

Union Calendar No. 114

117TH CONGRESS
1ST SESSION

H. R. 5412

[Report No. 117-156]

To authorize appropriations for fiscal year 2022 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

SEPTEMBER 29, 2021

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

OCTOBER 28, 2021

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 September 29, 2021]

A BILL

To authorize appropriations for fiscal year 2022 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 2022”.*

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. Temporary authority for paid leave for a serious health condition.

Sec. 304. Harmonization of whistleblower protections.

Sec. 305. Congressional oversight of certain special access programs.

*Sec. 306. Clarification of requirement for authorization of funding for intelligence
activities.*

*Sec. 307. Authorization of support by Director of National Intelligence for certain
activities relating to intelligence community workforce.*

*Sec. 308. Requirements for certain employment activities by former intelligence
officers and employees.*

*Sec. 309. Non-reimbursable detail of intelligence community personnel to assist
with processing and resettlement of refugees, parolees, and other
aliens from Afghanistan.*

*Sec. 310. Authority for transport of certain canines associated with force protec-
tion duties of intelligence community.*

Sec. 311. Development of definitions for certain terms relating to intelligence.

*Sec. 312. Support for and oversight of Unidentified Aerial Phenomena Task
Force.*

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

Subtitle A—Office of the Director of National Intelligence

Sec. 401. National Counterproliferation and Biosecurity Center.

- Sec. 402. Clarification of certain responsibilities of Director of National Intelligence.*
- Sec. 403. Responsibility of Director of National Intelligence regarding National Intelligence Program budget concerning Federal Bureau of Investigation.*
- Sec. 404. Climate Security Advisory Council.*

Subtitle B—Other Elements

- Sec. 411. Protection of certain facilities and assets of Central Intelligence Agency from unmanned aircraft.*
- Sec. 412. Modification of National Geospatial-Intelligence Agency personnel management authority to attract experts in science and engineering.*
- Sec. 413. Requirements for termination of dual-hat arrangement for Commander of the United States Cyber Command.*
- Sec. 414. National Space Intelligence Center.*
- Sec. 415. Procurement by Federal Bureau of Investigation of Chinese products and services.*
- Sec. 416. Counterintelligence units at non-intelligence community Federal departments and agencies.*
- Sec. 417. Detection and monitoring of wildfires.*

TITLE V—ANOMALOUS HEALTH INCIDENTS AND OTHER HEALTH CARE MATTERS

- Sec. 501. Compensation and professional standards for certain medical officers of Central Intelligence Agency.*
- Sec. 502. Medical advisory board of Central Intelligence Agency.*
- Sec. 503. Report on protocols for certain intelligence community employees and dependents.*
- Sec. 504. Inspector General of Central Intelligence Agency review of Office of Medical Services.*
- Sec. 505. Clarification of effect of certain benefits relating to injuries to the brain.*

TITLE VI—MATTERS RELATING TO FOREIGN COUNTRIES

- Sec. 601. National Intelligence Estimate on security situation in Afghanistan and related region.*
- Sec. 602. Report on likelihood of military action by countries of the South Caucasus.*
- Sec. 603. Report on intelligence collection posture and other matters relating to Afghanistan and related region.*
- Sec. 604. Report on threat posed by emerging Chinese technology companies.*
- Sec. 605. Report on cooperation between China and United Arab Emirates.*
- Sec. 606. Report on propagation of extremist ideologies from Saudi Arabia.*
- Sec. 607. Report on effects of sanctions by United States.*

TITLE VII—REPORTS AND OTHER MATTERS

- Sec. 701. Pilot program for security vetting of certain individuals.*
- Sec. 702. Intelligence assessment and reports on foreign racially motivated violent extremists.*
- Sec. 703. Periodic report on positions in intelligence community that can be conducted without access to classified information, networks, or facilities.*
- Sec. 704. Biennial reports on foreign biological threats.*
- Sec. 705. Annual reports on domestic activities of intelligence community.*

- Sec. 706. Annual reports on certain cyber vulnerabilities procured by intelligence community and foreign commercial providers of cyber vulnerabilities.*
- Sec. 707. Improvements to annual report on demographic data of employees of intelligence community.*
- Sec. 708. National Intelligence Estimate on escalation and de-escalation of gray zone activities in great power competition.*
- Sec. 709. Report on certain actions taken by intelligence community with respect to human rights and international humanitarian law.*
- Sec. 710. Briefing on trainings relating to blockchain technology.*
- Sec. 711. Report on prospective ability to administer COVID–19 vaccines and other medical interventions to certain intelligence community personnel.*
- Sec. 712. Report on potential inclusion within intelligence community of the Office of National Security of the Department of Health and Human Services.*
- Sec. 713. Reports relating to Inspector General of Defense Intelligence Agency.*
- Sec. 714. Report on rare earth elements.*
- Sec. 715. Report on plan to fully fund the Information Systems Security Program and next generation encryption.*
- Sec. 716. Review of National Security Agency and United States Cyber Command.*

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).

***TITLE I—INTELLIGENCE
ACTIVITIES***

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2022 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

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

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

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

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

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

5 (a) *SPECIFICATIONS OF AMOUNTS.*—*The amounts au-*
 6 *thorized to be appropriated under section 101 for the con-*
 7 *duct of the intelligence activities of the elements listed in*
 8 *paragraphs (1) through (16) of section 101, are those speci-*
 9 *fied in the classified Schedule of Authorizations prepared*
 10 *to accompany this Act.*

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

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

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

24 (3) *LIMITS ON DISCLOSURE.*—*The President*
 25 *shall not publicly disclose the classified Schedule of*

1 *Authorizations or any portion of such Schedule ex-*
 2 *cept—*

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

6 *(B) to the extent necessary to implement the*
 7 *budget; or*

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

9 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
 10 **COUNT.**

11 *(a) AUTHORIZATION OF APPROPRIATIONS.—There is*
 12 *authorized to be appropriated for the Intelligence Commu-*
 13 *nity Management Account of the Director of National Intel-*
 14 *ligence for fiscal year 2022 the sum of \$619,000,000.*

15 *(b) CLASSIFIED AUTHORIZATION OF APPROPRIA-*
 16 *TIONS.—In addition to amounts authorized to be appro-*
 17 *priated for the Intelligence Community Management Ac-*
 18 *count by subsection (a), there are authorized to be appro-*
 19 *priated for the Intelligence Community Management Ac-*
 20 *count for fiscal year 2022 such additional amounts as are*
 21 *specified in the classified Schedule of Authorizations re-*
 22 *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 2022.*

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. TEMPORARY AUTHORITY FOR PAID LEAVE FOR A**
 2 **SERIOUS HEALTH CONDITION.**

3 (a) *AUTHORIZATION OF PAID LEAVE FOR A SERIOUS*
 4 *HEALTH CONDITION FOR EMPLOYEES OF ELEMENTS OF*
 5 *THE INTELLIGENCE COMMUNITY.—*

6 (1) *IN GENERAL.—Title III of the National Se-*
 7 *curity Act of 1947 (50 U.S.C. 3071 et seq.) is amend-*
 8 *ed by inserting after section 304 the following:*

9 **“SEC. 305. TEMPORARY AUTHORITY FOR PAID LEAVE FOR A**
 10 **SERIOUS HEALTH CONDITION.**

11 “(a) *DEFINITIONS.—In this section:*

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

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

18 “(3) *SON OR DAUGHTER.—The term ‘son or*
 19 *daughter’ has the meaning given the term in section*
 20 *6381 of title 5, United States Code.*

21 “(b) *PAID SERIOUS HEALTH CONDITION LEAVE.—*
 22 *During the period specified in subsection (f), and notwith-*
 23 *standing any other provision of law, a civilian employee*
 24 *of an element of the intelligence community shall have*
 25 *available a total of 12 administrative workweeks of paid*

1 *leave during any 12-month period for one or more of the*
2 *following:*

3 “(1) *In order to care for the spouse, or a son,*
4 *daughter, or parent, of the employee, if such spouse,*
5 *son, daughter, or parent has a serious health condi-*
6 *tion.*

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

10 “(c) *TREATMENT OF SERIOUS HEALTH CONDITION*
11 *LEAVE REQUEST.—Notwithstanding any other provision of*
12 *law, an element of the intelligence community shall accom-*
13 *modate an employee’s leave schedule request under sub-*
14 *section (b), including a request to use such leave intermit-*
15 *tently or on a reduced leave schedule, to the extent that the*
16 *requested leave schedule does not unduly disrupt agency op-*
17 *erations.*

18 “(d) *RULES RELATING TO PAID LEAVE.—During the*
19 *period specified in subsection (f), and notwithstanding any*
20 *other provision of law—*

21 “(1) *an employee of an element of the intel-*
22 *ligence community—*

23 “(A) *shall be required to first use all ac-*
24 *crued or accumulated paid sick leave before being*

1 *allowed to use paid serious health condition*
2 *leave; and*

3 *“(B) may not be required to first use all or*
4 *any portion of any unpaid leave available to the*
5 *employee before being allowed to use paid serious*
6 *health condition leave; and*

7 *“(2) paid serious health condition leave—*

8 *“(A) shall be payable from any appropria-*
9 *tion or fund available for salaries or expenses for*
10 *positions within the employing element;*

11 *“(B) may not be considered to be annual or*
12 *vacation leave for purposes of section 5551 or*
13 *5552 of title 5, United States Code, or for any*
14 *other purpose;*

15 *“(C) if not used by the employee before the*
16 *end of the 12-month period described in sub-*
17 *section (b) to which the leave relates, may not be*
18 *available for any subsequent use and may not be*
19 *converted into a cash payment;*

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

24 *“(E) shall be used in increments of hours*
25 *(or fractions thereof), with 12 administrative*

workweeks equal to 480 hours for employees of elements of the intelligence community with a regular full-time work schedule and converted to a proportional number of hours for employees of such elements with part-time, seasonal, or uncommon tours of duty; and

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

“(e) IMPLEMENTATION.—

“(1) CONSISTENCY WITH SERIOUS HEALTH CONDITION LEAVE UNDER TITLE 5.—The Director of National Intelligence shall carry out this section in a manner consistent, to the extent appropriate, with the administration of leave taken under section 6382 of title 5, United States Code, for a reason described in subparagraph (C) or (D) of subsection (a)(1) of that section, including with respect to the authority to require a certification described in section 6383 of such title.

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

1 “(A) processes and procedures for imple-
2 menting the paid serious health condition leave
3 policies under subsections (b) through (d) during
4 the period specified in subsection (f);

5 “(B) an explanation of how such implemen-
6 tation will be reconciled with policies of other
7 elements of the Federal Government, including
8 the impact on elements funded by the National
9 Intelligence Program that are housed within
10 agencies outside the intelligence community;

11 “(C) the projected impact of such implemen-
12 tation on the workforce of the intelligence com-
13 munity, including take rates, retention, recruit-
14 ing, and morale, broken down by each element of
15 the intelligence community; and

16 “(D) all costs or operational expenses asso-
17 ciated with such implementation.

18 “(3) *DIRECTIVE*.—Not later than 90 days after
19 the Director of National Intelligence submits the im-
20 plementation plan under paragraph (2), the Director
21 of National Intelligence shall issue a written directive
22 to implement this section, which directive shall take
23 effect on the date of issuance.

24 “(f) *DURATION OF AUTHORITY*.—The authority and
25 requirements under subsections (b) through (d) shall only

1 *apply during the 3-year period beginning on the date on*
 2 *which the Director of National Intelligence issues the writ-*
 3 *ten directive under subsection (e)(3).*

4 “(g) *ANNUAL REPORT.*—*During the period specified in*
 5 *subsection (f), the Director of National Intelligence shall*
 6 *submit to the congressional intelligence committees an an-*
 7 *nual report that—*

8 “(1) *details the number of employees of each ele-*
 9 *ment of the intelligence community who applied for*
 10 *and took paid serious health condition leave during*
 11 *the year covered by the report;*

12 “(2) *includes updates on major implementation*
 13 *challenges or costs associated with paid serious health*
 14 *condition leave; and*

15 “(3) *includes a recommendation of the Director*
 16 *with respect to whether to extend the period specified*
 17 *in subsection (f).”.*

18 (2) *CLERICAL AMENDMENT.*—*The table of con-*
 19 *tents at the beginning of such Act is amended by in-*
 20 *serting after the item relating to section 304 the fol-*
 21 *lowing:*

“*Sec. 305. Temporary authority for paid leave for a serious health condition.*”.

22 (b) *APPLICABILITY.*—*Section 305 of the National Se-*
 23 *curity Act of 1947, as added by subsection (b), shall apply*
 24 *with respect to leave taken in connection with a serious*
 25 *health condition (as defined in subsection (a) of such section*

1 305) that occurs or continues to exist during the period
 2 specified in subsection (f) of such section.

3 **SEC. 304. HARMONIZATION OF WHISTLEBLOWER PROTEC-**
 4 **TIONS.**

5 (a) *PROHIBITED PERSONNEL PRACTICES IN THE IN-*
 6 *TELLIGENCE COMMUNITY.*—

7 (1) *THREATS RELATING TO PERSONNEL AC-*
 8 *TIONS.*—

9 (A) *AGENCY EMPLOYEES.*—Section 1104(b)
 10 of the National Security Act of 1947 (50 U.S.C.
 11 3234(b)) is amended, in the matter preceding
 12 paragraph (1)—

13 (i) by striking “Any employee of an
 14 agency” and inserting “Any employee of a
 15 covered intelligence community element or
 16 an agency”; and

17 (ii) by inserting “, or threaten to take
 18 or fail to take,” after “take or fail to take”.

19 (B) *CONTRACTOR EMPLOYEES.*—Section
 20 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)) is
 21 amended, in the matter preceding subparagraph
 22 (A), by inserting “, or threaten to take or fail to
 23 take,” after “take or fail to take”.

24 (2) *PROTECTION FOR CONTRACTOR EMPLOYEES*
 25 *AGAINST REPRISAL FROM AGENCY EMPLOYEES.*—Sec-

1 *tion 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)), as*
 2 *amended by paragraph (1)(B) of this subsection, is*
 3 *further amended, in the matter preceding subpara-*
 4 *graph (A), by inserting “of an agency or” after “Any*
 5 *employee”.*

6 (3) *ENFORCEMENT.—Subsection (d) of section*
 7 *1104 of such Act (50 U.S.C. 3234) is amended to read*
 8 *as follows:*

9 *“(d) ENFORCEMENT.—The President shall provide for*
 10 *the enforcement of this section consistent, to the fullest ex-*
 11 *tent possible, with the policies and procedures used to adju-*
 12 *dicate alleged violations of section 2302(b)(8) of title 5,*
 13 *United States Code.”.*

14 (b) *RETALIATORY REVOCATION OF SECURITY CLEAR-*
 15 *ANCES AND ACCESS DETERMINATIONS.—*

16 (1) *ENFORCEMENT.—Section 3001(j) of the Intel-*
 17 *ligence Reform and Terrorism Prevention Act of 2004*
 18 *(50 U.S.C. 3341(j)) is amended—*

19 (A) *by redesignating paragraph (8) as*
 20 *paragraph (9); and*

21 (B) *by inserting after paragraph (7) the fol-*
 22 *lowing:*

23 *“(8) ENFORCEMENT.—Except as otherwise pro-*
 24 *vided in this subsection, the President shall provide*
 25 *for the enforcement of this section consistent, to the*

1 *fullest extent possible, with the policies and proce-*
 2 *dures used to adjudicate alleged violations of section*
 3 *2302(b)(8) of title 5, United States Code.”.*

4 (2) *TOLLING OF DEADLINE FOR APPEAL OF PRO-*
 5 *HIBITED REPRISAL.—Section 3001(j)(4) of such Act*
 6 *(50 U.S.C. 3341(j)(4)) is amended—*

7 (A) *in subparagraph (A), by inserting “(ex-*
 8 *cept as provided by subparagraph (D))” after*
 9 *“within 90 days”; and*

10 (B) *by adding at the end the following new*
 11 *subparagraph:*

12 “(D) *TOLLING.—The time requirement es-*
 13 *tablished by subparagraph (A) for an employee*
 14 *or former employee to appeal the decision of an*
 15 *agency may be tolled if the employee or former*
 16 *employee presents substantial credible evidence*
 17 *showing why the employee or former employee*
 18 *did not timely initiate the appeal and why the*
 19 *enforcement of the time requirement would be*
 20 *unfair, such as evidence showing that the em-*
 21 *ployee or former employee—*

22 *“(i) did not receive notice of the deci-*
 23 *sion; or*

1 “(ii) could not timely initiate the ap-
 2 peal because of factors beyond the control of
 3 the employee or former employee.”.

4 (c) *CORRECTION OF DEFINITION OF AGENCY.*—Section
 5 3001(a)(1)(B) of the Intelligence Reform and Terrorism
 6 Prevention Act of 2004 (50 U.S.C. 3341(a)(1)(B)) is
 7 amended by striking “and” and inserting “or”.

8 (d) *ESTABLISHING CONSISTENCY WITH RESPECT TO*
 9 *PROTECTIONS FOR DISCLOSURES OF MISMANAGEMENT.*—

10 (1) *SECURITY CLEARANCE AND ACCESS DETER-*
 11 *MINATIONS.*—Section 3001(j)(1) of the Intelligence
 12 Reform and Terrorism Prevention Act of 2004 (50
 13 U.S.C. 3341(j)(1)) is amended—

14 (A) in subparagraph (A)(ii), by striking
 15 “gross mismanagement” and inserting “mis-
 16 management”; and

17 (B) in subparagraph (B)(ii), by striking
 18 “gross mismanagement” and inserting “mis-
 19 management”.

20 (2) *PERSONNEL ACTIONS AGAINST CONTRACTOR*
 21 *EMPLOYEES.*—Section 1104(c)(1)(B) of the National
 22 Security Act of 1947 (50 U.S.C. 3234(c)(1)(B)) is
 23 amended by striking “gross mismanagement” and in-
 24 serting “mismanagement”.

25 (e) *PROTECTED DISCLOSURES TO SUPERVISORS.*—

1 (1) *PERSONNEL ACTIONS.*—

2 (A) *DISCLOSURES BY AGENCY EMPLOYEES*
3 *TO SUPERVISORS.*—Section 1104(b) of the Na-
4 tional Security Act of 1947 (50 U.S.C. 3234(b)),
5 as amended by subsection (a)(1)(A), is further
6 amended, in the matter preceding paragraph (1),
7 by inserting “a supervisor in the employee’s di-
8 rect chain of command, or a supervisor of the
9 employing agency with responsibility for the sub-
10 ject matter of the disclosure, up to and includ-
11 ing” before “the head of the employing agency”.

12 (B) *DISCLOSURES BY CONTRACTOR EMPLOY-*
13 *EES TO SUPERVISORS.*—Section 1104(c)(1) of
14 such Act (50 U.S.C. 3234(c)(1)), as amended by
15 subsection (a), is further amended, in the matter
16 preceding subparagraph (A), by inserting “a su-
17 pervisor in the contractor employee’s direct chain
18 of command, or a supervisor of the contracting
19 agency with responsibility for the subject matter
20 of the disclosure, up to and including” before
21 “the head of the contracting agency”.

22 (2) *SECURITY CLEARANCE AND ACCESS DETER-*
23 *MINATIONS.*—Section 3001(j)(1)(A) of the Intelligence
24 Reform and Terrorism Prevention Act of 2004 (50
25 U.S.C. 3341(j)(1)(A)) is amended, in the matter pre-

ceding clause (i), by inserting “a supervisor in the employee’s direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including” before “the head of the employing agency”.

(f) *ESTABLISHING PARITY FOR PROTECTED DISCLOSURES*.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is further amended—

(1) in subsection (b), as amended by subsections (a)(1)(A) and (e)(1)(A)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) in the matter preceding subparagraph (A), as redesignated and moved by subparagraph (A) of this paragraph, by striking “for a lawful disclosure” and inserting the following: “for—“(1) any lawful disclosure”; and

(C) by adding at the end the following:

“(2) any lawful disclosure that complies with—

“(A) subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

1 “(B) subparagraphs (A), (D), and (H) of
2 section 17(d)(5) of the Central Intelligence Agen-
3 cy Act of 1949 (50 U.S.C. 3517(d)(5)); or

4 “(C) subparagraphs (A), (D), and (I) of sec-
5 tion 103H(k)(5); or

6 “(3) if the actions do not result in the employee
7 unlawfully disclosing information specifically re-
8 quired by Executive order to be kept classified in the
9 interest of national defense or the conduct of foreign
10 affairs, any lawful disclosure in conjunction with—

11 “(A) the exercise of any appeal, complaint,
12 or grievance right granted by any law, rule, or
13 regulation;

14 “(B) testimony for or otherwise lawfully as-
15 sisting any individual in the exercise of any
16 right referred to in subparagraph (A); or

17 “(C) cooperation with or disclosing infor-
18 mation to the Inspector General of an agency, in
19 accordance with applicable provisions of law in
20 connection with an audit, inspection, or inves-
21 tigation conducted by the Inspector General.”;
22 and

23 (2) in subsection (c)(1), as amended by sub-
24 sections (a) and (e)(1)(B)—

1 (A) by redesignating subparagraphs (A)
 2 and (B) as clauses (i) and (ii), respectively, and
 3 moving such clauses, as so redesignated, 2 ems to
 4 the right;

5 (B) in the matter preceding clause (i), as
 6 redesignated and moved by subparagraph (A) of
 7 this paragraph, by striking “for a lawful disclo-
 8 sure” and inserting the following: “for—

9 “(A) any lawful disclosure”; and

10 (C) by adding at the end the following:

11 “(B) any lawful disclosure that complies with—

12 “(i) subsections (a)(1), (d), and (g) of sec-
 13 tion 8H of the Inspector General Act of 1978 (5
 14 U.S.C. App.);

15 “(ii) subparagraphs (A), (D), and (H) of
 16 section 17(d)(5) of the Central Intelligence Agen-
 17 cy Act of 1949 (50 U.S.C. 3517(d)(5)); or

18 “(iii) subparagraphs (A), (D), and (I) of
 19 section 103H(k)(5); or

20 “(C) if the actions do not result in the contractor
 21 employee unlawfully disclosing information specifi-
 22 cally required by Executive order to be kept classified
 23 in the interest of national defense or the conduct of
 24 foreign affairs, any lawful disclosure in conjunction
 25 with—

1 “(i) the exercise of any appeal, complaint,
2 or grievance right granted by any law, rule, or
3 regulation;

4 “(ii) testimony for or otherwise lawfully as-
5 sisting any individual in the exercise of any
6 right referred to in clause (i); or

7 “(iii) cooperation with or disclosing infor-
8 mation to the Inspector General of an agency, in
9 accordance with applicable provisions of law in
10 connection with an audit, inspection, or inves-
11 tigation conducted by the Inspector General.”.

12 (g) *CLARIFICATION RELATING TO PROTECTED DISCLO-*
13 *SURES.—Section 1104 of the National Security Act of 1947*
14 *(50 U.S.C. 3234) is further amended—*

15 (1) *by redesignating subsections (d) and (e) as*
16 *subsections (f) and (g), respectively; and*

17 (2) *by inserting after subsection (c) the fol-*
18 *lowing:*

19 “(d) *RULE OF CONSTRUCTION.—Consistent with the*
20 *protection of sources and methods, nothing in subsection (b)*
21 *or (c) shall be construed to authorize—*

22 “(1) *the withholding of information from Con-*
23 *gress; or*

1 “(2) the taking of any personnel action against
2 an employee who lawfully discloses information to
3 Congress.

4 “(e) *DISCLOSURES*.—A disclosure shall not be excluded
5 from this section because—

6 “(1) the disclosure was made to an individual,
7 including a supervisor, who participated in an activ-
8 ity that the employee reasonably believed to be covered
9 under subsection (b)(1)(B) or the contractor employee
10 reasonably believed to be covered under subsection
11 (c)(1)(A)(ii);

12 “(2) the disclosure revealed information that had
13 been previously disclosed;

14 “(3) the disclosure was not made in writing;

15 “(4) the disclosure was made while the employee
16 was off duty;

17 “(5) of the amount of time which has passed
18 since the occurrence of the events described in the dis-
19 closure; or

20 “(6) the disclosure was made during the normal
21 course of duties of an employee or contractor em-
22 ployee.”.

23 (h) *CORRECTION RELATING TO NORMAL COURSE DIS-*
24 *CLOSURES*.—Section 3001(j)(3) of the Intelligence Reform

1 *and Terrorism Prevention Act of 2004 (50 U.S.C.*
 2 *3341(j)(3)) is amended—*

3 *(1) by striking “DISCLOSURES.—” and all that*
 4 *follows through “because—” and inserting “DISCLO-*
 5 *SURES.—A disclosure shall not be excluded from*
 6 *paragraph (1) because—”;*

7 *(2) by striking subparagraph (B);*

8 *(3) by redesignating clauses (i) through (v) as*
 9 *subparagraphs (A) through (E), respectively, and*
 10 *moving such subparagraphs, as so redesignated, 2 ems*
 11 *to the left;*

12 *(4) in subparagraph (D), as so redesignated, by*
 13 *striking “or” at the end;*

14 *(5) in subparagraph (E), as redesignated by*
 15 *paragraph (3), by striking the period at the end and*
 16 *inserting “; or”; and*

17 *(6) by adding at the end the following:*

18 *“(F) the disclosure was made during the*
 19 *normal course of duties of an employee.”.*

20 *(i) CLARIFICATION RELATING TO RULE OF CONSTRUC-*
 21 *TION.—Section 3001(j)(2) of the Intelligence Reform and*
 22 *Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(2))*
 23 *is amended by inserting “or clearance action” after “per-*
 24 *sonnel action”.*

1 (j) *CLARIFICATION RELATING TO PROHIBITED PRAC-*
 2 *TICES.*—Section 3001(j)(1) of the Intelligence Reform and
 3 *Terrorism Prevention Act of 2004* (50 U.S.C. 3341(j)(1)),
 4 *as amended by this section, is further amended by striking*
 5 *“over” and inserting “to take, direct others to take, rec-*
 6 *ommend, or approve”.*

7 (k) *TECHNICAL CORRECTION.*—Section
 8 *3001(j)(1)(C)(i) of the Intelligence Reform and Terrorism*
 9 *Prevention Act of 2004* (50 U.S.C. 3341(j)(1)(C)(i)) *is*
 10 *amended by striking “(h)” and inserting “(g)”.*

11 (l) *REPORT REQUIRED.*—Not later than 180 days after
 12 *the date of the enactment of this Act, the Inspector General*
 13 *of the Intelligence Community shall submit to the congress-*
 14 *sional intelligence committees a report assessing the extent*
 15 *to which protections provided under Presidential Policy Di-*
 16 *rective 19 (relating to protecting whistleblowers with access*
 17 *to classified information) have been codified in statutes.*

18 **SEC. 305. CONGRESSIONAL OVERSIGHT OF CERTAIN SPE-**
 19 **CIAL ACCESS PROGRAMS.**

20 (a) *IN GENERAL.*—Title V of the National Security
 21 *Act of 1947* (50 U.S.C. 3091 *et seq.*) *is amended by insert-*
 22 *ing after section 501 the following new section (and con-*
 23 *forming the table of contents at the beginning of such Act*
 24 *accordingly):*

1 **“SEC. 501A. CONGRESSIONAL OVERSIGHT OF CERTAIN SPE-**
2 **CIAL ACCESS PROGRAMS.**

3 “(a) *REPORTS AND NOTIFICATIONS.*—*At the same time*
4 *that the Secretary of Defense submits any report or notifica-*
5 *tion under section 119 of title 10, United States Code, that*
6 *relates to a covered special access program or a new covered*
7 *special access program, the Secretary shall also submit such*
8 *report or notification to the congressional intelligence com-*
9 *mittees.*

10 “(b) *BRIEFINGS.*—*On a periodic basis, but not less fre-*
11 *quently than semiannually, the Secretary of Defense shall*
12 *provide to the chairmen and ranking minority members of*
13 *the congressional intelligence committees, and to any staff*
14 *of such a committee designated by either the chair or rank-*
15 *ing member for purposes of this subsection, a briefing on*
16 *covered special access programs. Each such briefing shall*
17 *include, at a minimum—*

18 “(1) *a description of the activity of the program*
19 *during the period covered by the briefing; and*

20 “(2) *documentation with respect to how the pro-*
21 *gram has achieved outcomes consistent with require-*
22 *ments documented by the Director of National Intel-*
23 *ligence and the Secretary of Defense.*

24 “(c) *NOTIFICATIONS ON COMPARTMENTS AND SUB-*
25 *COMPARTMENTS.*—

1 “(1) *REQUIREMENT.*—*Except as provided by*
2 *paragraph (2), a head of an element of the intel-*
3 *ligence community may not establish a compartment*
4 *or a subcompartment under a covered special access*
5 *program until the head notifies the congressional in-*
6 *telligence committees of such compartment or sub-*
7 *compartment, as the case may be.*

8 “(2) *WAIVER.*—

9 “(A) *DETERMINATION.*—*On a case-by-case*
10 *basis, the Director of National Intelligence may*
11 *waive the requirement under paragraph (1). Not*
12 *later than two days after making such a waiver,*
13 *the Director shall notify the congressional intel-*
14 *ligence committees of the waiver, including a jus-*
15 *tification for the waiver.*

16 “(B) *SUBMISSION.*—*Not later than 30 days*
17 *after the date on which the Director makes a*
18 *waiver under subparagraph (A), the head of the*
19 *element of the intelligence community for whom*
20 *the waiver was made shall submit to the congres-*
21 *sional intelligence committees the notification re-*
22 *quired under paragraph (1) relating to such*
23 *waiver.*

24 “(d) *ANNUAL REPORTS.*—

1 “(1) *REQUIREMENT.*—On an annual basis, the
2 head of each element of the intelligence community
3 shall submit to the congressional intelligence commit-
4 tees a report on covered special access programs ad-
5 ministered by the head.

6 “(2) *MATTERS INCLUDED.*—Each report shall in-
7 clude, with respect to the period covered by the report,
8 the following:

9 “(A) A list of all compartments and sub-
10 compartments of covered special access programs
11 active as of the date of the report.

12 “(B) A list of all compartments and sub-
13 compartments of covered special access programs
14 terminated during the period covered by the re-
15 port.

16 “(C) With respect to the report submitted by
17 the Director of National Intelligence, in addition
18 to the matters specified in subparagraphs (A)
19 and (B)—

20 “(i) a certification regarding whether
21 the creation, validation, or substantial
22 modification, including termination, for all
23 existing and proposed covered special access
24 programs, and the compartments and sub-
25 compartments within each, are substan-

1 *tiated and justified based on the informa-*
 2 *tion required by clause (ii); and*

3 *“(ii) for each certification—*

4 *“(I) the rationale for the revalida-*
 5 *tion, validation, or substantial modi-*
 6 *fication, including termination, of each*
 7 *covered special access program, com-*
 8 *partment, and subcompartment;*

9 *“(II) the identification of a con-*
 10 *trol officer for each covered special ac-*
 11 *cess program; and*

12 *“(III) a statement of protection*
 13 *requirements for each covered special*
 14 *access program.*

15 “(e) *COVERED SPECIAL ACCESS PROGRAM DE-*
 16 *FINED.—In this section, the term ‘covered special access*
 17 *program’ means a special access program that receives*
 18 *funding under the National Intelligence Program or the*
 19 *Military Intelligence Program, relates to an intelligence or*
 20 *intelligence-related activity, or both.”.*

21 (b) *FIRST REPORT.—Not later than 30 days after the*
 22 *date of the enactment of this Act, the head of each element*
 23 *of the intelligence community shall submit to the congres-*
 24 *sional intelligence committees the first report required*

1 *under section 501A(d)(1) of the National Security Act of*
 2 *1947, as added by subsection (a).*

3 *(c) CONFORMING REPEAL.—Section 608 of the Intel-*
 4 *ligence Authorization Act for Fiscal Year 2017 (division N*
 5 *of Public Law 115–31; 131 Stat. 833; 50 U.S.C. 3315) is*
 6 *amended by striking subsection (b).*

7 **SEC. 306. CLARIFICATION OF REQUIREMENT FOR AUTHOR-**
 8 **IZATION OF FUNDING FOR INTELLIGENCE AC-**
 9 **TIVITIES.**

10 *Paragraph (1) of section 504(a) of the National Secu-*
 11 *rity Act of 1947 (50 U.S.C. 3094(a)) is amended to read*
 12 *as follows:*

13 *“(1) those funds were specifically authorized by*
 14 *Congress for use for such intelligence or intelligence-*
 15 *related activities; or”.*

16 **SEC. 307. AUTHORIZATION OF SUPPORT BY DIRECTOR OF**
 17 **NATIONAL INTELLIGENCE FOR CERTAIN AC-**
 18 **TIVITIES RELATING TO INTELLIGENCE COM-**
 19 **MUNITY WORKFORCE.**

20 *Title X of the National Security Act of 1947 (50 U.S.C.*
 21 *3191 et seq.) is amended by inserting after section 1024*
 22 *the following new section (and conforming the table of con-*
 23 *tents at the beginning of such Act accordingly):*

1 **“SEC. 1025. AUTHORIZATION OF SUPPORT BY DIRECTOR OF**
 2 **NATIONAL INTELLIGENCE FOR CERTAIN**
 3 **WORKFORCE ACTIVITIES.**

4 “(a) *AUTHORIZATION.*—*The Director may, with or*
 5 *without reimbursement, obligate or expend amounts author-*
 6 *ized to be appropriated or otherwise made available for the*
 7 *Office of the Director of National Intelligence for covered*
 8 *workforce activities for the purpose of supporting a covered*
 9 *workforce activity of an element of the intelligence commu-*
 10 *nity.*

11 “(b) *COVERED WORKFORCE ACTIVITY DEFINED.*—*In*
 12 *this section, the term ‘covered workforce activity’ means an*
 13 *activity relating to—*

14 “(1) *recruitment or retention of the intelligence*
 15 *community workforce; or*

16 “(2) *diversity, equality, inclusion, or accessi-*
 17 *bility, with respect to such workforce.”.*

18 **SEC. 308. REQUIREMENTS FOR CERTAIN EMPLOYMENT AC-**
 19 **TIVITIES BY FORMER INTELLIGENCE OFFI-**
 20 **CERS AND EMPLOYEES.**

21 (a) *MODIFICATIONS TO REQUIREMENT.*—

22 (1) *IN GENERAL.*—*Section 304 of the National*
 23 *Security Act of 1947 (50 U.S.C. 3073a) is amended*
 24 *to read as follows:*

1 **“SEC. 304. REQUIREMENTS FOR CERTAIN EMPLOYMENT AC-**
 2 **TIVITIES BY FORMER INTELLIGENCE OFFI-**
 3 **CERS AND EMPLOYEES.**

4 “(a) *TEMPORARY RESTRICTION.*—An employee of an
 5 element of the intelligence community who occupies a cov-
 6 ered intelligence position may not occupy a covered post-
 7 service position during the 30-month period following the
 8 date on which the employee ceases to occupy a covered intel-
 9 ligence position.

10 “(b) *COVERED POST-SERVICE EMPLOYMENT REPORT-*
 11 *ING.*—

12 “(1) *REQUIREMENT.*—During the 5-year period
 13 beginning on the date on which an employee ceases to
 14 occupy a covered intelligence position, the employee
 15 shall—

16 “(A) report covered post-service employment
 17 to the head of the element of the intelligence com-
 18 munity that employed such employee in such
 19 covered intelligence position upon accepting such
 20 covered post-service employment; and

21 “(B) annually (or more frequently if the
 22 head of such element considers it appropriate)
 23 report covered post-service employment to the
 24 head of such element.

25 “(2) *REGULATIONS.*—The head of each element of
 26 the intelligence community shall issue regulations re-

1 *quiring, as a condition of employment, each employee*
2 *of such element occupying a covered intelligence posi-*
3 *tion to sign a written agreement requiring the regular*
4 *reporting of covered post-service employment to the*
5 *head of such element pursuant to paragraph (1).*

6 “(c) *PENALTIES.*—

7 “(1) *CRIMINAL PENALTIES.*—*A former employee*
8 *who knowingly and willfully violates subsection (a) or*
9 *who knowingly and willfully fails to make a required*
10 *report under subsection (b) shall be fined under title*
11 *18, United States Code, or imprisoned for not more*
12 *than 5 years, or both. Each report under subsection*
13 *(b) shall be subject to section 1001 of title 18, United*
14 *States Code.*

15 “(2) *SECURITY CLEARANCES.*—*The head of an*
16 *element of the intelligence community shall revoke the*
17 *security clearance of a former employee if the former*
18 *employee knowingly and willfully fails to make a re-*
19 *quired report under subsection (b) or knowingly and*
20 *willfully makes a false report under such subsection.*

21 “(d) *PROVISION OF INFORMATION.*—

22 “(1) *TRAINING.*—*The head of each element of the*
23 *intelligence community shall regularly provide train-*
24 *ing on the reporting requirements under subsection*

1 **(b)** *to employees of that element who occupy a covered*
2 *intelligence position.*

3 “(2) *WRITTEN NOTICE.*—*The head of each ele-*
4 *ment of the intelligence community shall provide*
5 *written notice of the reporting requirements under*
6 *subsection (b) to an employee when the employee*
7 *ceases to occupy a covered intelligence position.*

8 “(e) *ANNUAL REPORTS.*—

9 “(1) *REQUIREMENT.*—*Not later than March 31*
10 *of each year, the Director of National Intelligence*
11 *shall submit to the congressional intelligence commit-*
12 *tees a report on covered post-service employment oc-*
13 *curring during the year covered by the report.*

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

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

19 “(i) *the name of the employer;*

20 “(ii) *the foreign government, including*
21 *by the specific foreign individual, agency,*
22 *or entity, for whom the covered post-service*
23 *employment is being performed; and*

1 “(iii) the nature of the services pro-
2 vided as part of the covered post-service em-
3 ployment.

4 “(B) A certification by the Director that—

5 “(i) each element of the intelligence
6 community maintains adequate systems
7 and processes for ensuring that former em-
8 ployees are submitting reports required
9 under subsection (b);

10 “(ii) to the knowledge of the heads of
11 the elements of the intelligence community,
12 all former employees who occupy a covered
13 post-service position are in compliance with
14 this section;

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

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

21 “(II) pose a counterintelligence
22 risk; and

23 “(iv) the Director and the heads of
24 such elements are not aware of any credible
25 information or reporting that any former

1 *employee who occupies a covered post-serv-*
2 *ice position has engaged in activities that*
3 *violate Federal law, infringe upon the pri-*
4 *vacancy rights of United States persons, or*
5 *constitute abuses of human rights.*

6 “(3) *FORM.—Each report under paragraph (1)*
7 *shall be submitted in unclassified form, but may in-*
8 *clude a classified annex.*

9 “(f) *NOTIFICATION.—In addition to the annual reports*
10 *under subsection (e), if a head of an element of the intel-*
11 *ligence community determines that the services provided by*
12 *a former employee who occupies a covered post-service posi-*
13 *tion pose a threat or risk described in clause (iii) of para-*
14 *graph (2)(B) of such subsection, or include activities de-*
15 *scribed in clause (iv) of such paragraph, the head shall no-*
16 *tify the congressional intelligence committees of such deter-*
17 *mination by not later than 7 days after making such deter-*
18 *mination. The notification shall include the following:*

19 “(1) *The name of the former employee.*

20 “(2) *The name of the employer.*

21 “(3) *The foreign government, including the spe-*
22 *cific foreign individual, agency, or entity, for whom*
23 *the covered post-service employment is being per-*
24 *formed.*

25 “(4) *As applicable, a description of—*

1 “(A) *the risk to national security, the coun-*
2 *terintelligence risk, or both; and*

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

7 “(g) *DEFINITIONS.—In this section:*

8 “(1) *COVERED INTELLIGENCE POSITION.—The*
9 *term ‘covered intelligence position’ means a position*
10 *within an element of the intelligence community that,*
11 *based on the level of access of a person occupying such*
12 *position to information regarding sensitive intel-*
13 *ligence sources or methods or other exceptionally sen-*
14 *sitive matters, the head of such element determines*
15 *should be subject to the requirements of this section.*

16 “(2) *COVERED POST-SERVICE EMPLOYMENT.—*
17 *The term ‘covered post-service employment’ means di-*
18 *rect or indirect employment by, representation of, or*
19 *any provision of advice or services relating to na-*
20 *tional security, intelligence, the military, or internal*
21 *security to, the government of a foreign country or*
22 *any company, entity, or other person whose activities*
23 *are directly or indirectly supervised, directed, con-*
24 *trolled, financed, or subsidized, in whole or in major*
25 *part, by any government of a foreign country.*

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

4 “(4) *EMPLOYEE.*—*The term ‘employee’, with re-*
 5 *spect to an employee occupying a covered intelligence*
 6 *position, includes an officer or official of an element*
 7 *of the intelligence community, a contractor of such an*
 8 *element, a detailee to such an element, or a member*
 9 *of the Armed Forces assigned to such an element.*

10 “(5) *FORMER EMPLOYEE.*—*The term ‘former em-*
 11 *ployee’ means an individual—*

12 “(A) *who was an employee occupying a cov-*
 13 *ered intelligence position; and*

14 “(B) *who is subject to the requirements*
 15 *under subsection (a) or (b).*

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

20 (2) *APPLICATION.*—*Such section 304, as amend-*
 21 *ed by paragraph (1), shall apply with respect to em-*
 22 *ployees who occupy covered intelligence positions (as*
 23 *defined in such section) on or after the date of the en-*
 24 *actment of this Act.*

25 (3) *REVISED REGULATIONS.*—

1 (A) *SUBMISSION.*—Not later than 90 days
2 after the date of the enactment of this Act, the
3 head of each element of the intelligence commu-
4 nity shall submit to the congressional intelligence
5 committees new or updated regulations issued
6 under such section 304, as amended by para-
7 graph (1).

8 (B) *CERTIFICATION.*—Not later than 180
9 days after the date of the enactment of this Act,
10 the Director of National Intelligence shall submit
11 to the congressional intelligence committees—

12 (i) a written certification for each head
13 of an element of the intelligence community
14 who has issued the updated regulations
15 under such section 304, as amended by
16 paragraph (1); and

17 (ii) for each head of an element of the
18 intelligence community who has not issued
19 such updated regulations, an explanation
20 for the failure to issue such updated regula-
21 tions.

22 (4) *INITIAL REPORT.*—In the first report sub-
23 mitted by the Director of National Intelligence under
24 subsection (e) of such section 304, as amended by
25 paragraph (1), the Director shall include an assess-

1 *ment of the licensing requirements under the Arms*
 2 *Export Control Act (22 U.S.C. 2751 et seq.) and rec-*
 3 *ommendations with respect to strengthening the ac-*
 4 *tivities regulated under such section 304.*

5 (b) *CLERICAL AMENDMENT.—The table of sections at*
 6 *the beginning of such Act is amended by striking the item*
 7 *relating to section 304 and inserting the following new*
 8 *item:*

“Sec. 304. Requirements for certain employment activities by former intelligence officers and employees.”.

9 **SEC. 309. NON-REIMBURSABLE DETAIL OF INTELLIGENCE**
 10 **COMMUNITY PERSONNEL TO ASSIST WITH**
 11 **PROCESSING AND RESETTLEMENT OF REFU-**
 12 **GEES, PAROLEES, AND OTHER ALIENS FROM**
 13 **AFGHANISTAN.**

14 *Section 113A of the National Security Act of 1947 (50*
 15 *U.S.C. 3049) is amended—*

16 (1) *by striking “An officer” and inserting “(a)*
 17 *IN GENERAL.—An officer”;*

18 (2) *by striking “section” both places it appears*
 19 *and inserting “subsection”; and*

20 (3) *by adding at the end the following new sub-*
 21 *section:*

22 *“(b) PROCESSING AND RESETTLEMENT OF REFUGEES,*
 23 *PAROLEES, AND OTHER ALIENS FROM AFGHANISTAN.—An*
 24 *officer or employee of an element of the intelligence commu-*

1 nity may be detailed to another element of the United States
 2 Government on a non-reimbursable basis for the purpose
 3 of providing assistance with the processing and resettlement
 4 of refugees, parolees, and other aliens, from Afghanistan,
 5 as jointly agreed to by the heads of the receiving and detail-
 6 ing elements, for a period not to exceed 1 year. This sub-
 7 section does not limit any other source of authority for re-
 8 imbursable or non-reimbursable details. A non-reimbursable
 9 detail made under this subsection shall not be considered
 10 an augmentation of the appropriations of the receiving ele-
 11 ment of the United States Government.”.

12 **SEC. 310. AUTHORITY FOR TRANSPORT OF CERTAIN CA-**
 13 **NINES ASSOCIATED WITH FORCE PROTEC-**
 14 **TION DUTIES OF INTELLIGENCE COMMUNITY.**

15 *Title I of the National Security Act of 1947 (50 U.S.C.*
 16 *3021 et seq.) is amended by inserting after section 116 the*
 17 *following new section (and conforming the table of contents*
 18 *at the beginning of such Act accordingly):*

19 **“SEC. 116A. AUTHORITY FOR TRANSPORTATION OF CER-**
 20 **TAIN CANINES ASSOCIATED WITH FORCE**
 21 **PROTECTION DUTIES OF INTELLIGENCE COM-**
 22 **MUNITY.**

23 *“(a) TRANSPORTATION.—For purposes of section 1344*
 24 *of title 31, United States Code, the transportation of feder-*
 25 *ally owned canines associated with force protection duties*

1 *of an element of the intelligence community between the res-*
 2 *idence of an officer or employee of the element and various*
 3 *locations that is essential for the performance of the force*
 4 *protection duty shall be deemed essential for the safe and*
 5 *efficient performance of intelligence duties.*

6 “(b) *OFFICERS AND EMPLOYEES COVERED.—In the*
 7 *administration of section 1344 of title 31, United States*
 8 *Code, an officer or employee of an element of the intelligence*
 9 *community shall be treated as being listed in subsection*
 10 *(b).”.*

11 **SEC. 311. DEVELOPMENT OF DEFINITIONS FOR CERTAIN**
 12 **TERMS RELATING TO INTELLIGENCE.**

13 (a) *DEVELOPMENT.—Not later than September 30,*
 14 *2023, the Director of National Intelligence and the Under*
 15 *Secretary of Defense for Intelligence and Security, in con-*
 16 *sultation with the heads of the elements of the intelligence*
 17 *community, shall jointly develop and publish definitions for*
 18 *the following terms:*

- 19 (1) *Acoustic intelligence.*
- 20 (2) *All-source intelligence.*
- 21 (3) *Communications intelligence.*
- 22 (4) *Critical intelligence.*
- 23 (5) *Cyber-threat intelligence.*
- 24 (6) *Electronic intelligence.*
- 25 (7) *Explosive ordnance intelligence.*

- 1 (8) *General military intelligence.*
- 2 (9) *Imagery intelligence.*
- 3 (10) *Instrumentation signals intelligence.*
- 4 (11) *Intelligence-related activity.*
- 5 (12) *Joint intelligence.*
- 6 (13) *Measurement and signature intelligence.*
- 7 (14) *Medical intelligence.*
- 8 (15) *Open-source intelligence.*
- 9 (16) *Operational intelligence.*
- 10 (17) *Scientific and technical intelligence.*
- 11 (18) *Signals intelligence.*
- 12 (19) *Strategic intelligence.*
- 13 (20) *Tactical intelligence.*
- 14 (21) *Target intelligence.*
- 15 (22) *Technical intelligence.*
- 16 (23) *Such others terms as may be jointly deter-*
- 17 *mined necessary by the Director of National Intel-*
- 18 *ligence and the Under Secretary of Defense for Intel-*
- 19 *ligence and Security.*
- 20 (b) *APPLICATION TO ACTIVITIES OF INTELLIGENCE*
- 21 *COMMUNITY.—The Director of National Intelligence shall*
- 22 *ensure that the definitions developed under subsection (a)*
- 23 *are used uniformly across activities of the intelligence com-*
- 24 *munity with respect to the corresponding terms specified*
- 25 *in such subsection.*

1 (c) *NOTICE OF MODIFICATIONS.*—*The Director of Na-*
 2 *tional Intelligence and the Under Secretary of Defense for*
 3 *Intelligence shall submit to the congressional intelligence*
 4 *committees notification of any modification by the Director*
 5 *and Under Secretary to a definition of a term specified in*
 6 *subsection (a) following the initial publication of the defini-*
 7 *tion under such subsection.*

8 (d) *DEFINITIONS.*—*In this section, the terms “congres-*
 9 *sional intelligence committees” and “intelligence commu-*
 10 *nity” have the meanings given such terms in section 3 of*
 11 *the National Security Act of 1947 (50 U.S.C. 3003).*

12 **SEC. 312. SUPPORT FOR AND OVERSIGHT OF UNIDENTIFIED**
 13 **AERIAL PHENOMENA TASK FORCE.**

14 (a) *AVAILABILITY OF DATA ON UNIDENTIFIED AERIAL*
 15 *PHENOMENA.*—*The Director of National Intelligence shall*
 16 *ensure that each element of the intelligence community with*
 17 *data relating to unidentified aerial phenomena makes such*
 18 *data available immediately to the Unidentified Aerial Phe-*
 19 *nomena Task Force, or successor entity, and to the National*
 20 *Air and Space Intelligence Center.*

21 (b) *QUARTERLY REPORTS.*—

22 (1) *IN GENERAL.*—*Not later than 90 days after*
 23 *the date of the enactment of this Act, and not less fre-*
 24 *quently than quarterly thereafter, the Unidentified*
 25 *Aerial Phenomena Task Force, or successor entity,*

1 *shall submit to the appropriate congressional commit-*
2 *tees a report on the findings of the Unidentified Aer-*
3 *ial Phenomena Task Force, or successor entity.*

4 (2) *CONTENTS.—Each report submitted under*
5 *paragraph (1) shall include, at a minimum, the fol-*
6 *lowing:*

7 (A) *All reported unidentified aerial phe-*
8 *nomena-related events that occurred during the*
9 *period covered by the report.*

10 (B) *All reported unidentified aerial phe-*
11 *nomena-related events that occurred during a pe-*
12 *riod other than the period covered by the report*
13 *but were not included in an earlier report.*

14 (3) *FORM.—Each report submitted under para-*
15 *graph (1) shall be submitted in classified form, con-*
16 *sistent with the protection of intelligence sources and*
17 *methods.*

18 (c) *DEFINITIONS.—In this section:*

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

22 (A) *The congressional intelligence commit-*
23 *tees.*

24 (B) *The Committees on Armed Services of*
25 *the House of Representatives and the Senate.*

1 (2) *UNIDENTIFIED AERIAL PHENOMENA TASK*
 2 *FORCE.*—*The term “Unidentified Aerial Phenomena*
 3 *Task Force” means the task force established by the*
 4 *Department of Defense on August 4, 2020, to be led*
 5 *by the Department of the Navy, under the Office of*
 6 *the Under Secretary of Defense for Intelligence and*
 7 *Security.*

8 ***TITLE IV—MATTERS RELATING***
 9 ***TO ELEMENTS OF THE INTEL-***
 10 ***LIGENCE COMMUNITY***

11 ***Subtitle A—Office of the Director of***
 12 ***National Intelligence***

13 ***SEC. 401. NATIONAL COUNTERPROLIFERATION AND BIO-***
 14 ***SECURITY CENTER.***

15 (a) *REDESIGNATION OF CENTER.*—*Section 119A of the*
 16 *National Security Act of 1947 (50 U.S.C. 3057) is amended*
 17 *by striking “National Counter Proliferation Center” each*
 18 *place it appears and inserting “National Counterprolifera-*
 19 *tion and Biosecurity Center”.*

20 (b) *ESTABLISHMENT AND HEAD.*—*Subsection (a) of*
 21 *such section is amended—*

22 (1) *in paragraph (1)—*

23 (A) *by striking “government tools to pre-*
 24 *vent” and inserting “government tools to—*

25 *“(A) prevent”;*

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(B) lead integration and mission management
6 of all intelligence activities pertaining to biosecurity
7 and foreign biological threats.”; and

8 (2) by adding at the end the following new para-
9 graph:

10 “(4) The Director of the National Counterproliferation
11 and Biosecurity Center shall serve as the principal coordi-
12 nator for the intelligence community, and as the principal
13 advisor to the Director of National Intelligence, with respect
14 to biosecurity and foreign biological threats.”.

15 (c) *MISSIONS AND OBJECTIVES*.—Subsection (b) of
16 such section is amended—

17 (1) by redesignating paragraphs (1) through (7)
18 as subparagraphs (A) through (G), respectively, and
19 moving such subparagraphs, as so redesignated, 2 ems
20 to the right;

21 (2) in the matter preceding subparagraph (A), as
22 so redesignated, by striking “In establishing” and in-
23 serting the following:

24 “(1) *COUNTERPROLIFERATION*.—In estab-
25 lishing”; and

1 (3) *by adding at the end the following new para-*
2 *graph:*

3 “(2) *BIOSECURITY.—In establishing the National*
4 *Counterproliferation and Biosecurity Center, the*
5 *President shall address the following missions and ob-*
6 *jectives to ensure that the Center serves as the lead for*
7 *the intelligence community for the integration, mis-*
8 *sion management, and coordination of intelligence ac-*
9 *tivities pertaining to biosecurity and foreign biologi-*
10 *cal threats, regardless of origin:*

11 “(A) *Ensuring that the elements of the in-*
12 *telligence community provide timely and effec-*
13 *tive warnings to the President and the Director*
14 *of National Intelligence regarding emerging for-*
15 *oreign biological threats, including diseases with*
16 *pandemic potential.*

17 “(B) *Overseeing and coordinating the collec-*
18 *tion and analysis of intelligence on biosecurity*
19 *and foreign biological threats in support of the*
20 *intelligence needs of the Federal departments and*
21 *agencies responsible for public health, including*
22 *by conveying collection priorities to elements of*
23 *the intelligence community.*

24 “(C) *Coordinating intelligence support to*
25 *the Federal departments and agencies responsible*

1 for public health, including by ensuring that in-
 2 telligence pertaining to biosecurity and foreign
 3 biological threats is disseminated among appro-
 4 priately cleared personnel of such departments
 5 and agencies.

6 “(D) Coordinating with the Federal depart-
 7 ments and agencies responsible for public health
 8 to encourage information sharing with the intel-
 9 ligence community.

10 “(E) Identifying gaps in the capabilities of
 11 the intelligence community regarding biosecurity
 12 and countering foreign biological threats and
 13 providing to the Director of National Intelligence
 14 recommended solutions for such gaps, including
 15 by encouraging research and development of new
 16 capabilities to counter foreign biological
 17 threats.”.

18 (d) CONFORMING AMENDMENTS.—Such section is fur-
 19 ther amended—

20 (1) by striking “counter proliferation” each place
 21 it appears and inserting “counterproliferation”; and

22 (2) in the section heading, by striking “COUNTER
 23 PROLIFERATION” and inserting “COUNTERPROLIFERA-
 24 TION AND BIOSECURITY” (and conforming the table of
 25 sections at the beginning of such Act accordingly).

1 (e) *REFERENCES*.—Any reference in any law, regula-
 2 tion, guidance, instruction, or other document of the United
 3 States Government to the National Counter Proliferation
 4 Center shall be deemed to refer to the National Counterpro-
 5 liferation and Biosecurity Center.

6 **SEC. 402. CLARIFICATION OF CERTAIN RESPONSIBILITIES**
 7 **OF DIRECTOR OF NATIONAL INTELLIGENCE.**

8 Section 102A(f)(8) of the National Security Act of
 9 1947 (50 U.S.C. 3024(f)(8)) is amended by striking “such
 10 other functions” and inserting “such other intelligence-re-
 11 lated functions”.

12 **SEC. 403. RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-**
 13 **TELLIGENCE REGARDING NATIONAL INTEL-**
 14 **LIGENCE PROGRAM BUDGET CONCERNING**
 15 **FEDERAL BUREAU OF INVESTIGATION.**

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

19 “(aa) *RESPONSIBILITY OF DIRECTOR OF NATIONAL*
 20 *INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PRO-*
 21 *GRAM BUDGET CONCERNING FEDERAL BUREAU OF INVES-*
 22 *TIGATION*.—(1) Consistent with subsection (c)(5)(C), the
 23 Director of National Intelligence shall, after consultation
 24 with the Director of the Federal Bureau of Investigation,
 25 ensure that the programs and activities of the Federal Bu-

1 *reau of Investigation that are part of the National Intel-*
 2 *ligence Program are executed in a manner that conforms*
 3 *with the requirements of the national intelligence strategy*
 4 *under section 108A and the National Intelligence Priorities*
 5 *Framework of the Office of the Director of National Intel-*
 6 *ligence (or any successor mechanism established for the*
 7 *prioritization of such programs and activities).*

8 “(2) Consistent with subsection (c)(5)(C), the Director
 9 of National Intelligence shall ensure that the programs and
 10 activities that are part of the National Intelligence Pro-
 11 gram, including those of the Federal Bureau of Investiga-
 12 tion, are structured and executed in a manner than enables
 13 budget traceability.”.

14 **SEC. 404. CLIMATE SECURITY ADVISORY COUNCIL.**

15 (a) *REPORTS.*—Subsection (d) of section 120 of the
 16 *National Security Act of 1947 (50 U.S.C. 3060) is amend-*
 17 *ed—*

18 (1) *by striking “Not later” and inserting the fol-*
 19 *lowing:*

20 “(1) *REQUIREMENT.*—Not later”; and

21 (2) *by adding at the end the following new para-*
 22 *graph:*

23 “(2) *MATTERS INCLUDED.*—Each report under
 24 *paragraph (1) shall include a description of any ob-*
 25 *stacles or gaps relating to—*

1 “(A) the Council fulfilling its duties and re-
2 sponsibilities under subsection (c); or

3 “(B) the responsiveness of the intelligence
4 community to the climate security needs and
5 priorities of the policymaking elements of the
6 Federal Government.”.

7 (b) *EXTENSION OF SUNSET; TECHNICAL AMEND-*
8 *MENTS.—Such section 120 is amended—*

9 (1) in subsection (b)(1)(B)(v), by inserting “and
10 Security” after “for Intelligence”;

11 (2) by redesignating the second subsection (e) as
12 subsection (f); and

13 (3) in subsection (e), by striking “the date that
14 is 4 years after the date of the enactment of this sec-
15 tion” and inserting “December 31, 2025”.

16 ***Subtitle B—Other Elements***

17 ***SEC. 411. PROTECTION OF CERTAIN FACILITIES AND AS-***

18 ***SETS OF CENTRAL INTELLIGENCE AGENCY***

19 ***FROM UNMANNED AIRCRAFT.***

20 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*

21 *3501 et seq.) is amended by inserting after section 15 the*

22 *following new section:*

1 **“SEC. 15A. PROTECTION OF CERTAIN FACILITIES AND AS-**
 2 **SETS OF CENTRAL INTELLIGENCE AGENCY**
 3 **FROM UNMANNED AIRCRAFT.**

4 “(a) *AUTHORITY.*—In accordance with subsection (b),
 5 the Director shall have the same authority for the Agency
 6 as is available to the Secretary of Homeland Security for
 7 the Department of Homeland Security and the Attorney
 8 General for the Department of Justice under section 210G
 9 of the Homeland Security Act of 2002 (6 U.S.C. 124n), and
 10 shall be subject to the same limitations and requirements
 11 under such section.

12 “(b) *ADMINISTRATION.*—For purposes of subsection
 13 (a)—

14 “(1) the reference in subsection (i) of section
 15 210G of the Homeland Security Act of 2002 (6 U.S.C.
 16 124n) to ‘the date that is 4 years after the date of en-
 17 actment of this section’ shall be deemed to be a ref-
 18 erence to ‘October 5, 2026’;

19 “(2) the term ‘appropriate congressional commit-
 20 tees’ as defined in paragraph (1) of subsection (k) of
 21 such section shall be deemed to mean the Permanent
 22 Select Committee on Intelligence of the House of Rep-
 23 resentatives and the Select Committee on Intelligence
 24 of the Senate; and

25 “(3) the term ‘covered facility or asset’ as defined
 26 in paragraph (3) of such subsection (k) shall be

1 *deemed to mean installations, property, and per-*
 2 *sons—*

3 *“(A) that are located in the United States;*

4 *“(B) for which the Director may provide*
 5 *protection pursuant to section 5(a)(4) or*
 6 *15(a)(1) of this Act; and*

7 *“(C) that the Director identifies as high-risk*
 8 *and a potential target for unlawful unmanned*
 9 *aircraft activity.”.*

10 **SEC. 412. MODIFICATION OF NATIONAL GEOSPATIAL-INTEL-**
 11 **LIGENCE AGENCY PERSONNEL MANAGEMENT**
 12 **AUTHORITY TO ATTRACT EXPERTS IN**
 13 **SCIENCE AND ENGINEERING.**

14 *Section 1599h(b)(2)(A) of title 10, United States Code,*
 15 *is amended—*

16 *(1) by striking “paragraph (1)(B)” and insert-*
 17 *ing “subparagraph (B) of paragraph (1)”;* and

18 *(2) by inserting “or employees appointed pursu-*
 19 *ant to the first subparagraph (G) of such paragraph*
 20 *to any of 2 positions of administration or manage-*
 21 *ment designated by the Director of the National*
 22 *Geospatial-Intelligence Agency for purposes of this*
 23 *subparagraph” after “this subparagraph”.*

1 **SEC. 413. REQUIREMENTS FOR TERMINATION OF DUAL-HAT**
 2 **ARRANGEMENT FOR COMMANDER OF THE**
 3 **UNITED STATES CYBER COMMAND.**

4 *Section 1642 of the National Defense Authorization*
 5 *Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.*
 6 *2601), as amended by section 1636 of the National Defense*
 7 *Authorization Act for Fiscal Year 2020 (Public Law 116–*
 8 *92; 133 Stat. 1748), is further amended—*

9 *(1) by striking subsections (a), (b), and (c), and*
 10 *inserting the following new subsections:*

11 *“(a) LIMITATION ON TERMINATION OF DUAL-HAT AR-*
 12 *RANGEMENT.—The Secretary of Defense may not terminate*
 13 *the dual-hat arrangement until the date on which the Sec-*
 14 *retary submits to the appropriate committees of Congress*
 15 *the certification under subsection (b)(1). The Secretary shall*
 16 *implement such termination by not later than the first day*
 17 *of the fiscal year following the fiscal year in which the Sec-*
 18 *retary submits such certification.*

19 *“(b) ANNUAL SUBMISSION OF INFORMATION.—To-*
 20 *gether with the defense budget materials for fiscal year*
 21 *2023, and annually thereafter until the termination of the*
 22 *dual-hat arrangement, the Secretary of Defense, in coordi-*
 23 *nation with the Director of National Intelligence, shall sub-*
 24 *mit to the appropriate committees of Congress a report con-*
 25 *taining either of the following:*

1 “(1) *A certification that the United States Cyber*
2 *Command has met each of the following conditions:*

3 “(A) *Sufficient operational infrastructure*
4 *has been deployed to meet the unique cyber mis-*
5 *sion needs of the United States Cyber Command.*

6 “(B) *Sufficient command and control sys-*
7 *tems and processes have been established for*
8 *planning, deconflicting, and executing military*
9 *cyber operations.*

10 “(C) *Capabilities have been established to*
11 *enable intelligence collection and operational*
12 *preparation of the environment for cyber oper-*
13 *ations consistent with the United States Cyber*
14 *Command reaching full operational status.*

15 “(D) *Mechanisms have been established to*
16 *train cyber operations personnel, test cyber capa-*
17 *bilities, and rehearse cyber missions.*

18 “(E) *The United States Cyber Command*
19 *has achieved full operational capability.*

20 “(2) *If the Secretary, in coordination with the*
21 *Director, is not able to make the certification under*
22 *paragraph (1)—*

23 “(A) *an identification of the items con-*
24 *tained in the defense budget materials that are*

1 *related to meeting the conditions specified in*
 2 *such paragraph; and*

3 “(B) *an assessment of the funding required*
 4 *to meet such conditions during the period cov-*
 5 *ered by the future-years defense program under*
 6 *section 221 of title 10, United States Code.”;*

7 *(2) by redesignating subsection (d) as subsection*
 8 *(c); and*

9 *(3) in subsection (c), as so redesignated, by add-*
 10 *ing at the end the following new paragraph:*

11 “(3) *DEFENSE BUDGET MATERIALS.—The term*
 12 *‘defense budget materials’ has the meaning given that*
 13 *term in section 231(f) of title 10, United States*
 14 *Code.”.*

15 **SEC. 414. NATIONAL SPACE INTELLIGENCE CENTER.**

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

17 *(1) Section 9081 of title 10, United States Code,*
 18 *establishes the United States Space Force as an*
 19 *Armed Force within the Department of the Air Force*
 20 *to, as stated in subsection (c) of such section—*

21 *(A) provide freedom of operation for the*
 22 *United States in, from, and to space;*

23 *(B) conduct space operations; and*

24 *(C) protect the interests of the United States*
 25 *in space.*

1 (2) *The National Air and Space Intelligence*
2 *Center, headquartered at Wright-Patterson Air Force*
3 *Base, Ohio, is the primary source for foreign air and*
4 *space threat analysis within the intelligence enter-*
5 *prise of the Air Force.*

6 (3) *Section 8041 of the Department of Defense*
7 *Appropriations Act, 2020 (division A of Public Law*
8 *116–93; 133 Stat. 2345) prohibits the establishment of*
9 *a new field operating agency using funds made avail-*
10 *able under that Act, although the Secretary of Defense*
11 *or the Secretary of a military department may waive*
12 *the prohibition in cases where the relevant Secretary*
13 *determines that the establishment will reduce the per-*
14 *sonnel or financial requirements of the relevant de-*
15 *partment.*

16 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
17 *that—*

18 (1) *space has become increasingly contested, con-*
19 *gested, and competitive, mandating an expanded need*
20 *for space intelligence;*

21 (2) *to support this increasingly complex oper-*
22 *ational environment, the Space Force should have its*
23 *own intelligence organization dedicated to providing*
24 *the Joint Combat forces with the required intelligence*
25 *and analysis to support operations;*

1 (3) a prominent factor in the basing decision
2 should consider that co-locating the National Space
3 Intelligence Center with the National Air and Space
4 Intelligence Center at Wright-Patterson Air Force
5 Base will provide an operational and geographic syn-
6 ergy, which will greatly benefit combat operations
7 across the air and space operational environments;

8 (4) the Air Force has requested authority to es-
9 tablish the National Space Intelligence Center as a
10 field operating agency to ensure the appropriate
11 prioritization of analytic effort for the space domain,
12 enhance responsiveness to national-level customers,
13 and align command relationships with the Director of
14 Intelligence, Surveillance, and Reconnaissance of the
15 Space Force; and

16 (5) establishing the National Space Intelligence
17 Center as a field operating agency would be a re-
18 source-neutral administrative realignment of billets,
19 and would facilitate a lean and agile space intel-
20 ligence enterprise.

21 (c) *EXCEPTION.*—Notwithstanding section 8041 of the
22 Department of Defense Appropriations Act, 2020 (division
23 A of Public Law 116–93; 133 Stat. 2345), or any other
24 provision of law prohibiting the establishment of a field op-
25 erating agency, the Secretary of the Air Force may establish

1 *the National Space Intelligence Center as a field operating*
 2 *agency of the Space Force to perform the analysis and pro-*
 3 *duction of scientific and technical intelligence on foreign*
 4 *space and counter-space threat capabilities in the support*
 5 *of the Space Force.*

6 **SEC. 415. PROCUREMENT BY FEDERAL BUREAU OF INVES-**
 7 **TIGATION OF CHINESE PRODUCTS AND SERV-**
 8 **ICES.**

9 *(a) SECURITY ASSESSMENT.—The Director of the Fed-*
 10 *eral Bureau of Investigation may not procure a Chinese*
 11 *product or service unless, before such procurement, the*
 12 *Counterintelligence Division of the Federal Bureau of In-*
 13 *vestigation—*

14 *(1) conducts a security assessment of such prod-*
 15 *uct or service, including with respect to any physical*
 16 *or cyber vulnerabilities; and*

17 *(2) makes a recommendation to the Director re-*
 18 *garding such proposed procurement.*

19 *(b) SUBMISSION.—Not later than 30 days after the*
 20 *date on which the Counterintelligence Division of the Bu-*
 21 *reau conducts a security assessment under subsection (a),*
 22 *the Director shall submit to the congressional intelligence*
 23 *committees a copy of such assessment and the recommenda-*
 24 *tion under paragraph (2) of such subsection.*

1 (c) *CHINESE PRODUCT OR SERVICE DEFINED.*—In
 2 this section, the term “Chinese product or service” means
 3 a product or service provided by an entity that is owned
 4 or controlled by, or otherwise connected to, the government
 5 of China.

6 **SEC. 416. COUNTERINTELLIGENCE UNITS AT NON-INTEL-**
 7 **LIGENCE COMMUNITY FEDERAL DEPART-**
 8 **MENTS AND AGENCIES.**

9 (a) *ESTABLISHMENT.*—The Director of the Federal
 10 Bureau of Investigation shall establish counterintelligence
 11 units in the departments and agencies described in sub-
 12 section (b). Such units shall be composed of officers of the
 13 Counterintelligence Division of the Federal Bureau of In-
 14 vestigation.

15 (b) *DEPARTMENTS AND AGENCIES DESCRIBED.*—The
 16 departments and agencies described in this subsection are
 17 the following departments and agencies of the United States
 18 Government:

19 (1) *The Department of Agriculture.*

20 (2) *Any other department or agency that the Di-*
 21 *rector, in coordination with the Director of National*
 22 *Intelligence, determines appropriate.*

23 (c) *DUTIES.*—The Director of the Federal Bureau of
 24 Investigation shall ensure that each counterintelligence unit

1 *established under subsection (a) in a department or agency*
2 *described in subsection (b) carries out the following duties:*

3 *(1) Conducts assessments, in coordination with*
4 *the leadership of the department or agency, to deter-*
5 *mine the counterintelligence posture of the department*
6 *or agency, including any components thereof.*

7 *(2) Informs and consults with the leadership of*
8 *the department or agency, including any components*
9 *thereof, and provides recommendations with respect to*
10 *any counterintelligence threats identified by the intel-*
11 *ligence community.*

12 *(3) Provides such administrative and technical*
13 *support as is necessary to develop, in coordination*
14 *with the leadership of the department or agency, a*
15 *plan to eliminate or reduce the threats described in*
16 *paragraph (2).*

17 *(4) Serves as the primary point of contact for*
18 *the department or agency with respect to counterintel-*
19 *ligence for the intelligence community.*

20 *(d) INTELLIGENCE COMMUNITY SUPPORT.—The heads*
21 *of the elements of the intelligence community shall ensure*
22 *that relevant counterintelligence information is provided to*
23 *counterintelligence units established under subsection (a) in*
24 *a manner that is consistent with the need to protect sources*
25 *and methods.*

1 **SEC. 417. DETECTION AND MONITORING OF WILDFIRES.**

2 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
3 *that the Director of the National Geospatial-Intelligence*
4 *Agency, in accordance with relevant provisions of law,*
5 *should continue to manage the systems of the National*
6 *Geospatial-Intelligence Agency that enable the FireGuard*
7 *program of the Department of Defense.*

8 (b) *REPORT.*—*Not later than 120 days after the date*
9 *of the enactment of this Act, the Director of the National*
10 *Geospatial-Intelligence Agency, in consultation with the*
11 *Secretary of Defense and the heads of the departments and*
12 *agencies of the United States Government and other organi-*
13 *zations that constitute the National Interagency Fire Cen-*
14 *ter, and any other relevant organization the Director deter-*
15 *mines appropriate, shall submit to the appropriate congres-*
16 *sional committees a coordinated interagency report that—*

17 (1) *explains how to leverage existing resources to*
18 *improve processes and organization alignment;*

19 (2) *identifies future opportunities to improve the*
20 *ability to detect and track wildfires and support fire-*
21 *fighting efforts; and*

22 (3) *includes an explication of the relevant au-*
23 *thorities with respect to the matters under paragraphs*
24 *(1) and (2).*

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

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

8 ***TITLE V—ANOMALOUS HEALTH***
 9 ***INCIDENTS AND OTHER***
 10 ***HEALTH CARE MATTERS***

11 ***SEC. 501. COMPENSATION AND PROFESSIONAL STANDARDS***
 12 ***FOR CERTAIN MEDICAL OFFICERS OF CEN-***
 13 ***TRAL INTELLIGENCE AGENCY.***

14 *The Central Intelligence Agency Act of 1949 (50 U.S.C.*
 15 *3501 et seq.) is amended by adding at the end the following*
 16 *new section:*

17 ***“SEC. 26. COMPENSATION AND PROFESSIONAL STANDARDS***
 18 ***FOR CERTAIN MEDICAL OFFICERS.***

19 ***“(a) OFFICE OF MEDICAL SERVICES.—There is in the***
 20 *Agency an Office of Medical Services.*

21 ***“(b) COMPENSATION.—Beginning not later than 1***
 22 *year after the date of the enactment of the Intelligence Au-*
 23 *thorization Act for Fiscal Year 2022, each medical officer*
 24 *of the Office of Medical Services who meets the qualifica-*
 25 *tions under subsection (c) shall be compensated during a*

1 pay period pursuant to a pay range that is equal to the
 2 pay range published in the Federal Register pursuant to
 3 section 7431(e)(1)(C) of title 38, United States Code (for
 4 the corresponding pay period), for a physician in the Vet-
 5 erans Health Administration in the District of Columbia
 6 region with a medical subspecialty that is the equivalent
 7 of the medical subspecialty of the officer.

8 “(c) *CLINICAL PRACTICE QUALIFICATIONS.*—A med-
 9 ical officer meets the qualifications under this subsection
 10 if the officer provides direct care services to patients in con-
 11 nection with the official duties of the officer and—

12 “(1) maintains current, active, full, and unre-
 13 stricted licensure or registration as a physician from
 14 a State, the District of Columbia, or a commonwealth
 15 or territory of the United States;

16 “(2) holds active board certification and main-
 17 tains accreditation in an American Board of Medical
 18 Specialties direct care clinical specialty; and

19 “(3) except as provided in subsection (d), main-
 20 tains a minimum of 160 hours per year of clinical
 21 practice in an accredited clinic or hospital facility
 22 that is not affiliated with the Central Intelligence
 23 Agency.

24 “(d) *EXCEPTION FOR OVERSEAS SERVICE.*—If a med-
 25 ical officer is a medical officer located in a duty station

1 *outside of the United States pursuant to a permanent*
 2 *change of station and greater than 50 percent of the official*
 3 *duties of the officer in such duty station involve direct pa-*
 4 *tient care, the officer, in lieu of performing the minimum*
 5 *hours under subsection (c)(3) on an annual basis, may per-*
 6 *form up to 480 hours of clinical practice as specified in*
 7 *such subsection prior to such change of station, to fulfil in*
 8 *advance the requirement under such subsection for up to*
 9 *3 years.*

10 “(e) *CLINICAL PRACTICE HOURS.*—*The head of the Of-*
 11 *fice of Medical Services shall make available to medical offi-*
 12 *cers excused absence time to allow for the maintenance of*
 13 *clinical practice hours in accordance with subsection*
 14 *(c)(3).”.*

15 **SEC. 502. MEDICAL ADVISORY BOARD OF CENTRAL INTEL-**
 16 **LIGENCE AGENCY.**

17 “(a) *ESTABLISHMENT.*—*The Central Intelligence Agen-*
 18 *cy Act of 1949 (50 U.S.C. 3501 et seq.), as amended by*
 19 *section 501, is further amended by adding at the end the*
 20 *following new section:*

21 **“SEC. 27. MEDICAL ADVISORY BOARD.**

22 “(a) *ESTABLISHMENT.*—*The Director shall establish*
 23 *within the Agency a medical advisory board (in this section*
 24 *referred to as the ‘Board’).*

25 “(b) *DUTIES.*—*The Board shall—*

1 “(1) *conduct a study on the Office of Medical*
2 *Services of the Agency, and submit reports regarding*
3 *such study, in accordance with subsection (c); and*

4 “(2) *upon request, provide advice and guidance*
5 *in connection with any independent review of the Of-*
6 *fice conducted by an inspector general.*

7 “(c) *STUDY.—*

8 “(1) *OBJECTIVES.—In conducting the study*
9 *under subsection (b)(1), the Board shall seek to—*

10 “(A) *contribute to the modernization and*
11 *reform of the Office of Medical Services;*

12 “(B) *ensure that the activities of the Office*
13 *are of the highest professional quality; and*

14 “(C) *ensure that all medical care provided*
15 *by the Office is provided in accordance with the*
16 *highest professional medical standards.*

17 “(2) *REPORTS.—The Board shall submit to the*
18 *congressional intelligence committees, in writing—*

19 “(A) *interim reports on the study; and*

20 “(B) *a final report on the study, which*
21 *shall—*

22 “(i) *set forth in detail the findings of*
23 *the study and the recommendations of the*
24 *Board, based on such findings and taking*
25 *into consideration the objectives under*

1 *paragraph (1), regarding any changes to*
2 *the activities of the Office of Medical Serv-*
3 *ices; and*

4 *“(ii) include, as applicable, any addi-*
5 *tional or dissenting views submitted by a*
6 *member of the Board.*

7 *“(d) MEMBERSHIP.—*

8 *“(1) NUMBER AND APPOINTMENT.—The Board*
9 *shall be composed of 11 members, appointed as fol-*
10 *lows:*

11 *“(A) 2 members appointed by the Chairman*
12 *of the Permanent Select Committee on Intel-*
13 *ligence of the House of Representatives.*

14 *“(B) 2 members appointed by the ranking*
15 *minority member of the Permanent Select Com-*
16 *mittee on Intelligence of the House of Represent-*
17 *atives.*

18 *“(C) 2 members appointed by the Chairman*
19 *of the Select Committee on Intelligence of the*
20 *Senate.*

21 *“(D) 2 members appointed by the Vice*
22 *Chairman of the Select Committee on Intel-*
23 *ligence of the Senate.*

24 *“(E) 3 members appointed by the Director*
25 *of National Intelligence.*

1 “(2) *CHAIRPERSON.*—*During the first meeting*
2 *under subsection (e)(1), the members of the Board*
3 *shall elect a Chairperson of the Board. In addition to*
4 *meeting the criteria under paragraph (3), the Chair-*
5 *person may not be an employee, or former employee,*
6 *of the Agency.*

7 “(3) *CRITERIA.*—*The members appointed under*
8 *paragraph (1) shall meet the following criteria:*

9 “(A) *Each member shall be a recognized ex-*
10 *pert in at least 1 medical field, as demonstrated*
11 *by appropriate credentials.*

12 “(B) *Each member shall possess significant*
13 *and diverse medical experience, including clin-*
14 *ical experience.*

15 “(C) *Each member shall hold a security*
16 *clearance at the top secret level and be able to ac-*
17 *cess sensitive compartmented information.*

18 “(4) *TERMS.*—

19 “(A) *IN GENERAL.*—*Each member, includ-*
20 *ing the Chairperson, shall be appointed or elect-*
21 *ed, as applicable, for the life of the Board.*

22 “(B) *VACANCIES.*—*Any vacancy in the*
23 *Board occurring prior to the expiration of the*
24 *term under subparagraph (A) shall be filled in*

1 *the manner in which the original appointment*
2 *or election was made.*

3 “(5) *COMPENSATION AND TRAVEL EXPENSES.*—

4 “(A) *COMPENSATION.*—*Except as provided*
5 *in subparagraph (B), each member of the Board,*
6 *including the Chairperson, may be compensated*
7 *at not to exceed the daily equivalent of the an-*
8 *nual rate of basic pay in effect for a position at*
9 *level IV of the Executive Schedule under section*
10 *5315 of title 5, United States Code, for each day*
11 *during which that member is engaged in the ac-*
12 *tual performance of the duties under subsection*
13 *(b).*

14 “(B) *EXCEPTION FOR FEDERAL EMPLOY-*
15 *EES.*—*Members of the Board, including the*
16 *Chairperson, who are officers or employees of the*
17 *United States shall receive no additional pay by*
18 *reason of the service of the member on the Board.*

19 “(C) *TRAVEL EXPENSES.*—*Each member of*
20 *the Board, including the Chairperson, while*
21 *away from the home or regular places of business*
22 *of the member in the performance of services for*
23 *the Board, may be allowed travel expenses, in-*
24 *cluding per diem in lieu of subsistence, in the*
25 *same manner as persons employed intermittently*

1 *in the Government service are allowed expenses*
2 *under section 5703 of title 5, United States Code.*

3 “(6) *DETAILEES.*—

4 “(A) *IN GENERAL.*—Upon request of the
5 *Board, the Director of National Intelligence may*
6 *detail to the Board, without reimbursement from*
7 *the Board, any of the personnel of the Office of*
8 *the Director of National Intelligence to assist in*
9 *carrying out the duties under subsection (b). Any*
10 *such detailed personnel shall retain the rights,*
11 *status, and privileges of the regular employment*
12 *of the personnel without interruption.*

13 “(B) *CLEARANCE.*—Any personnel detailed
14 *to the Board under subparagraph (A) shall pos-*
15 *sess a security clearance in accordance with ap-*
16 *plicable laws and regulations concerning the*
17 *handling of classified information.*

18 “(e) *MEETINGS.*—

19 “(1) *BOARD MEETINGS.*—The Board shall meet
20 *not less frequently than on a quarterly basis.*

21 “(2) *MEETINGS WITH CONGRESS.*—The Board
22 *shall meet with the congressional intelligence commit-*
23 *tees on a biannual basis.*

24 “(f) *INFORMATION ACCESS.*—

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), the Board may secure directly from any*
3 *department or agency of the United States Govern-*
4 *ment information necessary to enable it to carry out*
5 *the duties under subsection (b) and, upon request of*
6 *the Chairperson of the Board, the head of that depart-*
7 *ment or agency shall furnish such information to the*
8 *Board.*

9 “(2) *EXCEPTION.*—*The Director (without delega-*
10 *tion) may deny a request for information made by*
11 *the Board pursuant to paragraph (1), regardless of*
12 *the agency from which such information is requested.*

13 “(3) *NOTIFICATION REQUIREMENT.*—*If the Di-*
14 *rector denies a request under paragraph (2), not later*
15 *than 15 days after the date of such denial, the Direc-*
16 *tor shall submit to the congressional intelligence com-*
17 *mittees a written notification of such denial.*

18 “(4) *BRIEFINGS.*—*The Director shall ensure that*
19 *the Board receives comprehensive briefings on all ac-*
20 *tivities of the Office of Medical Services, including by*
21 *promptly scheduling such briefings at the request of*
22 *the Board.*

23 “(g) *TERMINATION.*—*The Board shall terminate on the*
24 *date that is 5 years after the date of the first meeting of*
25 *the Board.*

1 “(h) *DEFINITIONS.*—*In this section, the terms ‘congres-*
 2 *sional intelligence committees’ and ‘intelligence community’*
 3 *have the meanings given such terms in section 3 of the Na-*
 4 *tional Security Act of 1947 (50 U.S.C. 3003).’.*”

5 (b) *DEADLINE FOR APPOINTMENTS; FIRST MEET-*
 6 *INGS.*—

7 (1) *DEADLINE FOR APPOINTMENTS.*—*Each mem-*
 8 *ber of the medical advisory board established under*
 9 *section 27 of the Central Intelligence Agency Act of*
 10 *1949 (as added by subsection (a)), including the*
 11 *Chairperson, shall be appointed or elected, as applica-*
 12 *ble, in accordance with subsection (d) of such section*
 13 *by not later than 45 days after the date of the enact-*
 14 *ment of this Act.*

15 (2) *FIRST BOARD MEETING.*—*Not later than 30*
 16 *days after the first date on which at least 7 members*
 17 *of the Board described in paragraph (1) hold the secu-*
 18 *rity clearance and are able to access information in*
 19 *accordance with subsection (d)(3)(C) of such section*
 20 *27, the Board shall meet. During such meeting, the*
 21 *Director of the Central Intelligence Agency shall pro-*
 22 *vide to the Board a comprehensive briefing on all as-*
 23 *pects of the Office of Medical Services of the Central*
 24 *Intelligence Agency.*

1 (3) *FIRST MEETING WITH CONGRESS.*—Not later
 2 than 30 days after the date of the briefing under
 3 paragraph (2), the Board described in such para-
 4 graph shall meet with the staff members of the con-
 5 gressional intelligence committees to discuss topics for
 6 the Board to examine in carrying out the duties
 7 under subsection (b) of such section 27.

8 **SEC. 503. REPORT ON PROTOCOLS FOR CERTAIN INTEL-**
 9 **LIGENCE COMMUNITY EMPLOYEES AND DE-**
 10 **PENDENTS.**

11 (a) *IN GENERAL.*—Beginning not later than 180 days
 12 after the date of enactment of this Act, the President shall
 13 develop, for uniform implementation across the elements of
 14 the intelligence community, each of the protocols described
 15 in subsections (c) through (f). Such protocols shall be subject
 16 to review and revision on a periodic basis, and any imple-
 17 mentation of such protocols shall be conducted in accord-
 18 ance with applicable laws and current clinical and profes-
 19 sional practices of the interagency medical community.

20 (b) *PRIVACY.*—No data collected pursuant to any pro-
 21 tocol under this section may be used for research or analyt-
 22 ical purposes without the written consent of the individual
 23 from whom such data was collected with respect to such use.

24 (c) *PROTOCOL ON BASELINE MEDICAL TESTING.*—The
 25 protocol described in this subsection is a protocol for con-

1 ducting baseline medical testing of covered employees, cov-
2 ered individuals, and the dependents of covered employees
3 who are included on the overseas travel orders of the covered
4 employee, with respect to anomalous health incidents. Such
5 protocol shall set forth the required elements of such baseline
6 medical testing, such as—

7 (1) standard lab collection and testing of rel-
8 evant biofluids;

9 (2) the conduct of relevant visual and auditory
10 examinations;

11 (3) the conduct of Acquired Brain Injury Tool
12 assessments, or other relevant assessments for balance,
13 eye motion, and cognition;

14 (4) the assessment of relevant medical histories;
15 and

16 (5) the conduct of any other standard relevant
17 medical or neurological examinations, testing, or as-
18 sessments.

19 (d) *PROTOCOLS ON POST-INCIDENT MEDICAL TEST-*
20 *ING.*—The protocols described in this subsection are proto-
21 cols to enable voluntary medical testing and the coordina-
22 tion of treatment for covered employees, covered individuals,
23 and the dependents of covered employees, following a re-
24 ported anomalous health incident, such as—

1 (1) a protocol that sets forth elements, similar to
2 the elements described in subsection (c), of such test-
3 ing;

4 (2) a protocol pertaining to the voluntary testing
5 and treatment for victims of anomalous health inci-
6 dents who are children;

7 (3) a protocol for ensuring that all victims of
8 anomalous health incidents receive access to prompt
9 and consistent medical treatment, including from
10 medical professionals holding appropriate security
11 clearances and medical professionals with expertise in
12 child care;

13 (4) a protocol for ensuring that all victims of
14 anomalous health incidents are offered options for
15 psychological treatment for the effects of such inci-
16 dents; and

17 (5) a protocol for ensuring that any testing, eval-
18 uation, or collection of biofluids or other samples fol-
19 lowing a reported anomalous health incident may be
20 compared against the baseline for the victim of the
21 anomalous health incident, to the extent the indi-
22 vidual participated in the baseline medical testing,
23 consistent with subsections (b) and (c).

24 (e) *PROTOCOL ON INFORMATION COLLECTION, STOR-*
25 *AGE, AND SAFEGUARDING.*—The protocol described in this

1 subsection is a protocol for the collection, storage, and safe-
 2 guarding of information acquired as a result of the proto-
 3 cols described in subsections (c) and (d).

4 (f) *PROTOCOL ON REPORTING MECHANISMS.*—The
 5 protocol described in this subsection is a protocol for the
 6 reporting of matters relating to anomalous health incidents
 7 by covered employees, covered individuals, and the depend-
 8 ents of covered employees, including the development of a
 9 system for the adjudication of complaints regarding med-
 10 ical treatment received by such covered employees, covered
 11 individuals, and dependents of covered employees.

12 (g) *REPORT AND BRIEFINGS.*—

13 (1) *REPORT.*—Not later than 180 days after the
 14 date of the enactment of this Act, the Director of Na-
 15 tional Intelligence shall submit to the congressional
 16 intelligence committees a report on the protocols de-
 17 scribed in subsections (c) through (f).

18 (2) *ELEMENTS.*—Such report shall include the
 19 following elements:

20 (A) A copy of each protocol under this sec-
 21 tion.

22 (B) A description of the following:

23 (i) Any interagency agreements, au-
 24 thorities, or policies required to effectively
 25 implement the protocols under this section.

1 (ii) *Any new facilities, medical equip-*
 2 *ment, tools, training, or other resources re-*
 3 *quired to effectively implement such proto-*
 4 *cols.*

5 (C) *A timeline for the implementation of*
 6 *the protocols under this section, including a pro-*
 7 *posal for the prioritization of implementation*
 8 *with respect to various categories of covered em-*
 9 *ployees and the dependents of covered employees.*

10 (3) *BRIEFING.*—*Not later than 60 days following*
 11 *the date of submission of the report under paragraph*
 12 *(1), and biannually thereafter, the Director shall pro-*
 13 *vide to the congressional intelligence committees a*
 14 *briefing regarding the implementation of the protocols*
 15 *under this section.*

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

17 (1) *COVERED EMPLOYEE.*—*The term “covered*
 18 *employee” means an individual who is an employee,*
 19 *assignee, or detailee of an element of the intelligence*
 20 *community.*

21 (2) *COVERED INDIVIDUAL.*—*The term “covered*
 22 *individual” means a contractor to an element of the*
 23 *intelligence community.*

24 (3) *DEPENDENT OF A COVERED EMPLOYEE.*—
 25 *The term “dependent of a covered employee” means,*

1 *with respect to a covered employee, a family member*
 2 *(including a child), as defined by the Director of Na-*
 3 *tional Intelligence.*

4 (4) *VICTIM OF AN ANOMALOUS HEALTH INCI-*
 5 *DENT.—The term “victim of an anomalous health in-*
 6 *cident” means a covered employee, covered individual,*
 7 *or dependent of a covered employee, who is, or is sus-*
 8 *pected to have been, affected by an anomalous health*
 9 *incident.*

10 **SEC. 504. INSPECTOR GENERAL OF CENTRAL INTEL-**
 11 **LIGENCE AGENCY REVIEW OF OFFICE OF**
 12 **MEDICAL SERVICES.**

13 (a) *REVIEW.—Not later than one year after the date*
 14 *of the enactment of this Act, the Inspector General of the*
 15 *Central Intelligence Agency, in coordination with, and with*
 16 *the support of, the Inspector General of the Intelligence*
 17 *Community, shall submit to the congressional intelligence*
 18 *committees a report containing a review of the responsibil-*
 19 *ities, authorities, resources, and performance of the Office*
 20 *of Medical Services of the Central Intelligence Agency (in*
 21 *this section referred to as the “Office”).*

22 (b) *MATTERS INCLUDED.—The review under sub-*
 23 *section (a) shall include the following:*

24 (1) *A detailed description of the responsibilities*
 25 *and authorities of the Office, as set forth in Federal*

1 *law and any applicable regulation, policy, or other*
2 *document of the Central Intelligence Agency.*

3 *(2) A detailed description of the budgetary,*
4 *human, and other resources available to the Office, in-*
5 *cluding with respect to employees and any other per-*
6 *sonnel.*

7 *(3) An assessment of the ability of the Office to*
8 *consistently discharge the responsibilities of the Office,*
9 *with an emphasis on the provision of medical treat-*
10 *ment and care by personnel of the Office, including*
11 *with respect to—*

12 *(A) the roles of personnel of the Office, and*
13 *of senior officials of the Agency outside of the Of-*
14 *fice, in determining what medical evaluation,*
15 *treatment, and care should be provided in a par-*
16 *ticular case, including the provision of specialty*
17 *care by medical personnel outside of the Office;*

18 *(B) whether personnel of the Office consist-*
19 *ently provide appropriate and high-quality med-*
20 *ical treatment and care in accordance with*
21 *standards set independently by the professional*
22 *medical community;*

23 *(C) whether the Office has sufficient human*
24 *and other resources, including personnel with*
25 *specialized background, qualifications, or exper-*

1 *tise, to consistently provide high-quality medical*
2 *treatment and care in accordance with standards*
3 *set independently by the professional medical*
4 *community;*

5 *(D) whether personnel of the Office, includ-*
6 *ing personnel claiming specialized medical back-*
7 *grounds and expertise, are required by the Agen-*
8 *cy to maintain current board certifications or*
9 *other certifications and licenses, and the extent*
10 *to which the Office verifies such certifications*
11 *and licenses;*

12 *(E) the extent to which the Office makes*
13 *consistent and effective use of the specialized*
14 *medical background, qualifications, and expertise*
15 *of the personnel of the Office in providing med-*
16 *ical treatment and care;*

17 *(F) an assessment of whether personnel of*
18 *the Office who provide medical treatment and*
19 *care, or who make decisions with respect to such*
20 *treatment or care, are required to have extensive*
21 *clinical or other experience in directly treating*
22 *patients, including in areas requiring specialized*
23 *background, qualifications, or expertise;*

24 *(G) any factors that have frustrated or de-*
25 *layed the provision of medical treatment and*

1 care by personnel of the Office in significant
2 cases; and

3 (H) any factors that have frustrated or
4 could frustrate prompt detection, effective over-
5 sight, and swift remediation of problems within
6 the Office, including such factors that frustrate
7 or delay the provision of medical treatment and
8 care in significant cases.

9 (c) *INDEPENDENT ADVICE.*—In conducting the review
10 under subsection (a), the Inspector General may obtain the
11 advice of the medical advisory board established under sec-
12 tion 502.

13 (d) *FORM.*—The report under subsection (a) shall be
14 submitted in an unclassified form to the extent practicable,
15 consistent with the protection of intelligence sources and
16 methods, but may include a classified annex.

17 **SEC. 505. CLARIFICATION OF EFFECT OF CERTAIN BENE-**
18 **FITS RELATING TO INJURIES TO THE BRAIN.**

19 (a) *PERSONNEL OF CENTRAL INTELLIGENCE AGEN-*
20 *CY.*—Subsection (d) of section 19A of the Central Intel-
21 ligence Agency Act of 1949 (50 U.S.C. 3519b), as added
22 by the HAVANA Act of 2021, is amended by adding at the
23 end the following new paragraph:

24 “(5) *NO EFFECT ON OTHER BENEFITS.*—Pay-
25 ments made under paragraph (2) are supplemental to

1 *any other benefit furnished by the United States Gov-*
2 *ernment for which a covered dependent, covered em-*
3 *ployee, or covered individual is entitled, and the re-*
4 *ceipt of such payments may not affect the eligibility*
5 *of such a person to any other benefit furnished by the*
6 *United States Government.”.*

7 *(b) PERSONNEL OF DEPARTMENT OF STATE.—Sub-*
8 *section (i) of section 901 of title IX of division J of the*
9 *Further Consolidated Appropriations Act, 2020 (22 U.S.C.*
10 *2680b), as added by the HAVANA Act of 2021, is amended*
11 *by adding at the end the following new paragraph:*

12 *“(5) NO EFFECT ON OTHER BENEFITS.—Pay-*
13 *ments made under paragraph (2) are supplemental to*
14 *any other benefit furnished by the United States Gov-*
15 *ernment for which a covered dependent, dependent of*
16 *a former employee, covered employee, former em-*
17 *ployee, or covered individual is entitled, and the re-*
18 *ceipt of such payments may not affect the eligibility*
19 *of such a person to any other benefit furnished by the*
20 *United States Government.”.*

1 **TITLE VI—MATTERS RELATING**
2 **TO FOREIGN COUNTRIES**

3 **SEC. 601. NATIONAL INTELLIGENCE ESTIMATE ON SECU-**
4 **RITY SITUATION IN AFGHANISTAN AND RE-**
5 **LATED REGION.**

6 (a) *REQUIREMENT.*—*The Director of National Intel-*
7 *ligence, acting through the National Intelligence Council,*
8 *shall produce a National Intelligence Estimate on the situa-*
9 *tion in Afghanistan and the covered region.*

10 (b) *MATTERS.*—*The National Intelligence Estimate*
11 *produced under subsection (a) shall include, with respect*
12 *to the 2-year period beginning on the date on which the*
13 *Estimate is produced, an assessment of the following:*

14 (1) *The presence in Afghanistan (including fi-*
15 *nancial contributions to the Taliban, political rela-*
16 *tions with the Taliban, military presence in the cov-*
17 *ered region, economic presence in the covered region,*
18 *and diplomatic presence in the covered region) of*
19 *China, Iran, Pakistan, Russia, and any other foreign*
20 *country determined relevant by the Director, respec-*
21 *tively, and an assessment of the potential risks, or*
22 *benefits, of any such presence, contributions, or rela-*
23 *tions.*

24 (2) *Any change in the threat to the United*
25 *States homeland or United States entities abroad as*

1 *a result of the withdrawal of the Armed Forces from*
2 *Afghanistan on August 31, 2021, including an assess-*
3 *ment of the risk of al-Qaeda or any affiliates thereof,*
4 *the Islamic State of Iraq and ash Sham-Khorasan or*
5 *any affiliates thereof, or any other similar inter-*
6 *national terrorist group, using Afghanistan as a safe*
7 *haven for launching attacks on the United States and*
8 *its interests abroad.*

9 *(3) The political composition and sustainability*
10 *of the governing body of Afghanistan, including an*
11 *assessment of the ability of the United States Govern-*
12 *ment to influence the policies of such governing body*
13 *on the following:*

14 *(A) Counterterrorism.*

15 *(B) Counternarcotics.*

16 *(C) Human rights (particularly regarding*
17 *women and girls and traditionally targeted eth-*
18 *nic groups).*

19 *(D) The treatment and safe transit of Af-*
20 *ghans holding special immigrant visa status*
21 *under section 602 of the Afghan Allies Protection*
22 *Act of 2009 (8 U.S.C. 1101 note) and other Af-*
23 *ghans who, during the period beginning in 2001,*
24 *assisted efforts of the United States in Afghani-*
25 *stan or the covered region.*

1 (4) *The effect on the covered region, and Europe,*
2 *of refugees leaving Afghanistan.*

3 (5) *The commitments of the Taliban relating to*
4 *counterterrorism, including an assessment of—*

5 (A) *whether such commitments required*
6 *under the agreement entered into between the*
7 *United States Government and the Taliban in*
8 *February 2020, have been tested, or will be tested*
9 *during the 2-year period covered by the Esti-*
10 *mate, and what such commitments entail;*

11 (B) *whether any additional commitments*
12 *relating to counterterrorism agreed to by the*
13 *Taliban pursuant to subsequent negotiations*
14 *with the United States Government following*
15 *February 2020, have been tested, or will be tested*
16 *during the 2-year period covered by the Esti-*
17 *mate, and, if applicable, what such commitments*
18 *entail;*

19 (C) *any benchmarks against which the*
20 *Taliban are to be evaluated with respect to com-*
21 *mitments relating to counterterrorism; and*

22 (D) *the intentions and capabilities of the*
23 *Taliban with respect to counterterrorism (as*
24 *such term is understood by the United States*
25 *and by the Taliban, respectively), including the*

1 *relations of the Taliban with al-Qaeda or any af-*
2 *filiates thereof, the Islamic State of Iraq and ash*
3 *Sham-Khorasan or any affiliates thereof, or any*
4 *other similar international terrorist group.*

5 (c) *SUBMISSION TO CONGRESS.*—

6 (1) *SUBMISSION.*—*Not later than one year after*
7 *the date of the enactment of this Act, the Director*
8 *shall submit to the congressional intelligence commit-*
9 *tees the National Intelligence Estimate produced*
10 *under subsection (a), including all intelligence report-*
11 *ing underlying the Estimate.*

12 (2) *FORM.*—*The National Intelligence Estimate*
13 *shall be submitted under paragraph (1) in classified*
14 *form.*

15 (d) *PUBLIC VERSION.*—*Consistent with the protection*
16 *of intelligence sources and methods, at the same time as*
17 *the Director submits to the congressional intelligence com-*
18 *mittees the National Intelligence Estimate under subsection*
19 *(c), the Director shall make publicly available on the inter-*
20 *net website of the Director an unclassified version of the*
21 *key findings of the National Intelligence Estimate.*

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

23 (1) *COVERED REGION.*—*The term “covered re-*
24 *gion” includes the following countries:*

25 (A) *China.*

(B) *The Gulf Cooperation Council countries, including Qatar, Saudi Arabia, the United Arab Emirates.*

(C) *India.*

(D) *Iran.*

(E) *Pakistan.*

(F) *Tajikistan.*

(G) *Turkey.*

(H) *Turkmenistan.*

(I) *Uzbekistan.*

(2) *UNITED STATES ENTITY.—The term “United States entity” means a citizen of the United States, an embassy or consulate of the United States, or an installation, facility, or personnel of the United States Government.*

SEC. 602. REPORT ON LIKELIHOOD OF MILITARY ACTION BY COUNTRIES OF THE SOUTH CAUCASUS.

(a) *REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the likelihood of a South Caucasus country taking military action against another country (including in Nagorno-Karabakh or any other disputed territory). Such report shall include an indication of the strategic balance in the region, including with respect*

1 *to the offensive military capabilities of each South Caucasus*
 2 *country.*

3 (b) *FORM.*—*The report under subsection (a) shall be*
 4 *submitted in unclassified form, but may include a classified*
 5 *annex.*

6 (c) *SOUTH CAUCASUS COUNTRY DEFINED.*—*In this*
 7 *section, the term “South Caucasus country” means any of*
 8 *the following:*

9 (1) *Armenia.*

10 (2) *Azerbaijan.*

11 (3) *Georgia.*

12 **SEC. 603. REPORT ON INTELLIGENCE COLLECTION POS-**
 13 **TURE AND OTHER MATTERS RELATING TO AF-**
 14 **GHANISTAN AND RELATED REGION.**

15 (a) *REPORT.*—*Not later than 90 days after the date*
 16 *of the enactment of this Act, the Director of National Intel-*
 17 *ligence, in consultation with the heads of elements of the*
 18 *intelligence community determined relevant by the Direc-*
 19 *tor, shall submit to the congressional intelligence commit-*
 20 *tees a report on the collection posture of the intelligence*
 21 *community and other matters relating to Afghanistan and*
 22 *the covered region.*

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

1 (1) *A detailed description of the collection pos-*
2 *ture of the intelligence community with respect to Af-*
3 *ghanistan, including with respect to the following:*

4 (A) *The countering of terrorism threats that*
5 *are directed at the United States homeland or*
6 *United States entities abroad.*

7 (B) *The finances of the Taliban, including*
8 *financial contributions to the Taliban from for-*
9 *foreign countries (particularly from China, Iran,*
10 *Russia, and any other foreign country in the*
11 *Arab Gulf region (or elsewhere) determined rel-*
12 *evant by the Director, respectively).*

13 (C) *The detection, and prevention of, any*
14 *increased threat to the United States homeland*
15 *or United States entities abroad as a result of*
16 *the withdrawal of the United States Armed*
17 *Forces from Afghanistan on August 31, 2021, in-*
18 *cluding any such increased threat resulting from*
19 *al-Qaeda or any affiliates thereof, the Islamic*
20 *State of Iraq and ash Sham-Khorasan or any af-*
21 *filiates thereof, or any other similar inter-*
22 *national terrorist group, using Afghanistan as a*
23 *safe harbor.*

24 (2) *A detailed description of any plans, strate-*
25 *gies, or efforts to improve the collection posture de-*

scribed in paragraph (1)(A), including by filling any gaps identified pursuant to such paragraph.

(3) *An assessment of the effect of publicly documenting abuses engaged in by the Taliban, and a description of the efforts of the intelligence community to support other departments and agencies in the Federal Government with respect to the collection and documentation of such abuses.*

(4) *An assessment of the relationship between the intelligence community and countries in the covered region, including an assessment of the following:*

(A) *Intelligence and information sharing with such countries.*

(B) *Any change in the collection posture of the intelligence community with respect to the nuclear activities of such countries as a result of the withdrawal of the United States Armed Forces from Afghanistan on August 31, 2021.*

(C) *The collection posture of the intelligence community with respect to the presence of such countries in Afghanistan (including financial contributions to the Taliban, political relations with the Taliban, military presence in Afghanistan, economic presence in Afghanistan, and diplomatic presence in Afghanistan) and the under-*

1 *standing of the intelligence community regarding*
2 *the potential risks, or benefits, of any such pres-*
3 *ence, contributions, or relations.*

4 *(D) The ability of the intelligence commu-*
5 *nity to use the airspace of any such countries.*

6 *(5) An assessment of any financial contributions*
7 *to the Taliban from foreign countries (particularly*
8 *from China, Iran, Russia, and any other foreign*
9 *country in the Arab Gulf region (or elsewhere) deter-*
10 *mined relevant by the Director, respectively) made*
11 *during the year preceding the withdrawal of the*
12 *United States Armed Forces from Afghanistan on Au-*
13 *gust 31, 2021.*

14 *(c) FORM.—The report under subsection (a) may be*
15 *submitted in classified form, but shall include an unclassi-*
16 *fied summary.*

17 *(d) BIENNIAL UPDATES.—On a biannual basis dur-*
18 *ing the 5-year period following the date of the submission*
19 *of the report under subsection (a), the Director of National*
20 *Intelligence, in consultation with the heads of the elements*
21 *of the intelligence community determined relevant by the*
22 *Director, shall submit to the congressional intelligence com-*
23 *mittees an update to such report.*

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

(1) *COVERED REGION*.—The term “covered region” includes the following countries:

(A) *China*.

(B) *The Gulf Cooperation Council countries, including Qatar, Saudi Arabia, the United Arab Emirates*.

(C) *India*.

(D) *Iran*.

(E) *Pakistan*.

(F) *Tajikistan*.

(G) *Turkey*.

(H) *Turkmenistan*.

(I) *Uzbekistan*.

(2) *UNITED STATES ENTITY*.—The term “United States entity” means a citizen of the United States, an embassy or consulate of the United States, or an installation, facility, or personnel of the United States Government.

SEC. 604. REPORT ON THREAT POSED BY EMERGING CHINESE TECHNOLOGY COMPANIES.

(a) *REPORT*.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Assistant Secretary of the Treasury for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall submit to the con-

1 *gressional intelligence committees a report on the threat to*
 2 *the national security of the United States posed by emerg-*
 3 *ing Chinese technology companies.*

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

6 (1) *An assessment of the threat to the national*
 7 *security of the United States posed by emerging Chi-*
 8 *nese technology companies, including with respect*
 9 *to—*

10 (A) *the practices of the companies and their*
 11 *relationships to the government of China;*

12 (B) *the security of the communications,*
 13 *data, and commercial interests of the United*
 14 *States; and*

15 (C) *the privacy interests of United States*
 16 *persons.*

17 (2) *An assessment of the ability of the United*
 18 *States to counter any such threat, including with re-*
 19 *spect to different tools that could counter such a*
 20 *threat.*

21 (c) *FORM.*—*The report under subsection (a) may be*
 22 *submitted in classified form, but if so submitted shall in-*
 23 *clude an unclassified executive summary.*

24 (d) *EMERGING CHINESE TECHNOLOGY COMPANIES*
 25 *DEFINED.*—*In this section, the term “emerging Chinese*

1 *technology companies” means a Chinese technology com-*
 2 *pany, including a company listed on the Science and Tech-*
 3 *nology Innovation Board of the Shanghai Stock Exchange,*
 4 *that the Assistant Secretary of the Treasury for Intelligence*
 5 *and Analysis determines poses a significant threat to the*
 6 *national security of the United States.*

7 **SEC. 605. REPORT ON COOPERATION BETWEEN CHINA AND**
 8 **UNITED ARAB EMIRATES.**

9 (a) *REQUIREMENT.*—Not later than 60 days after the
 10 date of the enactment of this Act, the Director of National
 11 Intelligence, in consultation with the heads of elements of
 12 the intelligence community that the Director determines ap-
 13 propriate, shall submit to the congressional intelligence
 14 committees a report containing the following:

15 (1) *Details on the cooperation between China*
 16 *and the United Arab Emirates regarding defense, se-*
 17 *curity, technology, and other strategically sensitive*
 18 *matters that implicate the national security interests*
 19 *of the United States.*

20 (2) *The most recent, as of the date of the report,*
 21 *quarterly assessment by the intelligence community of*
 22 *measures that the United Arab Emirates has imple-*
 23 *mented to safeguard technology of the United States*
 24 *and the reliability of any assurances by the United*
 25 *Arab Emirates (with respect to both current assur-*

1 *ances and assurances being considered as of the date*
 2 *of the report).*

3 (3) *A certification by the Director regarding*
 4 *whether such assurances described in paragraph (2)*
 5 *are viable and sufficient to protect technology of the*
 6 *United States from being transferred to China or*
 7 *other third parties.*

8 (b) *FORM.*—*The report under subsection (a) may be*
 9 *submitted in classified form, but if so submitted shall in-*
 10 *clude an unclassified executive summary.*

11 **SEC. 606. REPORT ON PROPAGATION OF EXTREMIST**
 12 **IDEOLOGIES FROM SAUDI ARABIA.**

13 (a) *REPORT.*—*Not later than February 1, 2022, the*
 14 *Director of National Intelligence, in consultation with other*
 15 *relevant Federal departments and agencies, shall submit to*
 16 *the congressional intelligence committees a report on the*
 17 *threat of extremist ideologies propagated from Saudi Ara-*
 18 *bia and the failure of the Government of Saudi Arabia to*
 19 *prevent the propagation of such ideologies. Such report shall*
 20 *include a detailed description of—*

21 (1) *the role of governmental and nongovern-*
 22 *mental entities and individuals of Saudi Arabia in*
 23 *promoting, funding, and exporting ideologies, includ-*
 24 *ing so-called “Wahhabist ideology”, that inspire extre-*
 25 *mism or extremist groups in other countries; and*

1 (2) *the practical and strategic consequences for*
 2 *vital national security interests of the United States*
 3 *as a result of such promotion, funding, or export.*

4 (b) *FORM.*—*The report under subsection (a) shall be*
 5 *submitted in unclassified form, but may include a classified*
 6 *annex.*

7 **SEC. 607. REPORT ON EFFECTS OF SANCTIONS BY UNITED**
 8 **STATES.**

9 (a) *REPORT.*—*Not later than 180 days after the date*
 10 *of the enactment of this Act, the Director of National Intel-*
 11 *ligence, in consultation with the Assistant Secretary of the*
 12 *Treasury for Intelligence and Analysis, shall submit to the*
 13 *congressional intelligence committees a report on how cov-*
 14 *ered countries respond to sanctions imposed by the United*
 15 *States.*

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

18 (1) *An assessment of whether sanctions imposed*
 19 *by the United States on entities, individuals, or the*
 20 *governments of covered countries have caused those*
 21 *countries to alter their behavior.*

22 (2) *An assessment of the effectiveness of—*
 23 (A) *continuing such sanctions; and*
 24 (B) *imposing additional sanctions.*

1 (c) *FORM.*—*The report under subsection (a) may be*
 2 *submitted in classified form, but if so submitted shall in-*
 3 *clude an unclassified executive summary.*

4 (d) *COVERED COUNTRY DEFINED.*—*In this section, the*
 5 *term “covered country” means—*

6 (1) *China;*

7 (2) *Iran;*

8 (3) *Russia; and*

9 (4) *any other foreign country the Assistant Sec-*
 10 *retary of the Treasury for Intelligence and Analysis*
 11 *determines appropriate.*

12 ***TITLE VII—REPORTS AND OTHER*** 13 ***MATTERS***

14 ***SEC. 701. PILOT PROGRAM FOR SECURITY VETTING OF CER-*** 15 ***TAIN INDIVIDUALS.***

16 (a) *ESTABLISHMENT.*—*The Under Secretary of De-*
 17 *fense for Intelligence and Security may establish a pilot*
 18 *program to identify risks associated with individuals who*
 19 *are performing unclassified research funded by the Depart-*
 20 *ment of Defense who would not otherwise undergo Federal*
 21 *personnel vetting.*

22 (b) *ELEMENTS.*—*In carrying out the pilot program*
 23 *under this section, the Under Secretary of Defense for Intel-*
 24 *ligence and Security may—*

1 (1) *identify the size of the population to be vetted*
2 *under the pilot program;*

3 (2) *establish a process to obtain information*
4 *from individuals to be vetted under the pilot program;*

5 (3) *determine the criteria to evaluate national*
6 *security risks to research funded by the Department*
7 *of Defense from individuals who are participating in*
8 *such research;*

9 (4) *establish a process to conduct vetting, includ-*
10 *ing referrals to appropriate counterintelligence and*
11 *law enforcement entities, for the population to be*
12 *screened under the pilot program; and*

13 (5) *carry out the process described in paragraph*
14 (4) *with respect to the population to be screened*
15 *under the pilot program.*

16 (c) *REPORT.—Before commencing the pilot program*
17 *under this section, the Under Secretary of Defense for Intel-*
18 *ligence and Security shall submit to the appropriate con-*
19 *gressional committees a report containing details of the*
20 *planned elements of the pilot program under subsection (b).*

21 (d) *BRIEFINGS.—Not less frequently than annually*
22 *during the 3-year period beginning on the date that is 1*
23 *year after the date of the enactment of this Act, the Under*
24 *Secretary of Defense for Intelligence and Security shall pro-*

1 *vide to the appropriate congressional committees a briefing*
 2 *on the status of the pilot program under this section.*

3 (e) *TERMINATION.*—*The authority to conduct the pilot*
 4 *program under this section shall terminate on the date that*
 5 *is 5 years after the date of the enactment of this Act.*

6 (f) *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 such*
 11 *term is defined in section 101(a) of title 10, United*
 12 *States Code).*

13 **SEC. 702. INTELLIGENCE ASSESSMENT AND REPORTS ON**
 14 **FOREIGN RACIALLY MOTIVATED VIOLENT EX-**
 15 **TREMISTS.**

16 (a) *INTELLIGENCE ASSESSMENT.*—

17 (1) *REQUIREMENT.*—*Not later than 120 days*
 18 *after the date of the enactment of this Act, the Direc-*
 19 *tor of National Intelligence, acting through the Direc-*
 20 *tor of the National Counterterrorism Center, in co-*
 21 *ordination with the Director of the Federal Bureau of*
 22 *Investigation and the Under Secretary of Homeland*
 23 *Security for Intelligence and Analysis, and in con-*
 24 *sultation with other relevant Federal departments and*
 25 *agencies, shall submit to the appropriate congres-*

1 sional committees an intelligence assessment on sig-
2 nificant threats to the United States associated with
3 foreign racially motivated violent extremist organiza-
4 tions.

5 (2) *ELEMENTS.*—The assessment under para-
6 graph (1) shall include the following:

7 (A) A list of foreign racially motivated vio-
8 lent extremist organizations that pose a signifi-
9 cant threat to the national security of the United
10 States.

11 (B) With respect to each such organiza-
12 tion—

13 (i) an overview of the membership, ide-
14 ology, and activities;

15 (ii) a description of any transnational
16 links to the United States or United States
17 persons;

18 (iii) a description of the leadership,
19 plans, intentions, and capabilities;

20 (iv) whether (and if so, to what extent)
21 foreign governments or their proxies provide
22 any manner of support to such organiza-
23 tions, including a list of each such foreign
24 government or proxy;

1 (v) a description of the composition
2 and characteristics of the members and sup-
3 port networks, including whether (and if so,
4 to what extent) the members are also a part
5 of a military, security service, or police;

6 (vi) a description of financing and
7 other forms of material support;

8 (vii) an assessment of trends and pat-
9 terns relative to communications, travel,
10 and training (including whether and to
11 what extent the organization is engaged in
12 or facilitating military or paramilitary
13 training);

14 (viii) an assessment of the
15 radicalization and recruitment, including
16 an analysis of the extremist messaging mo-
17 tivating members and supporters; and

18 (ix) whether (and if so, to what extent)
19 foreign governments have sufficient laws
20 and policies to counter threats to the United
21 States associated with the organization, in-
22 cluding best practices and gaps.

23 (C) An assessment of the status and extent
24 of information sharing, intelligence partnerships,
25 foreign police cooperation, and mutual legal as-

1 *sistance between the United States and foreign*
2 *governments relative to countering threats to the*
3 *United States associated with foreign racially*
4 *motivated violent extremist organizations.*

5 *(D) An assessment of intelligence gaps and*
6 *recommendations on how to remedy such gaps.*

7 *(E) An opportunity analysis regarding*
8 *countering such threats, including, at a min-*
9 *imum, with respect to mitigating and disrupting*
10 *the transnational nexus.*

11 *(3) STANDARDS.—The intelligence assessment*
12 *under paragraph (1) shall be conducted in a manner*
13 *that meets the analytic integrity and tradecraft*
14 *standards of the intelligence community.*

15 *(4) FORM.—The intelligence assessment under*
16 *paragraph (1) shall be submitted in unclassified form,*
17 *but may include a classified annex in electronic form*
18 *that is fully indexed and searchable. In carrying out*
19 *this paragraph, the officials specified in paragraph*
20 *(1) shall—*

21 *(A) ensure that the assessment is unclassi-*
22 *fied to the extent possible; and*

23 *(B) ensure that the assessment is drafted in*
24 *a way to maximize the ability to share the as-*

1 *sessment, including the classified annex, with the*
2 *entities under paragraph (5).*

3 (5) *SHARING.*—*Consistent with the protection of*
4 *classified information, the Director of National Intel-*
5 *ligence, acting through the Director of the National*
6 *Counterterrorism Center, in coordination with the Di-*
7 *rector of the Federal Bureau of Investigation and the*
8 *Under Secretary of Homeland Security for Intel-*
9 *ligence and Analysis, shall share the intelligence as-*
10 *sessment under paragraph (1) with—*

11 (A) *appropriate Federal departments and*
12 *agencies;*

13 (B) *Joint Terrorism Task Forces and the*
14 *Domestic Terrorism-Hate Crimes Fusion Cell of*
15 *the Federal Bureau of Investigation;*

16 (C) *State, local, and Tribal law enforcement*
17 *officials, including officials who operate within*
18 *State, local, and regional fusion centers through*
19 *the Department of Homeland Security State,*
20 *Local, and Regional Fusion Center Initiative es-*
21 *tablished in accordance with section 210A of the*
22 *Homeland Security Act of 2002 (6 U.S.C. 124h);*
23 *and*

24 (D) *appropriate foreign governments, in-*
25 *cluding foreign intelligence services and foreign*

1 *police, and international institutions, that part-*
2 *ner with the United States on countering signifi-*
3 *cant threats associated with foreign racially mo-*
4 *tivated violent extremist organizations.*

5 **(b) REPORT.—**

6 **(1) REQUIREMENT.—***Not later than 150 days*
7 *after the date of the enactment of this Act, the Direc-*
8 *tor of National Intelligence, acting through the Direc-*
9 *tor of the National Counterterrorism Center, in co-*
10 *ordination with the Secretary of State, the Secretary*
11 *of the Treasury, the Attorney General, the Secretary*
12 *of Homeland Security, and in a manner consistent*
13 *with the authorities and responsibilities of such Sec-*
14 *retary or Director, shall submit to the appropriate*
15 *congressional committees a report on the use of Fed-*
16 *eral laws, regulations, and policies by the Federal*
17 *Government to counter significant threats to the*
18 *United States and United States persons associated*
19 *with foreign racially motivated violent extremist or-*
20 *ganizations.*

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

23 **(A)** *An identification, description, and as-*
24 *essment of the use and efficacy of, Federal laws,*
25 *regulations, and policies used by the Federal*

1 *Government to address significant threats to the*
2 *United States and United States persons associ-*
3 *ated with foreign racially motivated violent ex-*
4 *tremist organizations, including pursuant to—*

5 *(i) section 1016 of the Intelligence Re-*
6 *form and Terrorism Prevention Act of 2004*
7 *(6 U.S.C. 485) and section 119 of the Na-*
8 *tional Security Act of 1949 (50 U.S.C.*
9 *3056), particularly with respect to the co-*
10 *ordination and integration of all instru-*
11 *ments of national power;*

12 *(ii) Executive Order 12333 (50 U.S.C.*
13 *3001 note), as amended;*

14 *(iii) the designation of foreign terrorist*
15 *organizations under section 219 of the Im-*
16 *migration and Nationality Act (8 U.S.C.*
17 *1189);*

18 *(iv) the designation of specially des-*
19 *ignated terrorists, specially designated glob-*
20 *al terrorists, or specially designated nation-*
21 *als and blocked persons, pursuant to Execu-*
22 *tive Orders 13886, 13372, and 13224 and*
23 *parts 594, 595, 596, and 597 of title 31,*
24 *Code of Federal Regulations;*

1 (v) *National Security Presidential*
2 *Memorandums 7 and 9, particularly with*
3 *respect to the sharing of terrorism informa-*
4 *tion and screening and vetting activities;*
5 *and*

6 (vi) *any other applicable Federal laws,*
7 *regulations, or policies.*

8 (B) *An assessment of whether (and if so, to*
9 *what extent and why) such Federal laws, regula-*
10 *tions, and policies are sufficient to counter such*
11 *threats, including a description of any gaps and*
12 *specific examples to illustrate such gaps.*

13 (C) *Recommendations regarding how to*
14 *remedy the gaps under subparagraph (B).*

15 (3) *PRIVACY AND CIVIL LIBERTIES ASSESS-*
16 *MENT.—Not later than 180 days after the date of the*
17 *enactment of this Act, the Privacy and Civil Liberties*
18 *Oversight Board, in consultation with the civil lib-*
19 *erties and privacy officers of the Federal departments*
20 *and agencies the Board determines appropriate, shall*
21 *submit to the appropriate congressional committees a*
22 *report containing—*

23 (A) *an assessment of the impacts on the pri-*
24 *vacy and civil liberties of United States persons*
25 *concerning the use or recommended use of any*

1 *Federal laws, regulations, and policies specified*
2 *in paragraph (2); and*

3 *(B) recommendations on options to develop*
4 *protections to mitigate such impacts.*

5 (4) *FORM.*—*The reports under paragraphs (1)*
6 *and (2) shall be submitted in unclassified form, but*
7 *may include a classified annex in electronic form that*
8 *is fully indexed and searchable. In carrying out this*
9 *paragraph, the officials responsible for submitting*
10 *such reports shall ensure that the reports are unclassi-*
11 *fied to the extent possible.*

12 (c) *DEFINITIONS.*—*In this section:*

13 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
14 *TEES.*—*The term “appropriate congressional commit-*
15 *tees” means—*

16 (A) *the Permanent Select Committee on In-*
17 *telligence, the Committee on Homeland Security,*
18 *the Committee on Foreign Affairs, and the Com-*
19 *mittee on the Judiciary of the House of Rep-*
20 *resentatives; and*

21 (B) *the Select Committee on Intelligence,*
22 *the Committee on Homeland Security and Gov-*
23 *ernmental Affairs, the Committee on Foreign Re-*
24 *lations, and the Committee on the Judiciary of*
25 *the Senate.*

1 (2) *TERRORISM INFORMATION*.—The term “ter-
 2 rorism information” has the meaning given that term
 3 in section 1016(a) of the Intelligence Reform and Ter-
 4 rorism Prevention Act of 2004 (6 U.S.C. 485(a)).

5 (3) *UNITED STATES PERSON*.—The term “United
 6 States person” has the meaning given that term in
 7 section 105A(c) of the National Security Act of 1947
 8 (50 U.S.C. 3039).

9 **SEC. 703. PERIODIC REPORT ON POSITIONS IN INTEL-**
 10 **LIGENCE COMMUNITY THAT CAN BE CON-**
 11 **DUCTED WITHOUT ACCESS TO CLASSIFIED**
 12 **INFORMATION, NETWORKS, OR FACILITIES.**

13 Section 6610 of the Damon Paul Nelson and Matthew
 14 Young Pollard Intelligence Authorization Act for Fiscal
 15 Years 2018, 2019, and 2020 (50 U.S.C. 3352e) is amend-
 16 ed—

17 (1) by striking “this Act and not less frequently
 18 than once every 5 years thereafter,” and inserting
 19 “this Act, and biennially thereafter,”; and

20 (2) by adding at the end the following new sen-
 21 tence: “Such report shall take into account the poten-
 22 tial effect of maintaining continuity of operations
 23 during a covered national emergency (as defined by
 24 section 303 of the Intelligence Authorization Act for
 25 Fiscal Year 2021 (division W of Public Law 116–

1 260)) and the assessed needs of the intelligence com-
 2 munity to maintain such continuity of operations.”.

3 **SEC. 704. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL**
 4 **THREATS.**

5 (a) *REQUIREMENT.*—Title XI of the National Security
 6 Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding
 7 at the end the following new section (and conforming the
 8 table of contents at the beginning of such Act accordingly):

9 **“SEC. 1111. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL**
 10 **THREATS.**

11 “(a) *REPORTS.*—On a biennial basis until the date
 12 that is 10 years after the date of the enactment of the Intel-
 13 ligence Authorization Act for Fiscal Year 2022, the Director
 14 of National Intelligence shall submit to the congressional
 15 intelligence committees a comprehensive report on the ac-
 16 tivities, prioritization, and responsibilities of the intel-
 17 ligence community with respect to foreign biological threats
 18 emanating from the territory of, or sponsored by, a covered
 19 country.

20 “(b) *MATTERS INCLUDED.*—Each report under sub-
 21 section (a) shall include, with respect to foreign biological
 22 threats emanating from the territory of, or sponsored by,
 23 a covered country, the following:

24 “(1) A detailed description of all activities relat-
 25 ing to such threats undertaken by each element of the

1 *intelligence community, and an assessment of any*
2 *gaps in such activities.*

3 *“(2) A detailed description of all duties and re-*
4 *sponsibilities relating to such threats explicitly au-*
5 *thorized or otherwise assigned, exclusively or jointly,*
6 *to each element of the intelligence community, and an*
7 *assessment of any identified gaps in such duties or re-*
8 *sponsibilities.*

9 *“(3) A description of the coordination among the*
10 *relevant elements of the intelligence community with*
11 *respect to the activities specified in paragraph (1)*
12 *and the duties and responsibilities specified in para-*
13 *graph (2).*

14 *“(4) An inventory of the strategies, plans, poli-*
15 *cies, and interagency agreements of the intelligence*
16 *community relating to the collection, monitoring,*
17 *analysis, mitigation, and attribution of such threats,*
18 *and an assessment of any identified gaps therein.*

19 *“(5) A description of the coordination and inter-*
20 *actions among the relevant elements of the intelligence*
21 *community and non-intelligence community partners.*

22 *“(6) An assessment of foreign malign influence*
23 *efforts relating to such threats, and a description of*
24 *how the intelligence community contributes to efforts*

1 *by non-intelligence community partners to counter*
 2 *such foreign malign influence.*

3 “(c) *FORM.—Each report submitted under subsection*
 4 *(a) may be submitted in classified form, but if so submitted*
 5 *shall include an unclassified executive summary.*

6 “(d) *DEFINITIONS.—In this section:*

7 “(1) *COVERED COUNTRY.—The term ‘covered*
 8 *country’ means—*

9 “(A) *China;*

10 “(B) *Iran;*

11 “(C) *North Korea;*

12 “(D) *Russia; and*

13 “(E) *any other foreign country—*

14 “(i) *from which the Director of Na-*
 15 *tional Intelligence determines a biological*
 16 *threat emanates; or*

17 “(ii) *that the Director determines has*
 18 *a known history of, or has been assessed as*
 19 *having conditions present for, infectious dis-*
 20 *ease outbreaks or epidemics.*

21 “(2) *FOREIGN BIOLOGICAL THREAT.—The term*
 22 *‘foreign biological threat’ means biological warfare,*
 23 *bioterrorism, naturally occurring infectious diseases,*
 24 *or accidental exposures to biological materials, with-*
 25 *out regard to whether the threat originates from a*

1 *state actor, a non-state actor, natural conditions, or*
 2 *an undetermined source.*

3 “(3) *FOREIGN MALIGN INFLUENCE.*—*The term*
 4 *‘foreign malign influence’ has the meaning given such*
 5 *term in section 119C(e).*

6 “(4) *NON-INTELLIGENCE COMMUNITY PART-*
 7 *NER.*—*The term ‘non-intelligence community partner’*
 8 *means a Federal department or agency that is not an*
 9 *element of the intelligence community.’.*

10 *(b) FIRST REPORT.*—*Not later than 120 days after the*
 11 *date of the enactment of this Act, the Director of National*
 12 *Intelligence shall submit to the congressional intelligence*
 13 *committees the first report required under section 1111 of*
 14 *the National Security Act of 1947, as added by subsection*
 15 *(a).*

16 **SEC. 705. ANNUAL REPORTS ON DOMESTIC ACTIVITIES OF**
 17 **INTELLIGENCE COMMUNITY.**

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

20 *(1) the Federal Bureau of Investigation and the*
 21 *Department of Homeland Security conduct vital work*
 22 *in enforcing the rule of law and safeguarding the peo-*
 23 *ple of the United States from harm;*

24 *(2) the Intelligence Reform and Terrorism Pre-*
 25 *vention Act of 2004 (Public Law 108–458; 118 Stat.*

1 3638) sought to facilitate greater information sharing
 2 between law enforcement and intelligence commu-
 3 nities for the purpose of thwarting attacks on the
 4 homeland from international terrorist organizations;

5 (3) *National Intelligence Program funds should*
 6 *be expended only in support of intelligence activities*
 7 *with a foreign nexus, consistent with the definition of*
 8 *“intelligence” provided by Congress in section 3 of the*
 9 *National Security Act of 1947 (50 U.S.C. 3003); and*
 10 (4) *the intelligence community should not engage*
 11 *in the collection, assessment, or analysis of informa-*
 12 *tion that pertains exclusively to United States persons*
 13 *absent a foreign nexus.*

14 (b) *REQUIREMENT.—Title XI of the National Security*
 15 *Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section*
 16 *704, is further amended by adding at the end the following*
 17 *new section (and conforming the table of contents at the*
 18 *beginning of such Act accordingly):*

19 **“SEC. 1112. ANNUAL REPORTS ON THE DOMESTIC ACTIVI-**
 20 **TIES OF THE INTELLIGENCE COMMUNITY.**

21 “(a) *REPORTS.—Not later than January 31 of each*
 22 *year, the Director of National Intelligence shall submit to*
 23 *the congressional intelligence committees a report—*

1 “(1) identifying all domestic activities under-
 2 taken by each element of the intelligence community
 3 during the prior fiscal year; and

4 “(2) for each activity identified under paragraph
 5 (1), a statement of the legal authority authorizing
 6 such activity to be undertaken.

7 “(b) *FORM.*—Each report under subsection (a) shall
 8 be submitted in unclassified form, but may include a classi-
 9 fied annex.”.

10 (c) *FIRST REPORT.*—Not later than 90 days after the
 11 date of the enactment of this Act, the Director of National
 12 Intelligence shall submit to the congressional intelligence
 13 committees the first report required under section 1112 of
 14 the National Security Act of 1947, as added by subsection
 15 (a).

16 **SEC. 706. ANNUAL REPORTS ON CERTAIN CYBER**
 17 **VULNERABILITIES PROCURED BY INTEL-**
 18 **LIGENCE COMMUNITY AND FOREIGN COM-**
 19 **MERCIAL PROVIDERS OF CYBER**
 20 **VULNERABILITIES.**

21 (a) *REQUIREMENT.*—Title XI of the National Security
 22 Act of 1947 (50 U.S.C. 3231 et seq.), as amended by section
 23 705, is further amended by adding at the end the following
 24 new section (and conforming the table of contents at the
 25 beginning of such Act accordingly):

1 **“SEC. 1113. ANNUAL REPORTS ON CERTAIN CYBER**
 2 **VULNERABILITIES PROCURED BY INTEL-**
 3 **LIGENCE COMMUNITY AND FOREIGN COM-**
 4 **MERCIAL PROVIDERS OF CYBER**
 5 **VULNERABILITIES.**

6 “(a) *ANNUAL REPORTS.*—On an annual basis through
 7 2026, the Director of the Central Intelligence Agency and
 8 the Director of the National Security Agency, in coordina-
 9 tion with the Director of National Intelligence, shall jointly
 10 submit to the congressional intelligence committees a report
 11 containing information on foreign commercial providers
 12 and the cyber vulnerabilities procured by the intelligence
 13 community through foreign commercial providers.

14 “(b) *ELEMENTS.*—Each report under subsection (a)
 15 shall include, with respect to the period covered by the re-
 16 port, the following:

17 “(1) *A description of each cyber vulnerability*
 18 *procured through a foreign commercial provider, in-*
 19 *cluding—*

20 “(A) *a description of the vulnerability;*

21 “(B) *the date of the procurement;*

22 “(C) *whether the procurement consisted of*
 23 *only that vulnerability or included other*
 24 *vulnerabilities;*

25 “(D) *the cost of the procurement;*

1 “(E) the identity of the commercial pro-
2 vider and, if the commercial provider was not
3 the original supplier of the vulnerability, a de-
4 scription of the original supplier;

5 “(F) the country of origin of the vulner-
6 ability; and

7 “(G) an assessment of the ability of the in-
8 telligence community to use the vulnerability, in-
9 cluding whether such use will be operational or
10 for research and development, and the approxi-
11 mate timeline for such use.

12 “(2) An assessment of foreign commercial pro-
13 viders that—

14 “(A) pose a significant threat to the na-
15 tional security of the United States; or

16 “(B) have provided cyber vulnerabilities to
17 any foreign government that—

18 “(i) has used the cyber vulnerabilities
19 to target United States persons, the United
20 States Government, journalists, or dis-
21 sidents; or

22 “(ii) has an established pattern or
23 practice of violating human rights or sup-
24 pressing dissent.

1 “(3) *An assessment of whether the intelligence*
2 *community has conducted business with the foreign*
3 *commercial providers identified under paragraph (2)*
4 *during the 5-year period preceding the date of the re-*
5 *port.*

6 “(c) *FORM.—Each report under subsection (a) may be*
7 *submitted in classified form.*

8 “(d) *DEFINITIONS.—In this section:*

9 “(1) *COMMERCIAL PROVIDER.—The term ‘com-*
10 *mercial provider’ means any person that sells, or acts*
11 *as a broker, for a cyber vulnerability.*

12 “(2) *CYBER VULNERABILITY.—The term ‘cyber*
13 *vulnerability’ means any tool, exploit, vulnerability,*
14 *or code that is intended to compromise a device, net-*
15 *work, or system, including such a tool, exploit, vul-*
16 *nerability, or code procured by the intelligence com-*
17 *munity for purposes of research and development.”.*

18 “(b) *FIRST REPORT.—Not later than 90 days after the*
19 *date of the enactment of this Act, the Director of the Central*
20 *Intelligence Agency and the Director of the National Secu-*
21 *rity Agency shall jointly submit to the appropriate congres-*
22 *sional committees the first report required under section*
23 *1113 of the National Security Act of 1947, as added by sub-*
24 *section (a).*

1 **SEC. 707. IMPROVEMENTS TO ANNUAL REPORT ON DEMO-**
2 **GRAPHIC DATA OF EMPLOYEES OF INTEL-**
3 **LIGENCE COMMUNITY.**

4 *Section 5704(c) of the Damon Paul Nelson and Mat-*
5 *thew Young Pollard Intelligence Authorization Act for Fis-*
6 *cal Years 2018, 2019, and 2020 (50 U.S.C. 3334b(c)) is*
7 *amended—*

8 *(1) in the matter preceding paragraph (1), by*
9 *striking “After making available a report under sub-*
10 *section (b), the Director of National Intelligence shall*
11 *annually provide a report” and inserting “Not later*
12 *than March 31 of each year, the Director of National*
13 *Intelligence shall provide a report”; and*

14 *(2) by striking paragraph (1) and inserting the*
15 *following new paragraph:*

16 *“(1) demographic data and information on the*
17 *status of diversity and inclusion efforts of the intel-*
18 *ligence community, including demographic data re-*
19 *lating to—*

20 *“(A) the average years of service;*

21 *“(B) the average number of years of service*
22 *for each level in the General Schedule, Senior*
23 *Executive Service, Senior Intelligence Service, or*
24 *equivalent; and*

25 *“(C) career categories;”.*

1 **SEC. 708. NATIONAL INTELLIGENCE ESTIMATE ON ESCA-**
2 **LATION AND DE-ESCALATION OF GRAY ZONE**
3 **ACTIVITIES IN GREAT POWER COMPETITION.**

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

5 *(1) The conventional power of the United States*
6 *has driven foreign adversaries to a level of competi-*
7 *tion that does not always depend on military con-*
8 *frontation with the United States.*

9 *(2) Rather than challenging the United States in*
10 *a manner that could provoke a kinetic military re-*
11 *sponse, foreign adversaries of the United States have*
12 *turned to carrying out gray zone activities to advance*
13 *the interests of such adversaries, weaken the power of*
14 *the United States, and erode the norms that underpin*
15 *the United States-led international order.*

16 *(3) Gray zone activity falls on a spectrum of at-*
17 *tribution and deniability that ranges from covert ad-*
18 *versary operations, to detectible covert adversary op-*
19 *erations, to unattributable adversary operations, to*
20 *deniable adversary operations, to open adversary op-*
21 *erations.*

22 *(4) To adequately address such a shift to gray*
23 *zone activity, the United States must understand*
24 *what actions tend to either escalate or de-escalate such*
25 *activity by our adversaries.*

1 (5) *The laws, principles, and values of the*
2 *United States are strategic advantages in great power*
3 *competition with authoritarian foreign adversaries*
4 *that carry out gray zone activities, because such laws,*
5 *principles, and values increase the appeal of the gov-*
6 *ernance model of the United States, and the United*
7 *States-led international order, to states and peoples*
8 *around the world.*

9 (6) *The international security environment has*
10 *demonstrated numerous examples of gray zone activi-*
11 *ties carried out by foreign adversaries, including the*
12 *following activities of foreign adversaries:*

13 (A) *Information operations, such as efforts*
14 *by Russia to influence the 2020 United States*
15 *Federal elections (as described in the March 15,*
16 *2021, intelligence community assessment of the*
17 *Office of the Director of National Intelligence*
18 *made publicly available on March 15, 2021).*

19 (B) *Adversary political coercion operations,*
20 *such as the wielding of energy by Russia, par-*
21 *ticularly in the context of Ukrainian gas pipe-*
22 *lines, to coerce its neighbors into compliance*
23 *with its policies.*

1 (C) *Cyber operations, such as the use by*
2 *China of cyber tools to conduct industrial espio-*
3 *nage.*

4 (D) *Provision of support to proxy forces,*
5 *such as the support provided by Iran to*
6 *Hezbollah and Shia militia groups.*

7 (E) *Provocation by armed forces controlled*
8 *by the government of the foreign adversary*
9 *through measures that do not rise to the level of*
10 *an armed attack, such as the use of the China*
11 *Coast Guard and maritime militia by China to*
12 *harass the fishing vessels of other countries in the*
13 *South China Sea.*

14 (F) *Alleged uses of lethal force on foreign*
15 *soil, such as the 2018 poisoning of Sergei*
16 *Skripal in London by Russia.*

17 (G) *The potential use by an adversary of*
18 *technology that causes anomalous health inci-*
19 *dents among United States Government per-*
20 *sonnel.*

21 (b) *NATIONAL INTELLIGENCE ESTIMATE.—*

22 (1) *REQUIREMENT.—The Director of National*
23 *Intelligence, acting through the National Intelligence*
24 *Council, shall produce a National Intelligence Esti-*
25 *mate on how foreign adversaries use gray zone activi-*

1 *ties to advance interests, what responses by the*
2 *United States (or the allies or partners of the United*
3 *States) would tend to result in the escalation or de-*
4 *escalation of such gray zone activities by foreign ad-*
5 *versaries, and any opportunities for the United States*
6 *to minimize the extent to which foreign adversaries*
7 *use gray zone activities in furtherance of great power*
8 *competition.*

9 (2) *MATTERS INCLUDED.—To the extent deter-*
10 *mined appropriate by the National Intelligence Coun-*
11 *cil, the National Intelligence Estimate produced*
12 *under paragraph (1) may include an assessment of*
13 *the following topics:*

14 (A) *Any potential or actual lethal or harm-*
15 *ful gray zone activities carried out against the*
16 *United States by foreign adversaries, including*
17 *against United States Government employees*
18 *and United States persons, whether located with-*
19 *in or outside of the United States.*

20 (B) *To the extent such activities have oc-*
21 *curred, or are predicted to occur—*

22 (i) *opportunities to reduce or deter any*
23 *such activities; and*

1 (ii) any actions of the United States
2 Government that would tend to result in the
3 escalation or de-escalation of such activities.

4 (C) Any incidents in which foreign adver-
5 saries could have used, but ultimately did not
6 use, gray zone activities to advance the interests
7 of such adversaries, including an assessment as
8 to why the foreign adversary ultimately did not
9 use gray zone activities.

10 (D) The effect of lowering the United States
11 Government threshold for the public attribution
12 of detectible covert adversary operations,
13 unattributable adversary operations, and deni-
14 able adversary operations.

15 (E) The effect of lowering the United States
16 Government threshold for responding to detectible
17 covert adversary operations, unattributable ad-
18 versary operations, and deniable adversary oper-
19 ations.

20 (F) The extent to which the governments of
21 foreign adversaries exercise control over any
22 proxies or parastate actors used by such govern-
23 ments in carrying out gray zone activities.

1 (G) *The extent to which gray zone activities*
2 *carried out by foreign adversaries affect the pri-*
3 *vate sector of the United States.*

4 (H) *The international norms that provide*
5 *the greatest deterrence to gray zone activities*
6 *carried out by foreign adversaries, and opportu-*
7 *nities for strengthening those norms.*

8 (I) *The effect, if any, of the strengthening of*
9 *democratic governance abroad on the resilience of*
10 *United States allies and partners to gray zone*
11 *activities.*

12 (J) *Opportunities to strengthen the resil-*
13 *ience of United States allies and partners to*
14 *gray zone activities, and associated tactics, car-*
15 *ried out by foreign adversaries.*

16 (K) *Opportunities for the United States to*
17 *improve the detection of, and early warning for,*
18 *such activities and tactics.*

19 (L) *Opportunities for the United States to*
20 *galvanize international support in responding to*
21 *such activities and tactics.*

22 (3) *SUBMISSION TO CONGRESS.—*

23 (A) *SUBMISSION.—Not later than 1 year*
24 *after the date of the enactment of this Act, the*
25 *Director shall submit to the congressional intel-*

1 *ligence committees the National Intelligence Esti-*
2 *mate produced under paragraph (1), including*
3 *all intelligence reporting underlying the Esti-*
4 *mate.*

5 *(B) NOTICE REGARDING SUBMISSION.—If at*
6 *any time before the deadline specified in sub-*
7 *paragraph (A), the Director determines that the*
8 *National Intelligence Estimate produced under*
9 *paragraph (1) cannot be submitted by such dead-*
10 *line, the Director shall (before such deadline)*
11 *submit to the congressional intelligence commit-*
12 *tees a report setting forth the reasons why the*
13 *National Intelligence Estimate cannot be sub-*
14 *mitted by such deadline and an estimated date*
15 *for the submission of the National Intelligence*
16 *Estimate.*

17 *(C) FORM.—Any report under subpara-*
18 *graph (B) shall be submitted in unclassified*
19 *form.*

20 *(4) PUBLIC VERSION.—Consistent with the pro-*
21 *tection of intelligence sources and methods, at the*
22 *same time as the Director submits to the congres-*
23 *sional intelligence committees the National Intel-*
24 *ligence Estimate under paragraph (1), the Director*
25 *shall make publicly available on the internet website*

1 *of the Director an unclassified version of the key find-*
 2 *ings of the National Intelligence Estimate.*

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

4 (A) *GRAY ZONE ACTIVITY.—The term “gray*
 5 *zone activity” means an activity to advance the*
 6 *national interests of a State that—*

7 (i) *falls between ordinary statecraft*
 8 *and open warfare;*

9 (ii) *is carried out with an intent to*
 10 *maximize the advancement of interests of*
 11 *the state without provoking a kinetic mili-*
 12 *tary response by the United States; and*

13 (iii) *falls on a spectrum that ranges*
 14 *from covert adversary operations, to*
 15 *detectible covert adversary operations, to*
 16 *unattributable adversary operations, to de-*
 17 *niable adversary operations, to open adver-*
 18 *sary operations.*

19 (B) *COVERT ADVERSARY OPERATION.—The*
 20 *term “covert adversary operation” means an op-*
 21 *eration by an adversary that—*

22 (i) *the adversary intends to remain*
 23 *below the threshold at which the United*
 24 *States detects the operation; and*

25 (ii) *does stay below such threshold.*

1 (C) *DETECTIBLE COVERT ADVERSARY OPER-*
2 *ATION.—The term “detectible covert adversary*
3 *operation” means an operation by an adversary*
4 *that—*

5 (i) *the adversary intends to remain*
6 *below the threshold at which the United*
7 *States detects the operation; but*

8 (ii) *is ultimately detected by the*
9 *United States at a level below the level at*
10 *which the United States will publicly at-*
11 *tribute the operation to the adversary.*

12 (D) *UNATTRIBUTABLE ADVERSARY OPER-*
13 *ATION.—The term “unattributable adversary op-*
14 *eration” means an operation by an adversary*
15 *that the adversary intends to be detected by the*
16 *United States, but remain below the threshold at*
17 *which the United States will publicly attribute*
18 *the operation to the adversary.*

19 (E) *DENIABLE ADVERSARY OPERATION.—*
20 *The term “deniable adversary operation” means*
21 *an operation by an adversary that—*

22 (i) *the adversary intends to be detected*
23 *and publicly or privately attributed by the*
24 *United States; and*

1 (ii) the adversary intends to deny, to
 2 limit the response by the United States, and
 3 any allies of the United States.

4 (F) OPEN ADVERSARY OPERATION.—The
 5 term “open adversary operation” means an oper-
 6 ation by an adversary that the adversary openly
 7 acknowledges as attributable to the adversary.

8 (c) REQUIREMENT TO DEVELOP LEXICON.—

9 (1) REQUIREMENT.—The Director of National
 10 Intelligence, acting through the National Intelligence
 11 Council, shall develop a lexicon of common terms
 12 (and corresponding definitions for such terms) for
 13 concepts associated with gray zone activities.

14 (2) CONSIDERATIONS.—In developing the lexicon
 15 under paragraph (1), the National Intelligence Coun-
 16 cil shall include in the lexicon each term (and the cor-
 17 responding definition for each term) specified in sub-
 18 section (b)(5), unless the National Intelligence Council
 19 determines that an alternative term (or alternative
 20 definition)—

21 (A) more accurately describes a concept as-
 22 sociated with gray zone activities; or

23 (B) is preferable for any other reason.

24 (3) REPORT.—

1 (A) *PUBLICATION.*—*The Director of Na-*
 2 *tional Intelligence shall publish a report con-*
 3 *taining the lexicon developed under paragraph*
 4 *(1).*

5 (B) *FORM.*—*The report under subpara-*
 6 *graph (A) shall be published in unclassified*
 7 *form.*

8 **SEC. 709. REPORT ON CERTAIN ACTIONS TAKEN BY INTEL-**
 9 **LIGENCE COMMUNITY WITH RESPECT TO**
 10 **HUMAN RIGHTS AND INTERNATIONAL HU-**
 11 **MANITARIAN LAW.**

12 (a) *REPORT.*—*Not later than 120 days after the date*
 13 *of the enactment of this Act, the Director of National Intel-*
 14 *ligence, in coordination with the Director of the Central In-*
 15 *telligence Agency, the Director of the National Security*
 16 *Agency, the Secretary of Defense, and the Director of the*
 17 *Defense Intelligence Agency, shall submit to the congres-*
 18 *sional intelligence committees a report on certain actions*
 19 *taken by the intelligence community with respect to human*
 20 *rights and international humanitarian law.*

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

23 (1) *A detailed explanation of whether, and to*
 24 *what extent, each element of the intelligence commu-*
 25 *nity has provided intelligence products relating to the*

1 *efforts of the Secretary of State and the Secretary of*
2 *Treasury regarding the categorization, determinations*
3 *on eligibility for assistance and training, and general*
4 *understanding, of covered entities that commit, en-*
5 *gage, or are otherwise complicit in, violations of*
6 *human rights or international humanitarian law.*

7 *(2) A detailed explanation of whether, and to*
8 *what extent, each element of the intelligence commu-*
9 *nity has provided intelligence products relating to*
10 *any of the following:*

11 *(A) Section 7031(c) of the Department of*
12 *State, Foreign Operations, and Related Pro-*
13 *grams Appropriations Act, 2020 (division G of*
14 *Public Law 116–94; 8 U.S.C. 1182 note).*

15 *(B) The visa restriction policy of the De-*
16 *partment of State announced on February 26,*
17 *2021, and commonly referred to as the*
18 *“Khashoggi Ban”.*

19 *(C) The annual report requirement of the*
20 *Department of Defense under section 1057 of the*
21 *National Defense Authorization Act for Fiscal*
22 *Year 2018 (131 Stat. 1572).*

23 *(D) The Global Magnitsky Human Rights*
24 *Accountability Act (subtitle F of title XII of*
25 *Public Law 114–328; 22 U.S.C. 2656 note).*

1 (3) *A detailed explanation of the following proc-*
2 *esses:*

3 (A) *The process of each element of the intel-*
4 *ligence community for monitoring covered enti-*
5 *ties for derogatory human rights or international*
6 *humanitarian law information.*

7 (B) *The process of each element of the intel-*
8 *ligence community for determining the credi-*
9 *bility of derogatory human rights or inter-*
10 *national humanitarian law information.*

11 (C) *The process of each element of the intel-*
12 *ligence community for determining what further*
13 *action is appropriate if derogatory human rights*
14 *or international humanitarian law information*
15 *is determined to be credible.*

16 (4) *An unredacted copy of each policy or similar*
17 *document that describes a process specified in para-*
18 *graph (3).*

19 (5) *A detailed explanation of whether, with re-*
20 *spect to each element of the intelligence community,*
21 *the head of the element has changed or restricted any*
22 *activities of the element in response to derogatory*
23 *human rights or international humanitarian law in-*
24 *formation.*

1 (6) *Examples of any changes or restrictions spec-*
 2 *ified in paragraph (5) taken by the head of the ele-*
 3 *ment of the intelligence community during the two*
 4 *years preceding the date of the submission of the re-*
 5 *port.*

6 (c) *FORM.—The report under subsection (a) shall be*
 7 *submitted in unclassified form, but may include a classified*
 8 *annex.*

9 (d) *DEFINITIONS.—In this section:*

10 (1) *COVERED ENTITY.—The term “covered enti-*
 11 *ty”—*

12 (A) *means an individual, unit, or foreign*
 13 *government that—*

14 (i) *has a cooperative relationship with*
 15 *the United States Government; or*

16 (ii) *is the target of an intelligence col-*
 17 *lection activity carried out by the United*
 18 *States Government; but*

19 (B) *does not include an employee of the*
 20 *United States Government.*

21 (2) *DEROGATORY HUMAN RIGHTS OR INTER-*
 22 *NATIONAL HUMANITARIAN LAW INFORMATION.—The*
 23 *term “derogatory human rights or international hu-*
 24 *manitarian law information” means information*
 25 *tending to suggest that a covered entity committed,*

1 *participated, or was otherwise complicit in, a viola-*
 2 *tion of human rights or international humanitarian*
 3 *law, regardless of the credibility of such information,*
 4 *the source of the information, or the level of classifica-*
 5 *tion of the information.*

6 (3) *VIOLATION OF HUMAN RIGHTS OR INTER-*
 7 *NATIONAL HUMANITARIAN LAW.*—*The term “violation*
 8 *of human rights or international humanitarian law”*
 9 *includes a violation of any authority or obligation of*
 10 *the United States Government related to human*
 11 *rights or international humanitarian law, without re-*
 12 *gard to whether such authority or obligation is codi-*
 13 *fied in a provision of law, regulation, or policy.*

14 **SEC. 710. BRIEFING ON TRAININGS RELATING TO**
 15 **BLOCKCHAIN TECHNOLOGY.**

16 (a) *BRIEFING.*—*Not later than 90 days after the date*
 17 *of the enactment of this Act, the Director of National Intel-*
 18 *ligence shall provide to the congressional intelligence com-*
 19 *mittees a briefing on the feasibility and benefits of pro-*
 20 *viding training described in subsection (b).*

21 (b) *TRAINING DESCRIBED.*—*Training described in this*
 22 *subsection is training that meets the following criteria:*

23 (1) *The training is on cryptocurrency,*
 24 *blockchain technology, or both subjects.*

1 (2) *The training may be provided through part-*
 2 *nerships with universities or private sector entities.*

3 **SEC. 711. REPORT ON PROSPECTIVE ABILITY TO ADMIN-**
 4 **ISTER COVID-19 VACCINES AND OTHER MED-**
 5 **ICAL INTERVENTIONS TO CERTAIN INTEL-**
 6 **LIGENCE COMMUNITY PERSONNEL.**

7 (a) *REPORT.*—Not later than 180 days after the date
 8 of the enactment of this Act, the Director of National Intel-
 9 ligence and the Under Secretary of Defense for Intelligence
 10 and Security, in consultation with the elements of the intel-
 11 ligence community and relevant public health agencies of
 12 the United States, shall jointly develop and submit to the
 13 congressional intelligence committees a report on the pro-
 14 spective ability of the intelligence community to administer
 15 COVID-19 vaccines, and such other medical interventions
 16 as may be relevant in the case of a future covered national
 17 emergency, to covered personnel (particularly with respect
 18 to essential covered personnel and covered personnel de-
 19 ployed outside of the United States).

20 (b) *MATTERS INCLUDED.*—The report under subsection
 21 (a) shall include an assessment of the following:

22 (1) *The prospective ability of the elements of the*
 23 *intelligence community to administer COVID-19 vac-*
 24 *cines (including subsequent booster shots for COVID-*
 25 *19), to covered personnel, and whether additional au-*

1 *thorities or resources are necessary for, or may other-*
2 *wise facilitate, such administration.*

3 *(2) The potential risks and benefits of granting*
4 *the additional authorities or resources described in*
5 *paragraph (1) to the Director, the Under Secretary,*
6 *or both.*

7 *(3) With respect to potential future covered na-*
8 *tional emergencies, including future outbreaks of an*
9 *infectious pandemic disease or similar public health*
10 *emergencies, the following:*

11 *(A) The ability of the intelligence commu-*
12 *nity to ensure the timely administration of med-*
13 *ical interventions to covered personnel during the*
14 *covered national emergency.*

15 *(B) Whether additional authorities or re-*
16 *sources are necessary to ensure, or may otherwise*
17 *facilitate, such timely administration, including*
18 *with respect to the ability of the Director or*
19 *Under Secretary to provide an alternative means*
20 *of access to covered personnel with reduced access*
21 *to the interventions provided by the respective*
22 *element.*

23 *(C) The potential risks and benefits of*
24 *granting the additional authorities or resources*

1 *described in subparagraph (B) to the Director,*
2 *the Under Secretary, or both.*

3 *(4) A summary of the findings of the survey*
4 *under subsection (c).*

5 *(c) SURVEY.—Not later than 120 days after the date*
6 *of the enactment of this Act, and prior to submitting the*
7 *report under subsection (a), the Director and the Under*
8 *Secretary shall jointly conduct a survey to determine the*
9 *process by which each element of the intelligence community*
10 *has administered COVID–19 vaccines to covered personnel,*
11 *to inform continued medical care relating to COVID–19*
12 *and future responses to covered national emergencies. Such*
13 *survey shall address, with respect to each element, the fol-*
14 *lowing:*

15 *(1) The timeline of the element with respect to*
16 *the administration of COVID–19 vaccines prior to the*
17 *date of the enactment of this Act.*

18 *(2) The process by which the element determined*
19 *when covered personnel would become eligible to re-*
20 *ceive the COVID–19 vaccine (including if certain cat-*
21 *egories of such personnel became eligible before oth-*
22 *ers).*

23 *(3) A general approximation of the percentage of*
24 *covered personnel of the element that received the*
25 *COVID–19 vaccine from the element versus through*

1 *an alternative means (such as a private sector entity,*
2 *foreign government, State, or local government), par-*
3 *ticularly with respect to covered personnel deployed*
4 *outside of the United States.*

5 (4) *Any challenges encountered by the element*
6 *with respect to the administration of COVID–19 vac-*
7 *cines prior to the date of the enactment of this Act.*

8 (5) *Any other feedback determined relevant for*
9 *purposes of the survey.*

10 (d) *PRIVACY CONSIDERATIONS.—In carrying out the*
11 *report and survey requirements under this section, the Di-*
12 *rector, the Under Secretary, and the heads of the elements*
13 *of the intelligence community shall ensure, to the extent*
14 *practicable, the preservation of medical privacy and the an-*
15 *onymity of data.*

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

17 (1) *COVERED NATIONAL EMERGENCY.—The term*
18 *“covered national emergency” has the meaning given*
19 *such term in section 303 of the Intelligence Authoriza-*
20 *tion Act for Fiscal Year 2021 (50 U.S.C. 3316b).*

21 (2) *COVERED PERSONNEL.—The term “covered*
22 *personnel” means personnel who are—*

23 (A) *employees of, or otherwise detailed or*
24 *assigned to, an element of the intelligence com-*
25 *munity; or*

1 (B) funded under the National Intelligence
2 Program or the Military Intelligence Program.

3 (3) *ESSENTIAL COVERED PERSONNEL*.—The term
4 “essential covered personnel” means covered personnel
5 deemed essential to—

6 (A) continuity of operations of the intel-
7 ligence community;

8 (B) continuity of operations of the United
9 States Government; or

10 (C) other purposes related to the national
11 security of the United States.

12 (4) *NATIONAL INTELLIGENCE PROGRAM*.—The
13 term “National Intelligence Program” has the mean-
14 ing given such term in section 3 of the National Secu-
15 rity Act of 1947 (50 U.S.C. 3003).

16 **SEC. 712. REPORT ON POTENTIAL INCLUSION WITHIN IN-**
17 **TELLIGENCE COMMUNITY OF THE OFFICE OF**
18 **NATIONAL SECURITY OF THE DEPARTMENT**
19 **OF HEALTH AND HUMAN SERVICES.**

20 (a) *REPORT*.—Not later than 180 days after the date
21 of the enactment of this Act, the Director of National Intel-
22 ligence, in coordination with the Secretary of Health and
23 Human Services, shall submit to the appropriate congres-
24 sional committees a report on the potential advantages and
25 disadvantages of adding the Office of National Security of

1 *the Department of Health and Human Services as a new*
2 *element of the intelligence community.*

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

5 (1) *An assessment of the following:*

6 (A) *The likelihood that the addition of the*
7 *Office of National Security as a new element of*
8 *the intelligence community would increase*
9 *connectivity between other elements of the intel-*
10 *ligence community working on health security*
11 *topics and the Department of Health and*
12 *Human Services.*

13 (B) *The likelihood that such addition would*
14 *increase the flow of raw intelligence and finished*
15 *intelligence products to officials of the Depart-*
16 *ment of Health and Human Services.*

17 (C) *The likelihood that such addition would*
18 *facilitate the flow of information relating to*
19 *health security topics to intelligence analysts of*
20 *various other elements of the intelligence commu-*
21 *nity working on such topics.*

22 (D) *The extent to which such addition*
23 *would clearly demonstrate to both the national*
24 *security community and the public health com-*
25 *munity that health security is national security.*

1 (E) *Any anticipated impediments to such*
2 *addition relating to additional budgetary over-*
3 *sight by the executive branch or Congress.*

4 (F) *Any other significant advantages or dis-*
5 *advantages of such addition, as identified by ei-*
6 *ther the Director of National Intelligence or the*
7 *Secretary of Health and Human Services.*

8 (2) *A joint recommendation by the Director of*
9 *National Intelligence and the Secretary of Health and*
10 *Human Services as to whether to add the Office of*
11 *National Security as a new element of the intelligence*
12 *community.*

13 (c) *FORM.*—*The report under subsection (a) shall be*
14 *submitted in unclassified form, but may include a classified*
15 *annex.*

16 (d) *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 Committee on Energy and Commerce of*
21 *the House of Representatives and the Committee on*
22 *Health, Education, Labor, and Pensions of the Sen-*
23 *ate.*

1 **SEC. 713. REPORTS RELATING TO INSPECTOR GENERAL OF**
2 **DEFENSE INTELLIGENCE AGENCY.**

3 (a) *REPORT ON RESPONSES BY INSPECTOR GENERAL*
4 *TO SUBSTANTIATED ALLEGATIONS.*—

5 (1) *REPORT.*—Not later than 180 days after the
6 date of the enactment of this Act, the Director of the
7 Defense Intelligence Agency shall submit to the con-
8 gressional intelligence committees a report on allega-
9 tions of reprisal or abuse of authority determined to
10 be substantiated by the Inspector General of the De-
11 fense Intelligence Agency during the 5-year period
12 preceding the date of the enactment of this Act.

13 (2) *MATTERS INCLUDED.*—The report under
14 paragraph (1) shall include, with respect to each alle-
15 gation determined to be substantiated during the 5-
16 year period specified in such paragraph, a descrip-
17 tion of the following:

18 (A) *Details of each substantiated allegation.*

19 (B) *The rank or grade of the individuals in-*
20 *volved in the allegation.*

21 (C) *Any disciplinary action recommended*
22 *by the Inspector General in response to the alle-*
23 *gation, or, if the Inspector General recommended*
24 *no disciplinary action be taken in response, any*
25 *justification for such recommendation.*

1 (D) *Any disciplinary action taken by the*
2 *relevant manager of the Defense Intelligence*
3 *Agency in response to the allegation.*

4 (E) *Whether the relevant manager reduced,*
5 *or declined to take, a disciplinary action rec-*
6 *ommended by the Inspector General in response*
7 *to the allegation.*

8 (F) *Any justification from the relevant*
9 *manager regarding the decision to take, reduce,*
10 *or decline to take, a disciplinary action rec-*
11 *ommended by the Inspector General in response*
12 *to the allegation.*

13 (G) *The process by which Defense Intel-*
14 *ligence Agency management reviews and makes*
15 *decisions regarding disciplinary actions in re-*
16 *sponse to substantiated allegations, including—*

17 (i) *the criteria applied by management*
18 *in making the decision to take, reduce, or*
19 *decline to take, a disciplinary action;*

20 (ii) *a description of which managers*
21 *have the authority to make such decisions,*
22 *including the rank or grade of the man-*
23 *agers; and*

1 (iii) a description of any formal or in-
2 formal appeals processes available with re-
3 spect to such decisions.

4 (3) *FORM.*—The report under paragraph (1)
5 shall be submitted in unclassified form, but may in-
6 clude a classified annex.

7 (b) *REPORT ON PROCESSES FOR ENSURING INDE-*
8 *PENDENCE OF INSPECTOR GENERAL.*—

9 (1) *REPORT.*—Not later than 30 days after the
10 date of the enactment of this Act, the Director of the
11 Defense Intelligence Agency shall submit to the con-
12 gressional intelligence committees and the Council of
13 the Inspectors General on Integrity and Efficiency es-
14 tablished under section 11 of the Inspector General
15 Act of 1978 (5 U.S.C. App.) a report on the processes
16 of the Defense Intelligence Agency for ensuring the
17 independence of the position of the Inspector General
18 of the Defense Intelligence Agency.

19 (2) *MATTERS INCLUDED.*—The report under
20 paragraph (1) shall include a description of the fol-
21 lowing:

22 (A) The selection criteria used by the Direc-
23 tor in the appointment of the Inspector General.

1 (B) *The methods used by the Director to en-*
 2 *sure the independence of the position of the In-*
 3 *pector General, including—*

4 (i) *the process for vetting candidates*
 5 *for such position for independence from*
 6 *leadership of the Defense Intelligence Agency*
 7 *and from officials occupying positions in*
 8 *the Defense Intelligence Senior Executive*
 9 *Service; and*

10 (ii) *the process for evaluating such*
 11 *candidates for conflicts of interest.*

12 (3) *FORM.—The report under paragraph (1)*
 13 *shall be submitted in unclassified form, but may in-*
 14 *clude a classified annex.*

15 (c) *ASSESSMENT BY COUNCIL OF INSPECTORS GEN-*
 16 *ERAL ON INTEGRITY AND EFFICIENCY.—*

17 (1) *ASSESSMENT.—Not later than 120 days after*
 18 *the date of the enactment of this Act, the Council of*
 19 *the Inspectors General on Integrity and Efficiency*
 20 *shall—*

21 (A) *conduct an assessment of the effective-*
 22 *ness of the selection criteria and methods speci-*
 23 *fied in subsection (b)(2) with respect to the posi-*
 24 *tion of the Inspector General of the Defense Intel-*
 25 *ligence Agency; and*

1 (B) submit to the congressional intelligence
2 committees a report containing the results of
3 such assessment.

4 (2) *FORM.*—The report under paragraph (1)(B)
5 shall be submitted in unclassified form, but may in-
6 clude a classified annex.

7 **SEC. 714. REPORT ON RARE EARTH ELEMENTS.**

8 (a) *REPORT.*—Not later than 180 days after the date
9 of the enactment of this Act, the Director of National Intel-
10 ligence, in coordination with the Director of the Defense In-
11 telligence Agency, the Director of the Office of Intelligence
12 and Counterintelligence of the Department of Energy, and
13 any other head of an element of the intelligence community
14 that the Director of National Intelligence determines rel-
15 evant, shall submit to the congressional intelligence commit-
16 tees a report on rare earth elements.

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

19 (1) An assessment coordinated by the National
20 Intelligence Council of—

21 (A) long-term trends in the global rare
22 earth element industry;

23 (B) the national security, economic, and in-
24 dustrial risks to the United States, and to the
25 partners and allies of the United States, with re-

1 *spect to relying on foreign countries for rare*
2 *earth mining and the processing or production of*
3 *rare earth elements;*

4 *(C) the intentions of foreign governments*
5 *with respect to limiting, reducing, or ending ac-*
6 *cess of the United States or the partners and al-*
7 *lies of the United States to—*

8 *(i) rare earth elements; or*

9 *(ii) any aspect of the rare earth min-*
10 *ing, processing, or production chain; and*

11 *(D) opportunities for the United States, and*
12 *for the partners and allies of the United States,*
13 *to assure continued access to—*

14 *(i) rare earth elements; and*

15 *(ii) the rare earth mining, processing,*
16 *or production chain.*

17 *(2) A description of—*

18 *(A) any relevant procurement, use, and*
19 *supply chain needs of the intelligence community*
20 *with respect to rare earth elements;*

21 *(B) any relevant planning or efforts by the*
22 *intelligence community to assure secured access*
23 *to rare earth elements;*

1 (C) any assessed vulnerabilities or risks to
2 the intelligence community with respect to rare
3 earth elements;

4 (D) any relevant planning or efforts by the
5 intelligence community to coordinate with de-
6 partments and agencies of the United States
7 Government that are not elements of the intel-
8 ligence community on securing the rare earth
9 element supply chain; and

10 (E) any previous or anticipated efforts by
11 the Supply Chain and Counterintelligence Risk
12 Management Task Force established under sec-
13 tion 6306 of the Damon Paul Nelson and Mat-
14 thew Young Pollard Intelligence Authorization
15 Act for Fiscal Years 2018, 2019, and 2020 (50
16 U.S.C. 3370) with respect to rare earth elements.

17 (c) *FORM.*—The report under subsection (a) shall be
18 submitted in unclassified form, but may include a classified
19 annex.

20 (d) *RARE EARTH ELEMENTS DEFINED.*—In this sec-
21 tion, the term “rare earth elements” includes products that
22 contain rare earth elements, including rare earth magnets.

1 **SEC. 715. REPORT ON PLAN TO FULLY FUND THE INFORMA-**
2 **TION SYSTEMS SECURITY PROGRAM AND**
3 **NEXT GENERATION ENCRYPTION.**

4 (a) *REPORT.*—Not later than 1 year after the date of
5 the enactment of this Act, the Secretary of Defense shall sub-
6 mit to the appropriate congressional committees a report
7 on the resources necessary to fully fund the Information
8 Systems Security Program during the period covered by the
9 most recent future-years defense program submitted under
10 section 221 of title 10, United States Code—

11 (1) *to address the cybersecurity requirements of*
12 *the Department of Defense; and*

13 (2) *for the adoption of next generation*
14 *encryption into existing and future systems.*

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

17 (1) *An assessment by the Chief Information Offi-*
18 *cer of the Department of Defense, in coordination*
19 *with the chiefs of the Armed Forces and in consulta-*
20 *tion with the Director of the National Security Agen-*
21 *cy, of the additional resources required to fund the*
22 *Information Systems Security Program at a level*
23 *that satisfies current and anticipated cybersecurity*
24 *requirements of the Department.*

1 (2) *An identification of any existing funding not*
2 *currently aligned to the Program that is more appro-*
3 *priately funded through the Program.*

4 (3) *A strategic plan, developed in coordination*
5 *with the chiefs of the Armed Forces and in consulta-*
6 *tion with the Director of the National Security Agen-*
7 *cy, that provides options, timelines, and required*
8 *funding by the Armed Forces or a component of the*
9 *Department, for the adoption of next generation*
10 *encryption into existing and future systems.*

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

13 (d) *BRIEFING.*—*Not later than 30 days after the date*
14 *on which the Secretary submits the report under subsection*
15 *(a), the Chief Information Officer of the Department and*
16 *the Director of the National Security Agency shall jointly*
17 *provide to the appropriate congressional committees a brief-*
18 *ing on the report.*

19 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
20 *FINED.*—*In this section, the term “appropriate congres-*
21 *sional committees” means—*

22 (1) *the Committee on Armed Services, the Com-*
23 *mittee on Appropriations, and the Permanent Select*
24 *Committee on Intelligence of the House of Representa-*
25 *tives; and*

1 (2) *the Committee on Armed Services, the Com-*
2 *mittee on Appropriations, and the Select Committee*
3 *on Intelligence of the Senate.*

4 **SEC. 716. REVIEW OF NATIONAL SECURITY AGENCY AND**
5 **UNITED STATES CYBER COMMAND.**

6 (a) *REVIEW REQUIRED.*—*Not later than 180 days*
7 *after the date of the enactment of this Act, the Inspectors*
8 *General of the National Security Agency, Intelligence Com-*
9 *munity, and Department of Defense shall jointly complete*
10 *a review of the National Security Agency and the United*
11 *States Cyber Command.*

12 (b) *ELEMENTS.*—*The review required by subsection (a)*
13 *shall include assessment of the following:*

14 (1) *Whether and what resources, authorities, ac-*
15 *tivities, missions, facilities, and personnel are appro-*
16 *priately being delineated and used to conduct the in-*
17 *telligence and cybersecurity missions at the National*
18 *Security Agency as well as the cyber offense and de-*
19 *fense missions of the United States Cyber Command.*

20 (2) *The extent to which current resource-sharing*
21 *arrangements between the National Security Agency*
22 *and the United States Cyber Command lead to con-*
23 *flicts of interest in directing intelligence collection in*
24 *support of United States Cyber Command missions*
25 *rather than foreign intelligence collection.*

1 (3) *The intelligence analysis and production con-*
2 *ducted by the United States Cyber Command using*
3 *National Security Agency authorities, with a focus on*
4 *analytic integrity and intelligence oversight to ensure*
5 *proper analysis is informing mission operations.*

6 (4) *The number of personnel detailed from the*
7 *National Security Agency to the United States Cyber*
8 *Command, including from which offices such per-*
9 *sonnel have been detailed, and an assessment of the*
10 *mission impact on the sponsoring office.*

11 (c) *REPORT AND BRIEF.*—*Not later than 180 days*
12 *after the date of the enactment of this Act, the Inspectors*
13 *General of the National Security Agency, Intelligence Com-*
14 *munity, and Department of Defense shall jointly submit to*
15 *the congressional intelligence committees and the congres-*
16 *sional defense committees (as defined in section 101(a) of*
17 *title 10, United States Code) a report and provide such*
18 *committees a briefing on the findings of the inspectors gen-*
19 *eral with respect to the review completed under subsection*
20 *(a).*

Union Calendar No. 114

117TH CONGRESS
1ST Session

H. R. 5412

[Report No. 117-156]

A BILL

To authorize appropriations for fiscal year 2022 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 28, 2021

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