *identified as an atrocity, as defined in the Elie*
5 *Wiesel Genocide and Atrocities Prevention Act of*
6 *2018 (Public Law 115–441; 132 Stat. 5586);*

7 *(B) preparing unclassified intelligence data*
8 *and geospatial imagery products for coordina-*
9 *tion with appropriate domestic, foreign, and*
10 *international courts and tribunals prosecuting*
11 *persons responsible for crimes for which such im-*
12 *agery and intelligence may provide evidence (in-*
13 *cluding genocide, crimes against humanity, and*
14 *war crimes, including with respect to missing*
15 *persons and suspected atrocity crime scenes);*
16 *and*

17 *(C) reassessing archived geospatial imagery*
18 *containing indicators of war crimes, other atroc-*
19 *ities, forced disappearances, and atrocity crime*
20 *scenes.*

21 *(2) Continue to make available inputs to the*
22 *Atrocity Warning Task Force for the development of*
23 *the Department of State Atrocity Early Warning As-*
24 *essment and share open-source data to support pre-*

1 *atrocities and genocide indicators and warnings to the*
2 *Atrocities Warning Task Force.*

3 (3) *Provide the President and Congress with rec-*
4 *ommendations to improve policies, programs, re-*
5 *sources, and tools relating to atrocities intelligence col-*
6 *lection and interagency coordination.*

7 (4) *Regularly consult and participate with des-*
8 *ignated interagency representatives of relevant agen-*
9 *cies and departments of the United States Govern-*
10 *ment.*

11 (5) *Ensure resources are made available for the*
12 *policies, programs, and tools relating to atrocities in-*
13 *telligence collection and coordination with the Atroc-*
14 *ities Warning Task Force.*

15 (b) *DEFINITIONS.—In this section:*

16 (1) *ATROCITIES.—The term “atrocities” has the*
17 *meaning given that term in section 6 of the Elie*
18 *Wiesel Genocide and Atrocities Prevention Act of*
19 *2018 (Public Law 115–441; 132 Stat. 5586).*

20 (2) *ATROCITY CRIME SCENE.—The term “atroc-*
21 *ity crime scene” means 1 or more locations that are*
22 *relevant to the investigation of an atrocity, including*
23 *buildings or locations (including bodies of water)*
24 *where physical evidence may be collected relating to*
25 *the perpetrators, victims, and events of the atrocity,*

1 *such as mass graves and other sites containing de-*
2 *ceased individuals.*

3 ***TITLE VII—REPORTS AND OTHER***
4 ***MATTERS***

5 ***SEC. 701. REPEAL OF CERTAIN REPORT REQUIREMENTS.***

6 (a) *ANNUAL FEDERAL DATA MINING REPORT.*—*The*
7 *Federal Agency Data Mining Reporting Act of 2007 (42*
8 *U.S.C. 2000ee–3) is repealed.*

9 (b) *REPORTS ON SECURITY SERVICES OF THE PEOP-*
10 *LE’S REPUBLIC OF CHINA IN THE HONG KONG SPECIAL*
11 *ADMINISTRATIVE REGION.*—*Section 1107A of the National*
12 *Security Act of 1947 (50 U.S.C. 3237a) is amended—*

13 (1) *by repealing such section; and*

14 (2) *by amending the table of sections in title IX*
15 *by striking the item relating to section 1107A.*

16 (c) *ANNUAL UPDATE TO REPORT ON FOREIGN*
17 *WEAPONIZATION OF DEEPPAKES AND DEEPPAKE TECH-*
18 *NOLOGY.*—*Section 5709 of the National Defense Authoriza-*
19 *tion Act for Fiscal Year 2020 (50 U.S.C. 3369a) is amend-*
20 *ed—*

21 (1) *by striking subsection (d); and*

22 (2) *by redesignating subsection (e) as subsection*
23 *(d).*

1 **SEC. 702. INCREASED INTELLIGENCE-RELATED ENGINEER-**
2 **ING, RESEARCH, AND DEVELOPMENT CAPA-**
3 **BILITIES OF MINORITY INSTITUTIONS.**

4 (a) *PLAN.*—

5 (1) *REQUIREMENT.*—*The Director of National*
6 *Intelligence shall develop a plan to promote intel-*
7 *ligence-related engineering, research, and development*
8 *activities at covered institutions for the purpose of*
9 *contributing toward the research necessary to achieve*
10 *the intelligence advantage of the United States.*

11 (2) *ELEMENTS.*—*The plan under paragraph (1)*
12 *shall include the following:*

13 (A) *An assessment of opportunities to sup-*
14 *port engineering, research, and development at*
15 *covered institutions in computer sciences, includ-*
16 *ing artificial intelligence, quantum computing,*
17 *and machine learning, synthetic biology, and an*
18 *assessment of opportunities to support the associ-*
19 *ated workforce and physical research infrastruc-*
20 *ture of such institutions.*

21 (B) *An assessment of opportunities to en-*
22 *hance the ability of covered institutions—*

23 (i) *to participate in intelligence-related*
24 *engineering, research, and development ac-*
25 *tivities; and*

1 (ii) to effectively compete for intel-
2 ligence-related engineering, research and de-
3 velopment contracts in support of the most
4 urgent research requirements of the intel-
5 ligence community.

6 (C) An assessment of the activities and in-
7 vestments the Director determines necessary—

8 (i) to expand opportunities for covered
9 institutions to partner with other research
10 organizations and educational institutions
11 that the intelligence community frequently
12 partners with to conduct research; and

13 (ii) to increase participation of covered
14 institutions in intelligence-related engineer-
15 ing, research, and development activities.

16 (D) Recommendations identifying actions
17 that may be taken by the Director, Congress, cov-
18 ered institutions, and other organizations to in-
19 crease participation of such institutions in intel-
20 ligence-related engineering, research, and devel-
21 opment activities and contracts.

22 (E) Specific goals, incentives, and metrics
23 to increase and measure the capacity of covered
24 institutions to address the engineering, research,

1 *and development needs of the intelligence com-*
2 *munity.*

3 (3) *CONSULTATION.*—*In developing the plan*
4 *under paragraph (1), the Director shall consult with*
5 *covered institutions and other departments or agen-*
6 *cies of the United States Government or private sector*
7 *organizations that the Director determines appro-*
8 *priate.*

9 (4) *REPORT.*—*Not later than 1 year after the*
10 *date of the enactment of this Act, the Director shall*
11 *submit to the congressional intelligence committees,*
12 *and make publicly available on the internet website*
13 *of the Director, a report containing the plan under*
14 *paragraph (1).*

15 (b) *ACTIVITIES TO SUPPORT RESEARCH AND ENGI-*
16 *NEERING CAPACITY.*—*Subject to the availability of appro-*
17 *priations for such purpose, the Director may establish a*
18 *program to award contracts, grants, or other agreements,*
19 *on a competitive basis, and to perform other appropriate*
20 *activities, for any of the following purposes:*

21 (1) *Developing the capability, including the*
22 *workforce and the research infrastructure, for covered*
23 *institutions to more effectively compete for intel-*
24 *ligence-related engineering, research, and development*
25 *activities and contracts.*

1 (2) *Any other purposes the Director determines*
2 *appropriate to enhance the capabilities of covered in-*
3 *stitutions to carry out intelligence-related engineer-*
4 *ing, research, and development activities and con-*
5 *tracts.*

6 (c) *INCREASED PARTNERSHIPS BETWEEN IARPA AND*
7 *COVERED INSTITUTIONS.—The Director shall establish*
8 *goals and incentives to encourage the Intelligence Advanced*
9 *Research Projects Activity to—*

10 (1) *partner with covered institutions to advance*
11 *the research and development needs of the intelligence*
12 *community through partnerships and collaborations*
13 *with the Intelligence Advanced Research Projects Ac-*
14 *tivity; and*

15 (2) *if the Director determines appropriate, foster*
16 *the establishment of similar relationships between*
17 *such institutions and other organizations that have*
18 *partnerships with the Intelligence Advanced Research*
19 *Projects Activity.*

20 (d) *COVERED INSTITUTION DEFINED.—In this section,*
21 *the term “covered institution” means the following:*

22 (1) *A part B institution (as defined in section*
23 *322 of the Higher Education Act of 1965 (20 U.S.C.*
24 *1061)).*

1 (2) *An institution of higher education (as de-*
2 *fin**ed in section 101 of the Higher Education Act of*
3 *1965(20 U.S.C. 1001)) not covered by paragraph (1)*
4 *at which not less than 50 percent of the total student*
5 *enrollment consists of students from ethnic groups*
6 *that are underrepresented in the fields of science and*
7 *engineering, as determined by the Director of Na-*
8 *tional Intelligence.*

9 **SEC. 703. ANNUAL REPORT ON RESPONSE TO GOVERNMENT**
10 **ACCOUNTABILITY OFFICE RECOMMENDA-**
11 **TIONS TO INTELLIGENCE COMMUNITY.**

12 (a) *ANNUAL REPORT.*—*Not later than October 31,*
13 *2023, and annually thereafter until October 31, 2028, the*
14 *Director of National Intelligence shall submit to the con-*
15 *gressional intelligence committees a report, consolidated*
16 *from each element of the intelligence community, regarding*
17 *the status of responses to the recommendations made by the*
18 *Comptroller General to the Director or to the other heads*
19 *of the elements of the intelligence community.*

20 (b) *ELEMENTS.*—*Each report under subsection (a)*
21 *shall include the following:*

22 (1) *A list of any open recommendations as of*
23 *September 30 of the year in which the report is sub-*
24 *mitted (using a unique identifier for each open rec-*
25 *ommendation).*

1 (2) *A description of the actions the Director or*
2 *the other heads of the elements of the intelligence com-*
3 *munity have taken, alone or in coordination with*
4 *other departments or agencies of the United States*
5 *Government, to implement or otherwise respond to*
6 *each such open recommendation.*

7 (3) *Of such open recommendations, a list of any*
8 *recommendations (using a unique identifier for each*
9 *recommendation) with which the Director or the other*
10 *heads of the elements of the intelligence community do*
11 *not concur and intend to take no action to imple-*
12 *ment, including a detailed justification for each such*
13 *determination.*

14 (c) *OPEN RECOMMENDATION DEFINED.*—*In this sec-*
15 *tion, the term “open recommendation” means a rec-*
16 *ommendation that the Comptroller General has not des-*
17 *ignated as closed.*

18 **SEC. 704. ANNUAL REPORT ON EFFORTS OF THE FEDERAL**
19 **BUREAU OF INVESTIGATION TO IDENTIFY**
20 **AND PROMOTE DIVERSE CANDIDATES.**

21 (a) *STATISTICAL REPORT.*—

22 (1) *REQUIREMENT.*—*Not later than 90 days*
23 *after the date of the enactment of this Act, and annu-*
24 *ally thereafter through 2027, the Director of the Fed-*
25 *eral Bureau of Investigation shall submit to the ap-*

1 *appropriate congressional committees, and make pub-*
2 *licly available on the internet website of the Director,*
3 *a statistical report on the status of the efforts of the*
4 *Federal Bureau of Investigation to identify and pro-*
5 *mote diverse candidates.*

6 (2) *ELEMENTS.—Each report under paragraph*
7 *(1) shall include, with respect to the year covered by*
8 *the report, tables of figures that break down, by race*
9 *and gender, the following:*

10 (A) *With respect to each covered position—*

11 (i) *the total number of Special Agents,*
12 *and the percentage of Special Agents, who*
13 *apply to such positions;*

14 (ii) *the total number of Special Agents,*
15 *and the percentage of Special Agents, who*
16 *are interviewed for such positions;*

17 (iii) *the total number of Special*
18 *Agents, and the percentage of Special*
19 *Agents, who are selected for such positions;*
20 *and*

21 (iv) *the average number of times a*
22 *Special Agent applied for such position be-*
23 *fore selection.*

24 (B) *With respect to GS–14 and GS–15 posi-*
25 *tions—*

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 commit-*
10 *tees” 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 po-*
17 *sition” means, with respect to positions in the Fed-*
18 *eral 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 executive” means, with respect to positions in the Federal
2 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 Security Executive Agent, in coordination with the Chair and
14 other Principals of the Council, shall submit to the congressional intelligence committees a report on the personnel vet-
15 ting 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 other*
22 *related information for the initiations, investigations*
23 *(including initial investigations and periodic reinves-*
24 *tigations), and adjudications of personnel security*
25 *clearances. Such analysis shall include the following:*

1 (A) *The average periods of time taken (from*
2 *the date of the submission of a completed secu-*
3 *rity clearance application to the date of the ulti-*
4 *mate disposition and notification to the subject*
5 *and the employer of the subject) by each author-*
6 *ized investigative agency and authorized adju-*
7 *dicative agency to initiate investigations, con-*
8 *duct investigations, and adjudicate security*
9 *clearances, as compared with established timeli-*
10 *ness objectives.*

11 (B) *The number of initial investigations*
12 *and periodic reinvestigations initiated and adju-*
13 *dicated by each authorized investigative agency*
14 *and authorized adjudicative agency.*

15 (C) *The number of initial investigations*
16 *and periodic reinvestigations carried over to the*
17 *fiscal year covered by the report from a prior fis-*
18 *cal year by each authorized investigative agency*
19 *and authorized adjudicative agency.*

20 (D) *The number of initial investigations*
21 *and periodic reinvestigations that resulted in a*
22 *denial or revocation of a security clearance by*
23 *each authorized adjudicative agency.*

24 (E) *The costs to the executive branch relat-*
25 *ing to personnel security clearance initiations,*

1 *investigations, adjudications, revocations, and*
2 *continuous vetting with respect to such clear-*
3 *ances.*

4 *(F) A discussion of any impediments, in-*
5 *cluding with respect to resources, personnel, or*
6 *authorities, to the timely processing of personnel*
7 *security clearances.*

8 *(G) The number of individuals who hold a*
9 *personnel security clearance and are enrolled in*
10 *a program of continuous vetting with respect to*
11 *such clearance, and the numbers and types of ad-*
12 *verse actions taken by each authorized adjudica-*
13 *tive agency as a result of such continuous vet-*
14 *ting.*

15 *(H) The number of personnel security clear-*
16 *ances awaiting or under investigation (including*
17 *initial investigation and periodic reinvestiga-*
18 *tion) by the Director of the Defense Counterintel-*
19 *ligence and Security Agency and each authorized*
20 *investigative agency.*

21 *(I) Such other information as the Security*
22 *Executive Agent may determine appropriate, in-*
23 *cluding any recommendations to improve the*
24 *timeliness and efficiency of personnel security*

1 *clearance initiations, investigations, and adju-*
2 *dications.*

3 *(2) An analysis of the status of the implementa-*
4 *tion of the Trusted Workforce 2.0 initiative sponsored*
5 *by the Council, including the following:*

6 *(A) A list of the policies issued by the Coun-*
7 *cil for the Trusted Workforce 2.0 initiative, and*
8 *a list of expected issuance dates for planned poli-*
9 *cies of the Council for such initiative.*

10 *(B) A list of the departments and agencies*
11 *of the executive branch that have identified a*
12 *senior implementation official to be accountable*
13 *for the implementation of the Trusted Workforce*
14 *2.0 initiative, in accordance with the memo-*
15 *randum on transforming Federal personnel vet-*
16 *ting issued by the Assistant to the President for*
17 *National Security Affairs on December 14, 2021,*
18 *including an identification of the position of*
19 *such senior implementation official within the*
20 *respective department or agency.*

21 *(C) A list of the departments and agencies*
22 *of the executive branch that have submitted im-*
23 *plementation plans, and subsequent progress re-*
24 *ports, with respect to the Trusted Workforce 2.0*

1 *initiative, as required by the memorandum spec-*
2 *ified in subparagraph (B).*

3 *(D) A summary of the progress that the de-*
4 *partments and agencies of the executive branch*
5 *have made implementing the Trusted Workforce*
6 *2.0 initiative.*

7 *(3) An analysis of the transfers between, and re-*
8 *ciprocal recognition among, the heads of the depart-*
9 *ments and agencies of the executive branch of security*
10 *clearance background investigations and determina-*
11 *tions and other investigations and determinations re-*
12 *lating to personnel vetting (including with respect to*
13 *trust, suitability, fitness, credentialing, and access).*
14 *Such analysis shall include, with respect to such in-*
15 *vestigations and determinations, the following:*

16 *(A) The number of employees for whom a*
17 *prior such investigation or determination was*
18 *recognized and accepted by the head of a depart-*
19 *ment or agency without the head requiring addi-*
20 *tional investigative or adjudicative steps,*
21 *disaggregated by department or agency.*

22 *(B) The number of employees for whom a*
23 *prior such investigation or determination was*
24 *not recognized or accepted by the head of a de-*
25 *partment or agency without the head requiring*

1 *additional investigative or adjudicative steps,*
2 *disaggregated by department or agency.*

3 (C) *The reasons most frequently cited by*
4 *such heads for the failure to recognize or accept*
5 *a prior such investigation or determination,*
6 *disaggregated by department or agency.*

7 (D) *The average number of days for the*
8 *head of a department or agency to recognize and*
9 *accept a prior such investigation or determina-*
10 *tion (from the date the head initiates the process*
11 *to consider the prior investigation or determina-*
12 *tion for recognition and acceptance, to the date*
13 *the head makes a final determination on such*
14 *recognition and acceptance), disaggregated by*
15 *agency.*

16 (4) *A discussion of any impediments, con-*
17 *straints, and opportunities relating to—*

18 (A) *the timeliness of the personnel security*
19 *clearance process across the United States Gov-*
20 *ernment;*

21 (B) *the implementation of the Trusted*
22 *Workforce 2.0 initiative; or*

23 (C) *the transfer and reciprocal recognition*
24 *of determinations relating to personnel vetting*
25 *between and among departments and agencies.*

1 (c) *DEFINITIONS.—In this section:*

2 (1) *AUTHORIZED ADJUDICATIVE AGENCY; AU-*
3 *THORIZED INVESTIGATIVE AGENCY; PERSONNEL SECU-*
4 *RITY INVESTIGATION; PERIODIC REINVESTIGATION.—*
5 *The terms “authorized adjudicative agency”, “author-*
6 *ized investigative agency”, “personnel security inves-*
7 *tigation”, and “periodic reinvestigation” have the*
8 *meanings given those terms in section 3001(a) of the*
9 *Intelligence Reform and Terrorism Prevention Act of*
10 *2004 (50 U.S.C. 3341(a)).*

11 (2) *CONTINUOUS VETTING; COUNCIL; SECURITY*
12 *EXECUTIVE AGENT.—The terms “continuous vetting”,*
13 *“Council”, and “Security Executive Agent” have the*
14 *meanings given those terms in section 6601 of the*
15 *Damon Paul Nelson and Matthew Young Pollard In-*
16 *telligence Authorization Act for Fiscal Years 2018,*
17 *2019, and 2020 (50 U.S.C. 3352).*

18 **SEC. 706. REPORTS RELATING TO PROGRAMS OF RECORD**
19 **OF NATIONAL GEOSPATIAL-INTELLIGENCE**
20 **AGENCY.**

21 (a) *FINDINGS.—Congress finds the following:*

22 (1) *The National Geospatial-Intelligence Agency*
23 *has struggled to identify the programs and activities*
24 *of the Agency, to include significant, enduring pro-*
25 *grams determined by the Agency to be “programs of*

1 *record”, comprehensively and in a fashion that en-*
2 *ables budget auditability and oversight by the Office*
3 *of the Director of National Intelligence, the Office of*
4 *Management and Budget, and the congressional intel-*
5 *ligence committees.*

6 (2) *The National Geospatial-Intelligence Agency*
7 *has rebuffed repeated requests by the House Perma-*
8 *nent Select Committee on Intelligence to furnish to*
9 *such Committee the definition for the term “program*
10 *of record” used by the Agency.*

11 (b) *REPORTS REQUIRED.—*

12 (1) *REPORT TO CONGRESSIONAL INTELLIGENCE*
13 *COMMITTEES.—Not later than 30 days after the date*
14 *of the enactment of this Act, the Director of the Na-*
15 *tional Geospatial-Intelligence Agency, consistent with*
16 *the protection of intelligence sources and methods,*
17 *shall submit to the congressional intelligence commit-*
18 *tees a report on the programs and activities of the*
19 *Agency. Such report shall include, at a minimum, the*
20 *following:*

21 (A) *An identification of any definition for*
22 *the term “program of record” used by the Agency*
23 *during the period beginning October 1, 2017,*
24 *and ending on the date of the submission of the*
25 *report.*

1 (B) A detailed description of each current
2 program and activity of the Agency, including
3 each current program of record of the Agency.

4 (C) A detailed explanation of how funding
5 and other information relating to each such pro-
6 gram of record or other program or activity may
7 be located within the budget justification mate-
8 rials submitted to Congress.

9 (2) *REPORT TO CONGRESSIONAL INTELLIGENCE*
10 *AND DEFENSE COMMITTEES.*—Not later than 30 days
11 after the date of the enactment of this Act, the Direc-
12 tor of the National Geospatial-Intelligence Agency,
13 consistent with the protection of intelligence sources
14 and methods, shall submit to the appropriate congres-
15 sional committees a report on the programs and ac-
16 tivities of the Agency that are funded in full or in
17 part under the Military Intelligence Program. Such
18 report shall include, at a minimum, the following:

19 (A) An identification of any definition for
20 the term “program of record” used by the Agency
21 during the period beginning October 1, 2017 and
22 ending on the date of the submission of the re-
23 port.

24 (B) A detailed description of each current
25 program and activity of the Agency funded in

1 *full or in part under the Military Intelligence*
2 *Program, including each current program of*
3 *record of the Agency funded in full or in part*
4 *under the Military Intelligence Program.*

5 *(C) A detailed explanation of how funding*
6 *and other information relating to each such pro-*
7 *gram of record or other program or activity*
8 *funded in full or in part under the Military In-*
9 *telligence Program may be located within the*
10 *budget justification materials submitted to Con-*
11 *gress.*

12 *(3) FORM.—Each report under this subsection*
13 *may be submitted in classified form, but if so sub-*
14 *mitted shall include an unclassified executive sum-*
15 *mary.*

16 *(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
17 *FINED.—In this section, the term “appropriate congres-*
18 *sional committees” means—*

19 *(1) the congressional intelligence committees; and*

20 *(2) the congressional defense committees (as de-*
21 *finied in section 101(a)(16) of title 10, United States*
22 *Code).*

1 **SEC. 707. PLAN REGARDING SOCIAL MEDIA DATA AND**
2 **THREAT ANALYSIS CENTER.**

3 (a) *PLAN.*—Not later than 90 days after the date of
4 the enactment of this Act, the Director of National Intel-
5 ligence shall submit to the congressional intelligence com-
6 mittees a plan to operationalize the Social Media Data and
7 Threat Analysis Center in accordance with section 5323 of
8 the Damon Paul Nelson and Matthew Young Pollard Intel-
9 ligence Authorization Act for Fiscal Years 2018, 2019, and
10 2020 (division E of Public Law 116–92; 50 U.S.C. 3369).

11 (b) *ELEMENTS.*—The plan under subsection (a) shall
12 include a description of how the Social Media Data and
13 Threat Analysis Center shall—

14 (1) coordinate with social media companies and
15 other public-facing internet-based platforms to deter-
16 mine—

17 (A) what categories of data and metadata
18 are useful indicators of internet-based foreign
19 malign influence activities; and

20 (B) how such data and metadata may be
21 shared effectively with the Center while pro-
22 tecting the privacy and civil liberties of United
23 States users of social media platforms and other
24 public-facing internet-based platforms; and

25 (2) develop criteria under which social media
26 companies and other public-facing internet-based

1 platforms shall share indicators of internet-based for-
2 eign malign influence activities with the Center, in-
3 cluding a description of—

4 (A) the timeliness and consistency of such
5 sharing of indicators;

6 (B) the categories of indicators to be shared;
7 and

8 (C) the protection of privacy, civil liberties,
9 and constitutionally protected activities of users
10 of social media platforms and other public-facing
11 internet-based platforms.

12 **SEC. 708. REPORT ON USE OF PUBLICLY AVAILABLE SOCIAL**
13 **MEDIA INFORMATION IN PERSONNEL VET-**
14 **TING DETERMINATIONS.**

15 (a) *REPORT.*—Not later than 180 days after the date
16 of the enactment of this Act, the Director of National Intel-
17 ligence, in coordination with other heads of the elements
18 of the intelligence community that the Director determines
19 appropriate, and in consultation with the other principal
20 members of the Council, shall submit to the congressional
21 intelligence committees a report regarding the current and
22 planned use of publicly available social media information
23 in the personnel vetting and security clearance processes.

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

1 (1) *A description of how departments and agen-*
2 *cies of the United States Government have imple-*
3 *mented Security Executive Agent Directive 5 titled*
4 *“Collection, Use, and Retention of Publicly Available*
5 *Social Media Information in Personnel Security*
6 *Background Investigations and Adjudications”, and*
7 *relevant agency implementing guidance, including*
8 *Department of Defense Instruction 1325.06 titled*
9 *“Handling Protest, Extremist, and Criminal Gang*
10 *Activities among Members of the Armed Forces”.*

11 (2) *A description of how the use of publicly*
12 *available social media in personnel vetting deter-*
13 *minations and security clearance investigations and*
14 *adjudications is, or will be, captured in the National*
15 *Background Investigation Services system and other*
16 *information technology systems used in the personnel*
17 *vetting process.*

18 (3) *A description of how publicly available social*
19 *media information is used, and will be used, in con-*
20 *tinuous vetting and security clearances processes and*
21 *insider threat programs.*

22 (4) *A description of any privacy or civil liberties*
23 *concerns with the use of publicly available social*
24 *media information in personnel vetting or security*
25 *clearance determinations, including a discussion of*

1 *the risks, benefits, and drawbacks of allowing for the*
2 *voluntary provision of, or voluntary access to, non-*
3 *publicly available social media information in the*
4 *regular course of personnel vetting and security clear-*
5 *ance processes.*

6 (5) *A discussion of the extent to which officials*
7 *and entities of the United States Government respon-*
8 *sible for privacy and civil liberties matters, including*
9 *the Chief of the Office of Civil Liberties, Privacy, and*
10 *Transparency of the Office of the Director of National*
11 *Intelligence and the civil liberties officers of depart-*
12 *ments and agencies of the United States Government,*
13 *are involved in the development and operation of pro-*
14 *grams to use social media information in personnel*
15 *vetting and security clearance processes.*

16 (6) *A discussion of any impediments, con-*
17 *straints, risks, or drawbacks relating to the use of*
18 *publicly available social media information in per-*
19 *sonnel vetting and security clearance processes, in-*
20 *cluding—*

21 (A) *challenges associated with implementa-*
22 *tion of Security Executive Agent Directive 5, De-*
23 *partment of Defense Instruction 1325.06, and*
24 *other relevant guidance;*

1 *and assess barriers to workforce diversity in the intelligence*
2 *community.*

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

5 (1) *A discussion of existing, updated, or new*
6 *guidance requiring all elements of the intelligence*
7 *community to maintain current and complete diver-*
8 *sity strategic plans that contain specific objectives,*
9 *timeframes, and responsibilities.*

10 (2) *A discussion of progress made by individual*
11 *elements toward maintaining such plans.*

12 (3) *A discussion of existing, updated, or new*
13 *guidance to ensure individual elements develop per-*
14 *formance measures to assess the contribution of activi-*
15 *ties toward achieving diversity goals and overall*
16 *progress.*

17 (4) *A discussion of progress made by individual*
18 *elements toward developing measures to assess*
19 *progress toward achieving diversity management ef-*
20 *forts.*

21 (5) *A discussion of existing, updated, or new*
22 *guidance ensuring that each element routinely identi-*
23 *fies and takes steps toward eliminating barriers to*
24 *workforce diversity.*

1 (6) *A discussion of steps taken by the Director*
2 *to ensure that individual elements are routinely com-*
3 *pleting required assessments to identify and eliminate*
4 *barriers to diversity.*

5 (7) *A discussion of steps taken by the Director*
6 *to establish specific implementation objectives and*
7 *timeframes for the elements that support intelligence*
8 *community-wide diversity goals to ensure the elements*
9 *are held accountable for making progress.*

10 **SEC. 710. REPORT ON IMPROVING OPPORTUNITIES FOR**
11 **WOMEN AND MINORITIES FOR PROMOTIONS**
12 **IN THE INTELLIGENCE COMMUNITY.**

13 (a) *REPORT.*—*Not later than 120 days after the date*
14 *of the enactment of this Act, the Director of National Intel-*
15 *ligence, acting through the Chief Human Capital Officer*
16 *of the Intelligence Community, and in consultation with*
17 *other heads of the elements of the intelligence community,*
18 *shall submit to the congressional intelligence committees a*
19 *consolidated report on specific steps taken by each element*
20 *of the intelligence community to—*

21 (1) *enhance opportunities for women and mi-*
22 *norities for promotions across all mission categories*
23 *of the intelligence community; and*

1 (2) *reduce the gap among gender, racial, and*
2 *ethnic categories at senior levels of the intelligence*
3 *community.*

4 (b) *STRATEGIC PLAN.*—*The report under subsection*
5 *(a) shall contain a strategic plan from each element of the*
6 *intelligence community on the following:*

7 (1) *Overcoming any barriers or obstacles identi-*
8 *fied in the report.*

9 (2) *Proposing new or enhanced mentoring pro-*
10 *grams or similar workplace forums to support women*
11 *and minority officers of the intelligence community*
12 *who are interested in or may qualify for potential*
13 *promotion opportunities or similar career advance-*
14 *ments.*

15 (3) *Recommending additional steps and initia-*
16 *tives to achieve diversity among senior roles in the in-*
17 *telligence community.*

18 (4) *Addressing gaps in relevant tools, resources,*
19 *or authorities.*

20 (c) *SUPPLEMENT NOT SUPPLANT.*—*The report under*
21 *subsection (a) shall supplement the annual report required*
22 *under section 5704(c) of the Damon Paul Nelson and Mat-*
23 *thew Young Pollard Intelligence Authorization Act for Fis-*
24 *cal Years 2018, 2019, and 2020 (50 U.S.C. 3334b(c)).*

1 **SEC. 711. REPORT ON TRANSITION OF NATIONAL RECON-**
2 **NAISSANCE OFFICE TO DIGITAL ENGINEER-**
3 **ING ENVIRONMENT.**

4 (a) *FINDINGS.*—Congress finds the following:

5 (1) *Potential foreign adversaries are outpacing*
6 *the United States in the fielding of new generations*
7 *of space systems that dull the edge the United States*
8 *has enjoyed in space.*

9 (2) *A digital engineering environment, also*
10 *known as digital systems engineering, reduces the*
11 *time to field new space systems.*

12 (3) *Digital engineering environment tools enable*
13 *the rapid iterations of requirements and architectures*
14 *into digital system depictions capable of use by pri-*
15 *vate industry to further the design and development*
16 *of space systems.*

17 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
18 *that, to maintain a competitive advantage in space, the Na-*
19 *tional Reconnaissance Office should transition to a digital*
20 *engineering environment by not later than 3 years after the*
21 *date of the enactment of this Act.*

22 (c) *REPORT.*—

23 (1) *SUBMISSION.*—*Not later than 180 days after*
24 *the date of the enactment of this Act, the Director of*
25 *the National Reconnaissance Office shall submit to*

1 *the appropriate congressional committees a report*
2 *that contains the following:*

3 *(A) A plan for the transition of the Na-*
4 *tional Reconnaissance Office to a digital engi-*
5 *neering environment.*

6 *(B) An identification of the date by which*
7 *such transition shall be completed.*

8 *(C) A description of the metrics the Director*
9 *plans to use to measure progress made with re-*
10 *spect to such transition and resulting efficiencies*
11 *gained.*

12 *(D) A description of the initial pilot pro-*
13 *grams of the National Reconnaissance Office re-*
14 *lating to digital engineering and the plans to ex-*
15 *pend such pilot programs in scale and scope*
16 *with respect to acquisitions carried out under*
17 *such pilot programs.*

18 *(E) A description of any training require-*
19 *ments or certifications necessary to advance a*
20 *digital engineering environment within the Na-*
21 *tional Reconnaissance Office.*

22 *(F) A description of how the Director plans*
23 *to incorporate input and best practices from pri-*
24 *ivate industry to facilitate and accelerate the*

1 *transition of the National Reconnaissance Office*
2 *to a digital engineering environment.*

3 (2) *FORM.*—*The report under paragraph (1)*
4 *shall be submitted in unclassified form, but may in-*
5 *clude a classified annex.*

6 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
7 *FINED.*—*In this section, the term “appropriate congres-*
8 *sional committees” means—*

9 (1) *the congressional intelligence committees; and*

10 (2) *the congressional defense committees (as de-*
11 *finied in section 101(a)(16) of title 10, United States*
12 *Code).*

13 **SEC. 712. REPORT ON DEPARTMENT OF HOMELAND SECU-**
14 **RITY INTELLIGENCE ENTERPRISE.**

15 (a) *REPORT ON INTELLIGENCE ACTIVITIES.*—*Con-*
16 *sistent with section 501 of the National Security Act of 1947*
17 *(50 U.S.C. 3091), not later than 150 days after the date*
18 *of the enactment of this Act, the Chief Intelligence Officer*
19 *of the Department of Homeland Security shall submit to*
20 *the appropriate congressional committees a report that in-*
21 *cludes the following:*

22 (1) *A comprehensive account of any intelligence*
23 *activity conducted during the period beginning on*
24 *January 1, 2018, and ending on the date of the re-*

1 *port, by any component of the Department of Home-*
2 *land Security intelligence enterprise.*

3 (2) *With respect to each such intelligence activ-*
4 *ity, a description of the activity, including, at a min-*
5 *imum, a description of—*

6 (A) *the nature of the activity;*

7 (B) *the component undertaking the activity;*

8 (C) *the legal authority for such activity;*

9 *and*

10 (D) *the source of funding for such activity.*

11 (3) *A description of any finished intelligence*
12 *product, or intelligence information report, produced*
13 *or contributed to by a component of the Department*
14 *of Homeland Security intelligence enterprise during*
15 *the period specified in paragraph (1).*

16 (4) *An identification of any external or internal*
17 *guidelines, policies, processes, practices, or programs*
18 *governing the collection, retention, analysis, or dis-*
19 *semination by such a component of information re-*
20 *garding United States citizens, lawful permanent*
21 *residents of the United States, or individuals located*
22 *within the United States.*

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

25 (c) *DEFINITIONS.—In this section:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.—The term “appropriate congressional commit-*
3 *tees” means the following:*

4 (A) *The congressional intelligence commit-*
5 *tees.*

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

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

10 (2) *DEPARTMENT OF HOMELAND SECURITY IN-*
11 *TELLIGENCE ENTERPRISE.—The term “Department of*
12 *Homeland Security intelligence enterprise” means the*
13 *primary mechanism for the integration and manage-*
14 *ment of the intelligence programs, projects, and ac-*
15 *tivities of the Department of Homeland Security and*
16 *includes the following components:*

17 (A) *The Cybersecurity and Infrastructure*
18 *Security Agency.*

19 (B) *The Federal Emergency Management*
20 *Agency.*

21 (C) *The Transportation Security Adminis-*
22 *tration.*

23 (D) *The United States Citizenship and Im-*
24 *migration Services.*

1 (E) *The United States Customs and Border*
2 *Protection.*

3 (F) *The United States Immigration and*
4 *Customs Enforcement.*

5 **SEC. 713. REPORT ON DECLASSIFICATION EFFORTS OF CEN-**
6 **TRAL INTELLIGENCE AGENCY.**

7 *Not later than 270 days after the date of the enactment*
8 *of this Act, the Inspector General of the Central Intelligence*
9 *Agency shall submit to the congressional intelligence com-*
10 *mittees a report on the declassification efforts of the Central*
11 *Intelligence Agency. Such report shall include—*

12 (1) *an identification of the resources that are*
13 *dedicated to such efforts; and*

14 (2) *an assessment as to whether such resources*
15 *are sufficient.*

16 **SEC. 714. REPORT ON NATIONAL SPACE INTELLIGENCE**
17 **CENTER.**

18 (a) *REPORT.—Not later than March 1, 2023, the Di-*
19 *rector of National Intelligence, in coordination with the*
20 *Chief of Space Operations, shall submit to the appropriate*
21 *congressional committees a report on the National Space*
22 *Intelligence Center.*

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

1 (1) *A description of the status of the National*
2 *Space Intelligence Center since the activation of the*
3 *Center and the implications of the Center being*
4 *aligned under a Field Command rather than a field*
5 *operating agency aligned to the Director of Intel-*
6 *ligence, Surveillance, and Reconnaissance of the*
7 *Space Force.*

8 (2) *A review of the ability of the Center to ad-*
9 *dress the full set of national space intelligence analyt-*
10 *ical demands (including with respect to acquisition*
11 *and operational mission requirements of the Space*
12 *Force, the Department of Defense, the intelligence*
13 *community, and other national customers) while*
14 *being assigned as a subordinate to Space Operations*
15 *Command, a Field Command, including—*

16 (A) *an assessment of the ability of the Cen-*
17 *ter to respond to the broadest space intelligence*
18 *requirements as compared to a service specific*
19 *need; and*

20 (B) *a review specifically addressing any*
21 *perceived mission misalignment, potential miti-*
22 *gating measures, or other structural organization*
23 *concerns.*

24 (3) *An assessment of—*

1 (A) the current resourcing posture, includ-
2 ing any additional personnel required as a result
3 of subordination to a Field Command; and

4 (B) the resourcing posture if the Center
5 were aligned to the Director of Intelligence, Sur-
6 veillance, and Reconnaissance of the Space Force
7 as described in paragraph (1).

8 (4) Lessons learned since unit activation, includ-
9 ing with respect to—

10 (A) organizational efficiencies and ineffi-
11 ciencies;

12 (B) financial implications;

13 (C) organizational redundancy;

14 (D) parity mismatch and synergies with
15 other service intelligence centers; and

16 (E) lessons learned through comparisons to
17 other service intelligence centers organized as a
18 field operating agency and aligned under the
19 senior intelligence officer of the respective Armed
20 Force.

21 (c) FORM.—The report under subsection (a) shall be
22 submitted in unclassified form, but may include a classified
23 annex.

1 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—In
2 *this section, the term “appropriate congressional commit-*
3 *tees” means the following:*

4 (1) *The congressional intelligence committees.*

5 (2) *The congressional defense committees (as de-*
6 *finied in section 101(a)(16) of title 10, United States*
7 *Code).*

8 **SEC. 715. REPORT ON IMPLEMENTATION OF EXECUTIVE**
9 **ORDER 13556, REGARDING CONTROLLED UN-**
10 **CLASSIFIED INFORMATION.**

11 (a) *REPORT.*—*Not later than 180 days after the date*
12 *of the enactment of this Act, the Director of National Intel-*
13 *ligence and the Under Secretary of Defense for Intelligence*
14 *and Security, in coordination with the heads of other ele-*
15 *ments of the intelligence community, shall submit to the*
16 *congressional intelligence committees a report on the imple-*
17 *mentation by the intelligence community of Executive*
18 *Order 13556, regarding controlled unclassified information.*

19 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
20 *that—*

21 (1) *during the period when the National Secu-*
22 *rity Council conducts a review of the dissemination*
23 *controls with respect to national security information,*
24 *the elements of the intelligence community should*

1 *pause the implementation of Executive Order 13556;*
2 *and*

3 *(2) Executive Order 13556 should be repealed.*

4 **SEC. 716. COMPTROLLER GENERAL OF THE UNITED STATES**
5 **COMPILATION OF UNIDENTIFIED AERO-**
6 **SPACE-UNDERSEA PHENOMENA RECORDS.**

7 *(a) COMPILATION REQUIRED.—Not later than 1 year*
8 *after the date of the enactment of this Act, the Comptroller*
9 *General of the United States shall—*

10 *(1) commence a review of the records and docu-*
11 *ments of the intelligence community, oral history*
12 *interviews, open source analytic analysis, interviews*
13 *of current and former government officials, classified*
14 *and unclassified national archives (including those*
15 *records any third party obtained pursuant to section*
16 *552 of title 5, United States Code (commonly known*
17 *as the “Freedom of Information Act” or “FOIA”)),*
18 *and such other relevant historical sources as the*
19 *Comptroller General considers appropriate; and*

20 *(2) for the period beginning on January 1, 1947,*
21 *and ending on the date on which the Comptroller*
22 *General completes activities under this subsection,*
23 *compile and itemize a complete historical record of*
24 *the intelligence community’s involvement with un-*
25 *identified aerospace-undersea phenomena, including*

1 *successful or unsuccessful efforts to identify and track*
2 *unidentified aerospace-undersea phenomena, efforts to*
3 *recover or transfer related technologies to United*
4 *States-based industry or National Laboratories, and*
5 *any intelligence community efforts to obfuscate, ma-*
6 *nipulate public opinion, hide, or otherwise provide*
7 *unclassified or classified misinformation about un-*
8 *identified aerospace-undersea phenomena or related*
9 *activities, based on the review conducted under para-*
10 *graph (1).*

11 *(b) REPORT.—*

12 *(1) IN GENERAL.—Not later than 180 days after*
13 *the date on which the Comptroller General completes*
14 *the compilation and itemization required by sub-*
15 *section (a)(2), the Comptroller General shall submit*
16 *to Congress a report summarizing the historical*
17 *record described in such subsection.*

18 *(2) RESOURCES.—The report submitted under*
19 *paragraph (1) shall include citations to the resources*
20 *relied upon and instructions as to how the resources*
21 *can be accessed.*

22 *(3) FORM.—The report submitted under para-*
23 *graph (1) shall be submitted in unclassified form, but*
24 *may include a classified annex as necessary.*

1 (b) *PURPOSES.*—*The purposes of recognizing the Na-*
2 *tional Museum of Intelligence and Special Operations*
3 *under subsection (a) are to—*

4 (1) *commemorate the members of the intelligence*
5 *community and special operations forces who have*
6 *been critical to securing the Nation against enemies*
7 *of the United States for nearly a century;*

8 (2) *preserve and support the historic role that*
9 *the intelligence community and special operations*
10 *forces have played, and continue to play, both in se-*
11 *crecy as well as openly, to keep the United States and*
12 *its values and way of life secure; and*

13 (3) *foster a greater understanding of the intel-*
14 *ligence community and special operations forces to*
15 *ensure a common understanding, dispel myths, recog-*
16 *nize those who are not otherwise able to be publicly*
17 *recognized, and increase science, technology, engineer-*
18 *ing, and mathematics education through museum*
19 *programs designed to promote more interest and*
20 *greater diversity in recruiting with respect to the in-*
21 *telligence and special operations career field.*

22 **SEC. 718. TECHNICAL CORRECTIONS.**

23 (a) *NATIONAL SECURITY ACT OF 1947.*—*The National*
24 *Security Act of 1947 (50 U.S.C. 3001 et seq.), as amended*
25 *by section 511, is further amended as follows:*

1 (1) *In section 105(a)(1) (50 U.S.C. 3038(a)(1)),*
2 *by striking “chairman” and inserting “Chairman”.*

3 (2) *In section 113B(b) (50 U.S.C. 3049a(b))—*

4 (A) *in paragraph (1)(A), by striking*
5 *“Under Secretary of Defense for Intelligence”*
6 *and inserting “Under Secretary of Defense for*
7 *Intelligence and Security”; and*

8 (B) *in paragraph (4), by striking “section*
9 *226 of the Homeland Security Act of 2002 (6*
10 *U.S.C. 147)” and inserting “section 2208 of the*
11 *Homeland Security Act of 2002 (6 U.S.C. 658)”.*

12 (3) *In section 118(a) (50 U.S.C. 3055(a)), by*
13 *striking “a annual” and inserting “an annual”.*

14 (4) *In section 301(j) (50 U.S.C. 3071(j)), by*
15 *striking “and includes” and inserting “and includ-*
16 *ing”.*

17 (5) *In section 506G(c) (50 U.S.C. 3103(c)), by*
18 *striking “pursuant section” and inserting “pursuant*
19 *to section”.*

20 (6) *In section 507(a)(1) (50 U.S.C. 3106(a)(1)),*
21 *by striking “Generals” and inserting “General”.*

22 (7) *In section 1024(g)(7)(A) (50 U.S.C.*
23 *3224(g)(7)(A)), by striking “places” and inserting*
24 *“place”.*

1 (8) *In section 1104(b)(1)(B) (50 U.S.C.*
2 *3234(b)(1)(B)), by striking the period at the end and*
3 *inserting a semicolon.*

4 **(b) DAMON PAUL NELSON AND MATTHEW YOUNG POLL-**
5 **LARD INTELLIGENCE AUTHORIZATION ACT FOR FISCAL**
6 **YEARS 2018, 2019, AND 2020.—The Damon Paul Nelson**
7 **and Matthew Young Pollard Intelligence Authorization Act**
8 **for Fiscal Years 2018, 2019, and 2020 (division E of Public**
9 **Law 116–92) is amended—**

10 (1) *in section 5704(b)(1) (50 U.S.C.*
11 *3334b(b)(1)), by striking “, and subject to paragraph*
12 *(3)”;*

13 (2) *in section 6316 (50 U.S.C. 3334b note), by*
14 *striking “congressional committees” and inserting*
15 *“congressional intelligence committees”; and*

16 (3) *in section 6604 (50 U.S.C. 3352c), by strik-*
17 *ing “subsections (b) and (c)” both places it appears*
18 *and inserting “subsections (a) and (b)”.*

19 **(c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL**
20 **YEAR 2012.—Section 309(a)(5) of the Intelligence Author-**
21 **ization Act for Fiscal Year 2012 (50 U.S.C. 3334e) is**
22 **amended by striking “section 3542(b)” and inserting “sec-**
23 **tion 3552”.**

1 (d) *PUBLIC INTEREST DECLASSIFICATION ACT OF*
2 *2000.—The Public Interest Declassification Act of 2000 (50*
3 *U.S.C. 3355 et seq.) is amended—*

4 (1) *in section 703(a)(2) (50 U.S.C. 3355a(a)(2)),*
5 *by striking “Executive Order 12958” and inserting*
6 *“Executive Order 13526”;*

7 (2) *in section 704(e)(3) (50 U.S.C. 3355b(e)(3)),*
8 *by striking the comma before “shall”;*

9 (3) *in section 705(c) (50 U.S.C. 3355c(c)), by*
10 *striking “section 103(c)(6) of the National Security*
11 *Act of 1947 (50 U.S.C. 403–3(c)(6))” and inserting*
12 *“section 102A(i) of the National Security Act of 1947*
13 *(50 U.S.C. 3024(i))”;* and

14 (4) *in section 706 (50 U.S.C. 3355d), by striking*
15 *“Executive Order No. 12958” both places it appears*
16 *and inserting “Executive Order 13526”.*

Union Calendar No. 392

117TH CONGRESS
2^D SESSION

H. R. 8367

[Report No. 117-546]

A BILL

To authorize appropriations for fiscal year 2023 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

OCTOBER 31, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed