

CENTRAL INTELLIGENCE AGENCY ACT OF 1949

[Chapter 227; 63 Stat. 208; approved June 20, 1949]

[As Amended Through P.L. 118–31, Enacted December 22, 2023]

【Currency: This publication is a compilation of the text of Chapter 227 of the 81st Congress. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes.

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

DEFINITIONS

SECTION 1. 【50 U.S.C. 3501】 That when used in this Act, the term—

(1) “Agency” means the Central Intelligence Agency;

(2) “Director” means the Director of the Central Intelligence Agency; and

(3) “Government agency” means any executive department, commission, council, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government.

SEAL OF OFFICE

SEC. 2. 【50 U.S.C. 3502】 The Director shall cause a seal of office to be made for the Central Intelligence Agency, of such design as the President shall approve, and judicial notice shall be taken thereof.

PROCUREMENT AUTHORITIES

SEC. 3. 【50 U.S.C. 3503】 (a) In the performance of its functions the Central Intelligence Agency is authorized to exercise the authorities contained in sections 3201, 3203, 3204, 3206, 3207, 3302 through 3306, 3321 through 3323, 3801 through 3808, 3069, 3134, 3841, and 4752 of title 10, United States Code.

(b) In the exercise of the authorities granted in subsection (a) of this section, the term “Agency head” shall mean the Director, the Deputy Director, or the Executive of the Agency.

(c) The determinations and decisions provided in subsection (a) of this section to be made by the Agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in subsection (d) of this section, the Agency head is authorized to delegate his powers provided in this section, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the Agency.

(d) The power of the Agency head to make the determinations or decisions specified in sections 3201 through 3204 of title 10, United States Code, shall not be delegable. Each determination or decision required by sections 3201 through 3204, 3321 through 3323, and 3841 of title 10, United States Code¹, shall be based upon written findings made by the official making such determinations, which findings shall be final and shall be available within the Agency for a period of at least six years following the date of the determination.

【Original section 4 (50 U.S.C. 3504) was repealed by section 21(b)(2) of Public Law 85–507 (72 Stat. 337, July 7, 1958).】

TRAVEL, ALLOWANCES, AND RELATED EXPENSES

SEC. 4. 【50 U.S.C. 3505】 (a) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to duty stations outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, shall—

(1)(A) pay the travel expenses of officers and employees of the Agency, including expenses incurred while traveling pursuant to authorized home leave;

(B) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;

(C) pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to his residence at time of appointment or to a point not more distant, or, upon retirement, to the place where he will reside;

(D) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot

¹Section 7332(2) of division G of Public Law 118–31 provides for an amendment to strike “in paragraphs” and all that follows through “1947”. The amendment did not specify to which occurrence of “1947” to strike, however, it was carried out through the 2nd occurrence to reflect the probable intent of Congress.

take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

(E) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency in connection with assignment or transfer to a new post, from the date of his departure from his last post or from the date of his departure from his place of residence in the case of a new officer or employee and for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever shall be shorter; and in connection with separation of an officer or employee of the Agency, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed three months, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law; and

(F) pay the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Agency and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned.

(2) Charge expenses in connection with travel of personnel, their dependents, and transportation of their household goods and personal effects, involving a change of permanent station, to the appropriation for the fiscal year current when any part of either the travel or transportation pertaining to the transfer begins pursuant to previously issued travel and transfer orders, notwithstanding the fact that such travel or transportation may not all be effected during such fiscal year, or the travel and transfer orders may have been issued during the prior fiscal year.

(3)(A) Order to any of the several States of the United States of America (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States) on leave of absence each officer or employee of the Agency who was a resident of the United States (as described above) at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter.

(B) While in the United States (as described in paragraph (3)(A) of this section) on leave, the service of any officer or em-

ployee shall be available for work or duties in the Agency or elsewhere as the Director may prescribe; and the time of such work or duty shall not be counted as leave.

(C) Where an officer or employee on leave returns to the United States (as described in paragraph (3)(A) of this section), leave of absence granted shall be exclusive of the time actually and necessarily occupied in going to and from the United States (as so described) and such time as may be necessarily occupied in awaiting transportation.

(4) Notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned motor vehicle in any case in which it shall be determined that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, and pay the costs of such transportation. Not more than one motor vehicle of any officer or employee of the Agency may be transported under authority of this paragraph during any four-year period, except that, as replacement for such motor vehicle, one additional motor vehicle of any such officer or employee may be so transported during such period upon approval, in advance, by the Director and upon a determination, in advance, by the Director that such replacement is necessary for reasons beyond the control of the officer or employee and is in the interest of the Government. After the expiration of a period of four years following the date of transportation under authority of this paragraph of a privately owned motor vehicle of any officer or employee who has remained in continuous service outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, during such period, the transportation of a replacement for such motor vehicle for such officer or employee may be authorized by the Director in accordance with this paragraph.

(5)(A) In the event of illness or injury requiring the hospitalization of an officer or full time employee of the Agency, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means the Director deems appropriate and without regard to the Standardized Government Travel Regulations and section 5731 of title 5, United States Code, to the nearest locality where a suitable hospital or clinic exists and on the recovery of such officer or employee pay for the travel expenses of the return to the post of duty of such officer or employee of duty. If the officer or employee is too ill to travel unattended, the Director may also pay the travel expenses of an attendant;

(B) Establish a first-aid station and provide for the services of a nurse at a post at which, in the opinion of the Director, sufficient personnel is employed to warrant such a station: *Provided*, That, in the opinion of the Director, it is not feasible to utilize an existing facility;

(C) In the event of illness or injury requiring hospitalization of an officer or full time employee of the Agency incurred in the line of duty while such person is assigned abroad, pay

for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(D) Provide for the periodic physical examination of officers and employees of the Agency and for the cost of administering inoculations or vaccinations to such officers or employees.

(6) Pay the costs of preparing and transporting the remains of an officer or employee of the Agency or a member of his family who may die while in travel status or abroad, to his home or official station, or to such other place as the Director may determine to be the appropriate place of interment, provided that in no case shall the expense payable be greater than the amount which would have been payable had the destination been the home or official station.

(7) Pay the costs of travel of new appointees and their dependents, and the transportation of their household goods and personal effects, from places of actual residence in foreign countries at time of appointment to places of employment and return to their actual residences at the time of appointment or a point not more distant: *Provided*, That such appointees agree in writing to remain with the United States Government for a period of not less than twelve months from the time of appointment.

Violation of such agreement for personal convenience of an employee or because of separation for misconduct will bar such return payments and, if determined by the Director or his designee to be in the best interests of the United States, any money expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.

(b)(1) The Director may pay to officers and employees of the Agency, and to persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces, allowances and benefits comparable to the allowances and benefits authorized to be paid to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law.

(2) The Director may pay allowances and benefits related to officially authorized travel, personnel and physical security activities, operational activities, and cover-related activities (whether or not such allowances and benefits are otherwise authorized under this section or any other provision of law) when payment of such allowances and benefits is necessary to meet the special requirements of work related to such activities. Payment of allowances and benefits under this paragraph shall be in accordance with regulations prescribed by the Director. Rates for allowances and benefits under this paragraph may not be set at rates in excess of those authorized by sections 5724 and 5724a of title 5, United States Code, when reimbursement is provided for relocation attributable, in whole or in part, to relocation within the United States.

(3) Notwithstanding any other provision of this section or any other provision of law relating to the officially authorized travel of Government employees, the Director, in order to reflect Agency re-

quirements not taken into account in the formulation of Government-wide travel procedures, may by regulation—

(A) authorize the travel of officers and employees of the Agency, and of persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces who are engaged in the performance of intelligence functions, and

(B) provide for payment for such travel, in classes of cases, as determined by the Director, in which such travel is important to the performance of intelligence functions.

(4) Members of the Armed Forces may not receive benefits under both this section and title 37, United States Code, for the same purpose. The Director and Secretary of Defense shall prescribe joint regulations to carry out the preceding sentence.

(5) Regulations, other than regulations under paragraph (1), issued pursuant to this subsection shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

GENERAL AUTHORITIES

SEC. 5. [50 U.S.C. 3506] (a) IN GENERAL.—In the performance of its functions, the Central Intelligence Agency is authorized to—

(1) Transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget, for the performance of any of the functions or activities authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this Act without regard to limitations of appropriations from which transferred;

(2) Exchange funds without regard to section 3651 Revised Statutes (31 U.S.C. 543);

(3) Reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are hereby authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(4) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of—

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

(B) the protection of classified materials and information;

(C) the protection of installations and property of the Agency;

(D) the protection of—

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

- (ii) individuals nominated by the President to the position of Director (including with respect to an individual whom a President-elect (as defined in section 3(c) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) has declared an intent to nominate) and their immediate families; and
- (iii) defectors and their immediate families, and other persons in the United States under Agency auspices; and
- (E) with respect to the Office of the Director of National Intelligence, the protection of—
- (i) installations and property of the Office of the Director of National Intelligence;
- (ii) the Director of National Intelligence and the immediate family of the Director;
- (iii) current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate; and
- (iv) individuals nominated by the President to the position of Director of National Intelligence (including with respect to an individual whom a President-elect has declared an intent to nominate) and their immediate families;
- (5) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor;
- (6) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe;
- (7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years; and
- (8) Upon the approval of the Director, provide, during any fiscal year, with or without reimbursement, subsistence to any personnel assigned to an overseas location designated by the Agency as an austere location.
- (b) SCOPE OF AUTHORITY FOR EXPENDITURE.—(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for—
- (A) the entire lease; or
- (B) the first 12 months of the lease and the Government's estimated termination liability.
- (2) In the case of any such lease entered into under subparagraph (B) of paragraph (1)—
- (A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;
- (B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs with respect to such lease shall remain available until the costs associated with termination of such lease are paid;

(C) funds available for termination liability shall remain available to satisfy rental obligations with respect to such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability at the time of their use to satisfy such rental obligations; and

(D) funds appropriated for a fiscal year may be used to make payments on such lease, for a maximum of 12 months, beginning any time during such fiscal year.

(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the transfer of sums described in paragraph (1) each time that authority is exercised.

SEC. 6. [50 U.S.C. 3507] In the interests of the security of the foreign intelligence activities of the United States and in order further to implement section 102A(i) of the National Security Act of 1947 that the Director of National Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935² (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other laws which require the publication or disclosure of the organization or functions of the Agency, or of the names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Office of Management and Budget shall make no reports to the Congress in connection with the Agency under section 607, title VI, chapter 212 of the Act of June 30, 1945, as amended³ (5 U.S.C. 947(b)).

SEC. 7. [50 U.S.C. 3508] Whenever the Director, the Attorney General and the Commissioner of Immigration shall determine that the admission of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be admitted to the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations pertaining to admissibility: *Provided*, That the number of aliens and members of their immediate families admitted to the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year.

²The cited Act of August 28, 1935, was repealed by the Independent Offices Appropriation Act, 1961 (Public Law 86-626, 74 Stat. 427).

³Section 607 of the Act of June 30, 1945, was repealed by section 301(85) of the Budget and Accounting Procedures Act of 1950 (64 Stat. 843).

APPROPRIATIONS

SEC. 8. [50 U.S.C. 3510] (a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including—

(1) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; health-service program as authorized by law (5 U.S.C. 150);⁴ payment of death benefits in cases in which the circumstances of the death of an employee of the Agency, a detailee of the Agency or other employee of another department or agency of the Federal Government assigned to the Agency, or an individual affiliated with the Agency (as determined by the Director), is not covered by section 11, other similar provisions of Federal law, or any regulation issued by the Director providing death benefits, but that the Director determines such payment appropriate; rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, equipment and devices, and radio-receiving and radio-sending equipment and devices, including telegraph and teletype equipment; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, and aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary, and transportation in such equipment, to and from school, of children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; printing and binding; purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; payment of premiums or costs of surety bonds for officers or employees without regard to the provisions of 61 Stat. 646; 6 U.S.C. 14;⁵ payment of claims pursuant to 28 U.S.C.; acquisition of necessary land and the clearing of such land; construction of buildings and facilities without regard to 36 Stat. 699; 40 U.S.C. 259, 267;⁶ re-

⁴The law codified to section 150 of title 5 before the enactment of that title was replaced by section 7901 of title 5 upon the enactment of that title by Public Law 89-544 (Sept. 6, 1966, 80 Stat. 378).

⁵Section 14 of title 6, United States Code, relating to the purchase of bonds to cover Government employees, was repealed by section 203(1) of Public Law 92-310 (Act of June 6, 1972, 86 Stat. 202).

⁶Section 3734 of the Revised Statutes of the United States, formerly classified to sections 259 and 267 of title 40, was repealed by section 17(12) of the Public Buildings Act of 1959 (Public

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pair, rental, operation, and maintenance of buildings, utilities, facilities, and appurtenances; and

(2) supplies, equipment, and personnel and contractual services otherwise authorized by law and regulations, when approved by the Director.

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

(c) NOTIFICATION.—Not later than 30 days after the date on which the Director makes a novel and significant expenditure pursuant to subsection (a), the Director shall notify the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives of such expenditure.

【Original section 9 (50 U.S.C. 3509) was repealed by section 601(b) of Public Law 763, 68 Stat. 1115; September 1, 1954.】

SEPARABILITY OF PROVISIONS

SEC. 9. 【50 U.S.C. 3501 note】 If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than these as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SEC. 10. 【50 U.S.C. 3501 note】 This Act may be cited as the “Central Intelligence Agency Act of 1949”.

BENEFITS AVAILABLE IN EVENT OF THE DEATH OF PERSONNEL

SEC. 11. (a) AUTHORITY.—The Director may pay death benefits substantially similar to those authorized for members of the Foreign Service pursuant to the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) or any other provision of law. The Director may adjust the eligibility for death benefits as necessary to meet the unique requirements of the mission of the Agency.

(b) REGULATIONS.—Regulations issued pursuant to this section shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before such regulations take effect.

GIFTS, DEVISES, AND BEQUESTS

SEC. 12. 【50 U.S.C. 3512】 (a)(1) Subject to the provisions of this section, the Director may accept, hold, administer, and use

Law 86-249, 73 Stat. 485). That Act is shown in the United States Code as chapter 12 of title 40 (40 U.S.C. 601 et seq.).

gifts of money, securities, or other property whenever the Director determines it would be in the interest of the United States to do so.

(2) Any gift accepted by the Director as a gift to the Agency under this subsection (and any income produced by any such gift)—

(A) may be used only for—

(i) artistic display;

(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

(3) An individual described in this paragraph is an individual who—

(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

(i) resulted from hostile or terrorist activities;

(ii) occurred in connection with an intelligence activity having a significant element of risk; or

(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

(B) is a family member of such an employee or former employee; or

(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

(5) The Director may, in the Director's discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).

(b) Unless otherwise restricted by the terms of the gift, the Director may sell or exchange, or invest or reinvest, any property which is accepted under subsection (a), but any such investment may only be in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(c) There is hereby created on the books of the Treasury of the United States a fund into which gifts of money, securities, and other intangible property accepted under the authority of subsection (a), and the earnings and proceeds thereof, shall be deposited. The assets of such fund shall be disbursed upon the order of the Director for the purposes specified in subsection (a) or (b).

(d) For purposes of Federal income, estate, and gift taxes, gifts accepted by the Director under subsection (a) shall be considered to be to or for the use of the United States.

(e) For the purposes of this section, the term "gift" includes a bequest or devise.

(f)(1) The Director may engage in fundraising in an official capacity for the benefit of nonprofit organizations that provide support to surviving family members of deceased Agency employees or that otherwise provide support for the welfare, education, or recreation of Agency employees, former Agency employees, or their family members.

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

(3) Not later than the date that is 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of the fundraising.

(g) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.

MISUSE OF AGENCY NAME, INITIALS OR SEAL

SEC. 13. [50 U.S.C. 3513] (a) No person may, except with the written permission of the Director, knowingly use the words “Central Intelligence Agency”, the initials “CIA”, the seal of the Central Intelligence Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency.

(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

RETIREMENT EQUITY FOR SPOUSES OF CERTAIN EMPLOYEES

SEC. 14. [50 U.S.C. 3514] (a) The provisions of sections 102, 221(b) (1)–(3), 221(f), 221(g), 221(i)(2), 221(j), 221(m), 222, 223, 224, 225, 232(b), 241(b), 241(d), and 264(b) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) establishing certain requirements, limitations, rights, entitlements, and benefits relating

to retirement annuities, survivor benefits, and lump-sum payments for a spouse or former spouse of an Agency employee who is a participant in the Central Intelligence Agency Retirement and Disability System shall apply in the same manner and to the same extent in the case of an Agency employee who is a participant in the Civil Service Retirement and Disability System.

(b) The Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe such regulations as may be necessary to implement the provisions of this section.

SECURITY PERSONNEL AT AGENCY INSTALLATIONS

SEC. 15. [50 U.S.C. 3515] (a)(1) The Director may authorize Agency personnel within the United States to perform the same functions as officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code, with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers—

(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 yards;

(C) within any other Agency installation and protected property;

(D) within an installation owned, or contracted to be occupied for a period of one year or longer, by the Office of the Director of National Intelligence; and

(E) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) or (D) and extending outward 500 yards.

(2) The performance of functions and exercise of powers under subparagraph (B) or (E) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A), (C), or (D) of paragraph (1).

(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed the

maximum penalty authorized for a Class B misdemeanor under section 3559 of title 18, United States Code.

(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.

(d)(1) Notwithstanding any other provision of law, any Agency personnel designated by the Director under subsection (a), or designated by the Director to carry firearms under subparagraph (D) or (E) of section 5(a)(4), shall be considered for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, to be acting within the scope of their office or employment when such Agency personnel take reasonable action, which may include the use of force, to—

(A) protect an individual in the presence of such Agency personnel from a crime of violence;

(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(C) prevent the escape of any individual whom such Agency personnel reasonably believe to have committed a crime of violence in the presence of such Agency personnel.

(2) Paragraph (1) shall not affect the authorities of the Attorney General under section 2679 of title 28, United States Code.

(3) In this subsection, the term “crime of violence” has the meaning given that term in section 16 of title 18, United States Code.

HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES OF CENTRAL
INTELLIGENCE AGENCY EMPLOYEES

SEC. 16. [50 U.S.C. 3516] (a) Except as provided in subsection (e), any individual—

(1) formerly married to an employee or former employee of the Agency, whose marriage was dissolved by divorce or annulment before May 7, 1985;

(2) who, at any time during the eighteen-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

(3) who was married to such employee for not less than ten years during periods of service by such employee with the Agency, at least five years of which were spent outside the United States by both the employee and the former spouse, is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the six-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

(A) files an election for such enrollment; and

(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States

Code, an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

(2) The Director of the Central Intelligence Agency shall, as soon as possible, take all steps practicable—

(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

(B) to notify each such former spouse of that individual's rights under this section.

(3) The Director of the Office of Personnel Management, upon notification by the Director of the Central Intelligence Agency, shall waive the six-month limitation set forth in paragraph (1) in any case in which the Director of the Central Intelligence Agency determines that the circumstances so warrant.

(c) ELIGIBILITY OF FORMER WIVES OR HUSBANDS.—(1) Notwithstanding subsections (a) and (b) and except as provided in subsections (d), (e), and (f), an individual—

(A) who was divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or the Federal Employees Retirement System Special Category;

(B) who was married to such participant for not less than ten years during the participant's creditable service, at least five years of which were spent by the participant during the participant's service as an employee of the Agency outside the United States, or otherwise in a position the duties of which qualified the participant for designation by the Director as a participant under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013); and

(C) who was enrolled in a health benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to such participant;

is eligible for coverage under a health benefits plan.

(2) A former spouse eligible for coverage under paragraph (1) may enroll in a health benefits plan in accordance with subsection (b)(1), except that the election for such enrollment must be submitted within 60 days after the date on which the Director notifies the former spouse of such individual's eligibility for health insurance coverage under this subsection.

(d) CONTINUATION OF ELIGIBILITY.—Notwithstanding subsections (a), (b), and (c) and except as provided in subsections (e) and (f), an individual divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or Federal Employees' Retirement System Special Category who enrolled in a health benefits plan following the dissolution of the marriage to such participant may continue enrollment following the death of such participant notwithstanding the termination of the retirement annuity of such individual.

(e)(1) Any former spouse who remarries before age fifty-five is not eligible to make an election under subsection (b)(1).

(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) or to subsection (d) may

continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age fifty-five shall not be eligible for continued enrollment under this section after the end of the thirty-one-day period beginning on the date of remarriage.

(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.

(f) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

(g) For purposes of this section the term “health benefits plan” means an approved health benefits plan under chapter 89 of title 5, United States Code.

SEC. 17. [50 U.S.C. 3517] INSPECTOR GENERAL FOR THE AGENCY.

(a) PURPOSE; ESTABLISHMENT.—In order to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the “intelligence committees”) are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the "Office").

(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.

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

(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.

(6)(A) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the intelligence committees the substantive rationale, including detailed and case-specific reasons, for any such removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(B)⁷ If there is an open or completed inquiry into the Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

(i) identify each entity that is conducting, or that conducted, the inquiry; and

(ii) in the case of a completed inquiry, contain the findings made during the inquiry.

⁷ Margins of paragraphs (6)(B) and (7) are so in law.

(7)(A) Subject to the other provisions of this paragraph, only the President may place the Inspector General on nonduty status.

(B) If the President places the Inspector General on nonduty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to the congressional intelligence committees not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i);

(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

(C) The President may not place the Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (6)(A) unless the President—

(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

(ii) not later than the date on which the change in status takes effect, submits to the congressional intelligence committees a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

(8)(A)⁸ In this subsection, the term “first assistant to the position of Inspector General” has the meaning given in section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

(B) If the Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

⁸Margin of paragraph (8) is so in law.

- (i) section 3345(a) of title 5, United States Code shall not apply;
- (ii) subject to subparagraph (D), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and
- (iii) notwithstanding clause (ii), and subject to subparagraphs (D) and (E), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—
- (I) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—
- (aa) the requirement under this subclause shall not apply if the officer is an Inspector General; and
- (bb) for the purposes of this clause, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;
- (II) the rate of pay for the position of the officer or employee described in subclause (I) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;
- (III) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and
- (IV) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to the congressional intelligence committees the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.
- (C) Notwithstanding section 3345(a) of title 5, United States Code and clauses (ii) and (iii) of subparagraph (B), and subject to subparagraph (D), during any period in which the Inspector General is on nonduty status—
- (i) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

(ii) if the first assistant described in clause (i) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in the Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

(I) that direction satisfies the requirements under subclauses (II), (III), and (IV) of subparagraph (B)(iii); and

(II) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

(D) An individual may perform the functions and duties of the Inspector General temporarily and in an acting capacity under clause (ii) or (iii) of subparagraph (B), or under subparagraph (C), with respect to only 1 Inspector General position at any given time.

(E) If the President makes a direction under subparagraph (B)(iii), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the Inspector General shall be performed by—

(i) the first assistant to the position of Inspector General; or

(ii) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.

(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS; REPORTS TO CONGRESS ON URGENT CONCERNS.—(1) The Inspector

General shall, not later than October 31 and April 30 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month periods ending September 30 and March 31, respectively. Not later than 30 days after the date of the receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, review, or audit conducted during the reporting period and—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of his functions;

(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and

(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

(3) In the event that—

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

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

(I) Deputy Director;

(II) Associate Deputy Director;

- (III) Director of the National Clandestine Service;
- (IV) Director of Intelligence;
- (V) Director of Support; or
- (VI) Director of Science and Technology.

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.

(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

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

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

(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director of the Central Intelligence Agency apply to the Director of National Intelligence.

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

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

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

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

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

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

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

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

(G)(i) In this paragraph:

(I) The term "urgent concern" means any of the following:

(aa) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity of the Federal Government that is—

(AA)⁹ a matter of national security;

and

(BB) not a difference of opinion concerning public policy matters.

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

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

(II) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(ii) Within the executive branch, the Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.

(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the

⁹The margin of subitems (AA) and (BB) are so in law.

fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

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

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

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

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

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

(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose speci-

fied in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

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

(6) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(7)(A) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, the Inspector General shall create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

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

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

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

(C)(i) The Inspector General may designate an officer or employee appointed in accordance with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States.

(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with section 3307 of title 5, United States Code, as it relates to law enforcement officers.

(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, United States Code, the Inspector General may exercise the functions, powers, and duties of an agency head or appointing authority with respect to the Office.

(8)(A) The Inspector General shall—

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

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

(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.

(9)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

(C) Nothing in this paragraph may be construed to provide any new authority to the Central Intelligence Agency to conduct intelligence activity in the United States.

(D) In this paragraph, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(f) SEPARATE BUDGET ACCOUNT.—(1) Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of National Intelligence in consultation with the intelligence committees, the Director of National Intelligence shall include in the National Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

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

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

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

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

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

(B) the amount requested for Inspector General training;

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

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

(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.

(g) TRANSFER.—There shall be transferred to the Office the office of the Agency referred to as the “Office of Inspector General.” The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such “Office of Inspector General” are hereby transferred to the Office established pursuant to this section.

(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency’s publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

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

SPECIAL ANNUITY COMPUTATION RULES FOR CERTAIN EMPLOYEES’
SERVICE ABROAD

SEC. 18. [50 U.S.C. 3518] (a) Notwithstanding any provision of chapter 83 of title 5, United States Code, the annuity under subchapter III of such chapter of an officer or employee of the Central Intelligence Agency who retires on or after October 1, 1989, is not designated under section 203 of the Central Intelligence Agency Retirement Act, and has served abroad as an officer or employee of the Agency on or after January 1, 1987, shall be computed as provided in subsection (b).

(b)(1) The portion of the annuity relating to such service abroad that is actually performed at any time during the officer’s or employee’s first ten years of total service shall be computed at the rate and using the percent of average pay specified in section 8339(a)(3) of title 5, United States Code, that is normally applicable only to so much of an employee’s total service as exceeds ten years.

(2) The portion of the annuity relating to service abroad as described in subsection (a) but that is actually performed at any time after the officer’s or employee’s first ten years of total service shall be computed as provided in section 8339(a)(3) of title 5, United States Code; but, in addition, the officer or employee shall be

deemed for annuity computation purposes to have actually performed an equivalent period of service abroad during his or her first ten years of total service, and in calculating the portion of the officer's or employee's annuity for his or her first ten years of total service, the computation rate and percent of average pay specified in paragraph (1) shall also be applied to the period of such deemed or equivalent service abroad.

(3) The portion of the annuity relating to other service by an officer or employee as described in subsection (a) shall be computed as provided in the provisions of section 8339(a) of title 5, United States Code, that would otherwise be applicable to such service.

(4) For purposes of this subsection, the term "total service" has the meaning given such term under chapter 83 of title 5, United States Code.

(c) For purposes of subsections (f) through (m) of section 8339 of title 5, United States Code, an annuity computed under this section shall be deemed to be an annuity computed under subsections (a) and (o) of section 8339 of title 5, United States Code.

(d) The provisions of subsection (a) of this section shall not apply to an officer or employee of the Central Intelligence Agency who would otherwise be entitled to a greater annuity computed under an otherwise applicable subsection of section 8339 of title 5, United States Code.

SPECIAL RULES FOR DISABILITY RETIREMENT AND DEATH-IN-SERVICE
BENEFITS WITH RESPECT TO CERTAIN EMPLOYEES

SEC. 19. [50 U.S.C. 3519] (a) OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5, United States Code, who—

(1) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

(2) has not been designated under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) as a participant in the Central Intelligence Agency Retirement and Disability System;

(3) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and

(4) satisfies the requirements for disability retirement under section 8337 of title 5, United States Code—

shall, upon his own application or upon order of the Director, be retired on an annuity computed in accordance with the rules prescribed in section 231 of such Act, in lieu of an annuity computed as provided by section 8337 of title 5, United States Code.

(b) SURVIVORS OF OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 232 RULES APPLY.—Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83, title 5, United States Code, who—

(1) has at least eighteen months of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

(2) has not been designated under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013), as a participant in the Central Intelligence Agency Retirement and Disability System;

(3) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and

(4) is survived by a widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees¹⁰, who would otherwise be entitled to an annuity under section 8341 of title 5, United States Code—

such surviving spouse, former spouse, or child of such officer or employee shall be entitled to an annuity computed in accordance with section 232 of such Act, in lieu of an annuity computed in accordance with section 8341 of title 5, United States Code.

(c) ANNUITIES UNDER THIS SECTION DEEMED ANNUITIES UNDER CSRS.—The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities, and shall be payable from the Central Intelligence Agency Retirement and Disability Fund maintained pursuant to section 202 of the Central Intelligence Agency Retirement Act.

SEC. 19A. [50 U.S.C. 3519b] SPECIAL RULES FOR CERTAIN INDIVIDUALS INJURED BY REASON OF WAR, INSURGENCY, HOSTILE ACT, TERRORIST ACTIVITIES, OR INCIDENTS DESIGNATED BY THE DIRECTOR.

(a) DEFINITIONS.—In this section:

(1) COVERED DEPENDENT.—The term “covered dependent” means a family member (as defined by the Director) of a covered employee who, on or after September 11, 2001—

(A) accompanies the covered employee to an assigned duty station in a foreign country; and

(B) becomes injured by reason of a qualifying injury.

(2) COVERED EMPLOYEE.—The term “covered employee” means an officer or employee of the Central Intelligence Agency who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

(3) COVERED INDIVIDUAL.—The term “covered individual” means an individual who—

(A)(i) is detailed to the Central Intelligence Agency from other agencies of the United States Government or from the Armed Forces; or

¹⁰The amendment made by section 803(a)(3)(B)(iii) of P.L. 102-496 (106 Stat. 3252) was not executable. The amendment strikes “widow or widower, former spouse, and/or child or children as defined in section 204 and section 232 of such the Central Intelligence Agency Retirement Act of 1964 for Certain Employees” and inserts “surviving spouse, former spouse, or child as defined in section 102 of the Central Intelligence Agency Retirement Act”.

- (ii) is affiliated with the Central Intelligence Agency, as determined by the Director; and
- (B) who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.
- (4) QUALIFYING INJURY.—The term “qualifying injury” means the following:
- (A) With respect to a covered dependent, an injury incurred—
- (i) during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country;
 - (ii) in connection with war, insurgency, hostile act, terrorist activity, or an incident designated for purposes of this section by the Director; and
 - (iii) that was not the result of the willful misconduct of the covered dependent.
- (B) With respect to a covered employee or a covered individual—
- (i) an injury incurred—
 - (I) during a period of assignment to a duty station in a foreign country;
 - (II) in connection with war, insurgency, hostile act, or terrorist activity; and
 - (III) that was not the result of the willful misconduct of the covered employee or the covered individual; or
 - (ii) an injury incurred—
 - (I) in connection with an incident designated for purposes of this section by the Director; and
 - (II) that was not the result of the willful misconduct of the covered employee or the covered individual.
- (b) ADJUSTMENT OF COMPENSATION FOR TOTAL DISABILITY RESULTING FROM CERTAIN INJURIES.—
- (1) INCREASE.—The Director may increase the amount of monthly compensation paid to a covered employee under section 8105 of title 5, United States Code. Subject to paragraph (2), the Director may determine the amount of each such increase by taking into account—
- (A) the severity of the qualifying injury;
 - (B) the circumstances by which the covered employee became injured; and
 - (C) the seniority of the covered employee.
- (2) MAXIMUM.—Notwithstanding chapter 81 of title 5, United States Code, the total amount of monthly compensation increased under paragraph (1) may not exceed the monthly pay of the maximum rate of basic pay for GS–15 of the General Schedule under section 5332 of such title.
- (c) COSTS FOR TREATING QUALIFYING INJURIES.—The Director may pay the costs of treating a qualifying injury of a covered employee, a covered individual, or a covered dependent, or may reimburse a covered employee, a covered individual, or a covered dependent for such costs, that are not otherwise covered by chapter 81 of title 5, United States Code, or other provision of Federal law.

(d) **AUTHORITY TO MAKE PAYMENTS FOR QUALIFYING INJURIES TO THE BRAIN.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COVERED DEPENDENT.**—The term “covered dependent” has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

(B) **QUALIFYING INJURY.**—The term “qualifying injury” has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

(2) **AUTHORITY.**—Notwithstanding any other provision of law but subject to paragraph (3), the Director may provide payment to a covered dependent, a covered employee, and a covered individual for a qualifying injury to the brain.

(3) **FUNDING.**—

(A) **IN GENERAL.**—Payment under paragraph (2) in a fiscal year may be made using any funds—

(i) appropriated specifically for payments under such paragraph; or

(ii) reprogrammed in accordance with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

(B) **BUDGET.**—For each fiscal year, the Director shall include with the budget justification materials submitted to Congress in support of the budget of the President for that fiscal year pursuant to section 1105(a) of title 31, United States Code, an estimate of the funds required in that fiscal year to make payments under paragraph (2).

(4) **REGULATIONS.**—

(A) **IN GENERAL.**—The Director shall prescribe regulations to carry out this subsection.

(B) **ELEMENTS.**—The regulations prescribed under subparagraph (A) shall include regulations detailing fair and equitable criteria for payment under paragraph (2).

(5) **NO EFFECT ON OTHER BENEFITS.**—

(A) **IN GENERAL.**—Payments made under paragraph (2) are supplemental to any other benefit furnished by the United States Government for which a covered dependent, covered employee, or covered individual is entitled, and the receipt of such payments may not affect the eligibility of such a person to any other benefit furnished by the United States Government.

(B) **RELATION TO CERTAIN FEDERAL WORKERS COMPENSATION LAWS.**—Without regard to the requirements in sections (b) and (c), covered employees need not first seek benefits provided under chapter 81 of title 5, United States Code, to be eligible solely for payment authorized under paragraph (2) of this subsection.

GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

SEC. 20. [50 U.S.C. 3520] (a) There is a General Counsel of the Central Intelligence Agency, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The General Counsel is the chief legal officer of the Central Intelligence Agency.

(c) The General Counsel of the Central Intelligence Agency shall perform such functions as the Director may prescribe.

CENTRAL SERVICES PROGRAM

SEC. 21. [50 U.S.C. 3521] (a) IN GENERAL.—The Director may carry out a program under which elements of the Agency provide items and services on a reimbursable basis to other elements of the Agency, nonappropriated fund entities or instrumentalities associated or affiliated with the Agency, and other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

(b) PARTICIPATION OF AGENCY ELEMENTS.—(1) In order to carry out the program, the Director shall—

(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as “central service providers”);

(B) specify the items or services to be provided under the program by such providers;

(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program; and

(D) authorize such providers to make known their services to the entities specified in subsection (a) through Government communication channels.

(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget.

(3) The authority in paragraph (1)(D) does not include the authority to distribute gifts or promotional items.

(c) CENTRAL SERVICES WORKING CAPITAL FUND.—(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the “Fund”). The purpose of the Fund is to provide sums for activities under the program.

(2) There shall be deposited in the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Amounts credited to the Fund from payments received by central service providers under subsection (e).

(C) Fees imposed and collected under subsection (f)(1).

(D) Amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program.

(E) Other receipts from the sale or exchange of equipment, recyclable materials, or property of a central service provider as a result of activities under the program.

(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

(G) Receipts from individuals for the rental of property and equipment under the program.

(H) Such other amounts as the Director is authorized to deposit in or transfer to the Fund.

(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

(A) To pay the costs of providing items or services under the program.

(B) To pay the costs of carrying out activities under subsections (b)(1)(D) and (f)(2).

(d) LIMITATION ON AMOUNT OF ORDERS.—The total value of all orders for items or services to be provided under the program in any fiscal year may not exceed an amount specified in advance by the Director of the Office of Management and Budget.

(e) PAYMENT FOR ITEMS AND SERVICES.—(1) A Government agency provided items or services under the program shall pay the central service provider concerned for such items or services an amount equal to the costs incurred by the provider in providing such items or services plus any fee imposed under subsection (f). In calculating such costs, the Director shall take into account personnel costs (including costs associated with salaries, annual leave, and workers' compensation), plant and equipment costs (including depreciation of plant and equipment other than structures owned by the Agency), operation and maintenance expenses, amortized costs, and other expenses.

(2) Payment for items or services under paragraph (1) may take the form of an advanced payment by an agency from appropriations available to such agency for the procurement of such items or services.

(f) FEES.—(1) The Director may permit a central service provider to impose and collect a fee with respect to the provision of an item or service under the program. The amount of the fee may not exceed an amount equal to four percent of the payment received by the provider for the item or service.

(2) The Director may obligate and expend amounts in the Fund that are attributable to the fees imposed and collected under paragraph (1) to acquire equipment or systems for, or to improve the equipment or systems of, central service providers and any elements of the Agency that are not designated for participation in the program in order to facilitate the designation of such elements for future participation in the program.

(g) TERMINATION.—(1) Subject to paragraph (2), the Director of the Central Intelligence Agency and the Director of the Office of Management and Budget, acting jointly—

(A) may terminate the program under this section and the Fund at any time; and

(B) upon such termination, shall provide for the disposition of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the program or the Fund.

(2) The Director of the Central Intelligence Agency and the Director of the Office of Management and Budget may not undertake any action under paragraph (1) until 60 days after the date on which the Directors jointly submit notice of such action to the Per-

manent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

DETAIL OF EMPLOYEES

SEC. 22. [50 U.S.C. 3522] The Director may—

- (1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel; and
- (2) hire personnel for the purpose of any detail under paragraph (1).

INTELLIGENCE OPERATIONS AND COVER ENHANCEMENT AUTHORITY

SEC. 23. [50 U.S.C. 3523] (a) DEFINITIONS.—In this section—

- (1) the term “designated employee” means an employee designated by the Director of the Central Intelligence Agency under subsection (b); and
- (2) the term “Federal retirement system” includes the Central Intelligence Agency Retirement and Disability System, and the Federal Employees’ Retirement System (including the Thrift Savings Plan).

(b) IN GENERAL.—

(1) AUTHORITY.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency may exercise the authorities under this section in order to—

- (A) protect from unauthorized disclosure—
 - (i) intelligence operations;
 - (ii) the identities of undercover intelligence officers;
 - (iii) intelligence sources and methods; or
 - (iv) intelligence cover mechanisms; or
- (B) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency.

(2) DESIGNATION OF EMPLOYEES.—The Director of the Central Intelligence Agency may designate any employee of the Agency who is under nonofficial cover to be an employee to whom this section applies. Such designation may be made with respect to any or all authorities exercised under this section.

(c) COMPENSATION.—The Director of the Central Intelligence Agency may pay a designated employee salary, allowances, and other benefits in an amount and in a manner consistent with the nonofficial cover of that employee, without regard to any limitation that is otherwise applicable to a Federal employee. A designated employee may accept, utilize, and, to the extent authorized by regulations prescribed under subsection (i), retain any salary, allowances, and other benefits provided under this section.

(d) RETIREMENT BENEFITS.—

(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee retirement system for designated employees (and the spouse, former spouses, and survivors of such designated em-

ployees). A designated employee may not participate in the retirement system established under this paragraph and another Federal retirement system at the same time.

(2) CONVERSION TO OTHER FEDERAL RETIREMENT SYSTEM.—

(A) IN GENERAL.—A designated employee participating in the retirement system established under paragraph (1) may convert to coverage under the Federal retirement system which would otherwise apply to that employee at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the retirement system established under this subsection is no longer necessary to protect from unauthorized disclosure—

- (i) intelligence operations;
- (ii) the identities of undercover intelligence officers;
- (iii) intelligence sources and methods; or
- (iv) intelligence cover mechanisms.

(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

(i) all periods of service under the retirement system established under this subsection shall be deemed periods of creditable service under the applicable Federal retirement system;

(ii) the Director of the Central Intelligence Agency shall transmit an amount for deposit in any applicable fund of that Federal retirement system that—

(I) is necessary to cover all employee and agency contributions including—

(aa) interest as determined by the head of the agency administering the Federal retirement system into which the employee is converting; or

(bb) in the case of an employee converting into the Federal Employees' Retirement System, interest as determined under section 8334(e) of title 5, United States Code; and

(II) ensures that such conversion does not result in any unfunded liability to that fund; and

(iii) in the case of a designated employee who participated in an employee investment retirement system established under paragraph (1) and is converted to coverage under subchapter III of chapter 84 of title 5, United States Code, the Director of the Central Intelligence Agency may transmit any or all amounts of that designated employee in that employee investment retirement system (or similar part of that retirement system) to the Thrift Savings Fund.

(C) TRANSMITTED AMOUNTS.—

(i) IN GENERAL.—Amounts described under subparagraph (B)(ii) shall be paid from the fund or appropriation used to pay the designated employee.

(ii) **OFFSET.**—The Director of the Central Intelligence Agency may use amounts contributed by the designated employee to a retirement system established under paragraph (1) to offset amounts paid under clause (i).

(D) **RECORDS.**—The Director of the Central Intelligence Agency shall transmit all necessary records relating to a designated employee who converts to a Federal retirement system under this paragraph (including records relating to periods of service which are deemed to be periods of creditable service under subparagraph (B)) to the head of the agency administering that Federal retirement system.

(e) **HEALTH INSURANCE BENEFITS.**—

(1) **IN GENERAL.**—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee health insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the health insurance program established under this paragraph and the program under chapter 89 of title 5, United States Code, at the same time.

(2) **CONVERSION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.**—

(A) **IN GENERAL.**—A designated employee participating in the health insurance program established under paragraph (1) may convert to coverage under the program under chapter 89 of title 5, United States Code, at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the health insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

- (i) intelligence operations;
- (ii) the identities of undercover intelligence officers;
- (iii) intelligence sources and methods; or
- (iv) intelligence cover mechanisms.

(B) **CONVERSION TREATMENT.**—Upon a conversion under this paragraph—

(i) the employee (and family, if applicable) shall be entitled to immediate enrollment and coverage under chapter 89 of title 5, United States Code;

(ii) any requirement of prior enrollment in a health benefits plan under chapter 89 of that title for continuation of coverage purposes shall not apply;

(iii) the employee shall be deemed to have had coverage under chapter 89 of that title from the first opportunity to enroll for purposes of continuing coverage as an annuitant; and

(iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Em-

employees' Health Benefits Fund that is necessary to cover any costs of such conversion.

(C) TRANSMITTED AMOUNTS.—Any amount described under subparagraph (B)(iv) shall be paid from the fund or appropriation used to pay the designated employee.

(f) LIFE INSURANCE BENEFITS.—

(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee life insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the life insurance program established under this paragraph and the program under chapter 87 of title 5, United States Code, at the same time.

(2) CONVERSION TO FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM.—

(A) IN GENERAL.—A designated employee participating in the life insurance program established under paragraph (1) may convert to coverage under the program under chapter 87 of title 5, United States Code, at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the life insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

- (i) intelligence operations;
- (ii) the identities of undercover intelligence officers;
- (iii) intelligence sources and methods; or
- (iv) intelligence cover mechanisms.

(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

- (i) the employee (and family, if applicable) shall be entitled to immediate coverage under chapter 87 of title 5, United States Code;
- (ii) any requirement of prior enrollment in a life insurance program under chapter 87 of that title for continuation of coverage purposes shall not apply;
- (iii) the employee shall be deemed to have had coverage under chapter 87 of that title for the full period of service during which the employee would have been entitled to be insured for purposes of continuing coverage as an annuitant; and
- (iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Employees' Life Insurance Fund that is necessary to cover any costs of such conversion.

(C) TRANSMITTED AMOUNTS.—Any amount described under subparagraph (B)(iv) shall be paid from the fund or appropriation used to pay the designated employee.

(g) EXEMPTION FROM CERTAIN REQUIREMENTS.—The Director of the Central Intelligence Agency may exempt a designated employee from mandatory compliance with any Federal regulation,

rule, standardized administrative policy, process, or procedure that the Director of the Central Intelligence Agency determines—

(1) would be inconsistent with the nonofficial cover of that employee; and

(2) could expose that employee to detection as a Federal employee.

(h) TAXATION AND SOCIAL SECURITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a designated employee—

(A) shall file a Federal or State tax return as if that employee is not a Federal employee and may claim and receive the benefit of any exclusion, deduction, tax credit, or other tax treatment that would otherwise apply if that employee was not a Federal employee, if the Director of the Central Intelligence Agency determines that taking any action under this paragraph is necessary to—

(i) protect from unauthorized disclosure—

(I) intelligence operations;

(II) the identities of undercover intelligence officers;

(III) intelligence sources and methods; or

(IV) intelligence cover mechanisms; and

(ii) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency; and

(B) shall receive social security benefits based on the social security contributions made.

(2) INTERNAL REVENUE SERVICE REVIEW.—The Director of the Central Intelligence Agency shall establish procedures to carry out this subsection. The procedures shall be subject to periodic review by the Internal Revenue Service.

(i) REGULATIONS.—The Director of the Central Intelligence Agency shall prescribe regulations to carry out this section. The regulations shall ensure that the combination of salary, allowances, and benefits that an employee designated under this section may retain does not significantly exceed, except to the extent determined by the Director of the Central Intelligence Agency to be necessary to exercise the authority in subsection (b), the combination of salary, allowances, and benefits otherwise received by Federal employees not designated under this section.

(j) FINALITY OF DECISIONS.—Any determinations authorized by this section to be made by the Director of the Central Intelligence Agency or the Director's designee shall be final and conclusive and shall not be subject to review by any court.

(k) SUBSEQUENTLY ENACTED LAWS.—No law enacted after the effective date of this section shall affect the authorities and provisions of this section unless such law specifically refers to this section.

SEC. 24. [50 U.S.C. 3525] OFFICE OF THE OMBUDSMAN FOR ANALYTIC OBJECTIVITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Agency an Office of the Ombudsman for Analytic Objectivity (in this section referred to as the "Office").

(2) APPOINTMENT OF OMBUDSMAN.—The Office shall be headed by an Ombudsman, who shall be appointed by the Director from among current or former senior staff officers of the Agency.

(b) DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

(1) on an annual basis, conduct a survey of analytic objectivity among officers and employees of the Agency;

(2) implement a procedure by which any officer or employee of the Agency may submit to the Office a complaint alleging politicization, bias, lack of objectivity, or other issues relating to a failure of tradecraft in analysis conducted by the Agency;

(3) except as provided in paragraph (4), upon receiving a complaint submitted pursuant to paragraph (2), take reasonable action to investigate the complaint, make a determination as to whether the incident described in the complaint involved politicization, bias, or lack of objectivity, and prepare a report that—

(A) summarizes the facts relevant to the complaint;

(B) documents the determination of the Ombudsman with respect to the complaint; and

(C) contains a recommendation for remedial action;

(4) if a complaint submitted pursuant to paragraph (2) alleges politicization, bias, or lack of objectivity in the collection of intelligence information, refer the complaint to the official responsible for supervising collection operations of the Agency; and

(5) continuously monitor changes in areas of analysis that the Ombudsman determines involve a heightened risk of politicization, bias, or lack of objectivity, to ensure that any change in the analytic line arises from proper application of analytic tradecraft and not as a result of politicization, bias, or lack of objectivity.

(c) REPORTS.—(1) On an annual basis, the Ombudsman shall submit to the intelligence committees a report on the results of the survey conducted pursuant to subsection (b)(1) with respect to the most recent fiscal year.

(2) On an annual basis, the Ombudsman shall submit to the intelligence committees a report that includes—

(A) the number of complaints of submitted pursuant to subsection (b)(2) during the most recent fiscal year; and

(B) a description of the nature of such complaints, the actions taken by the Office or any other relevant element or component of the Agency with respect to such complaints, and the resolution of such complaints.

(3) On a quarterly basis, the Ombudsman shall submit to the intelligence committees a report that includes—

(A) a list of the areas of analysis monitored during the most recent calendar quarter pursuant to subsection (b)(5); and

(B) a brief description of the methods by which the Office has conducted such monitoring.

(d) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “intelligence committees” means the Permanent Select Com-

mittee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 25. [50 U.S.C. 3526] IMPROVEMENT OF EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

(a) **DEFINITIONS.**—In this section:

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

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

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

(b) **REQUIREMENTS.**—The Director shall, on a continuing basis—

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

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

(c) **AUTHORITIES.**—

(1) **IN GENERAL.**—The Director, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

(A) award grants to eligible entities;

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

(C) accept voluntary services from eligible entities;

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

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

(2) **EDUCATION PARTNERSHIP AGREEMENTS.**—

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

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

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

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

(iv) involving faculty and students of the educational institution in Agency projects, including research and technology transfer or transition projects;

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

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

(B) PRIORITIES.—In entering into education partnership agreements under paragraph (1)(E), the Director shall prioritize entering into education partnership agreements with the following:

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

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

(d) DESIGNATION OF ADVISOR.—The Director shall designate one or more individuals within the Agency to advise and assist the Director regarding matters relating to science, technology, engineering, the arts, and mathematics education and training.

SEC. 26. [50 U.S.C. 3527] CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.

(a) ESTABLISHMENT OF CHAPLAIN CORPS.—There is in the Agency a Chaplain Corps for the provision of spiritual or religious pastoral services.

(b) CHIEF OF CHAPLAINS.—The head of the Chaplain Corps shall be the Chief of Chaplains, who shall be appointed by the Director.

(c) STAFF AND ADMINISTRATION.—

(1) STAFF.—The Director may appoint and fix the compensation of such staff of the Chaplain Corps as the Director considers appropriate, except that the Director may not—

(A) appoint more than 10 full-time equivalent positions; or

(B) provide basic pay to any member of the staff of the Chaplain Corps at an annual rate of basic pay in excess of the maximum rate of basic pay for grade GS-15 as provided in section 5332 of title 5, United States Code.

(2) ADMINISTRATION.—The Director may—

(A) reimburse members of the staff of the Chaplain Corps for work-related travel expenses;

(B) provide security clearances to such members;

(C) furnish such physical workspace at the headquarters building of the Agency as the Director considers appropriate; and

(D) certify that all Chaplains meet common standards for professional chaplaincy and board certification by a national chaplaincy and pastoral care organization or equivalent.

SEC. 27. [50 U.S.C. 3528] COMPENSATION AND PROFESSIONAL STANDARDS FOR CERTAIN MEDICAL OFFICERS.

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

(b) **COMPENSATION.**—Beginning not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2022, each medical officer of the Office of Medical Services who meets the qualifications under subsection (c) shall be compensated during a pay period pursuant to a pay range that is equal to the pay range published in the Federal Register pursuant to section 7431(e)(1)(C) of title 38, United States Code (for the corresponding pay period), for a physician in the Veterans Health Administration in the District of Columbia region with a medical subspecialty that is the equivalent of the medical subspecialty of the officer.

(c) **CLINICAL PRACTICE QUALIFICATIONS.**—A medical officer meets the qualifications under this subsection if the officer provides direct care services to patients in connection with the official duties of the officer and—

(1) maintains current, active, full, and unrestricted licensure or registration as a physician from a State, the District of Columbia, or a commonwealth or territory of the United States;

(2) holds active board certification and maintains accreditation in an American Board of Medical Specialties direct care clinical specialty; and

(3) except as provided in subsection (d), maintains a minimum of 96 hours per year of clinical practice in an accredited clinic or hospital facility that is not affiliated with the Central Intelligence Agency.

(d) **EXCEPTION FOR OVERSEAS SERVICE.**—If a medical officer is a medical officer located in a duty station outside of the United States pursuant to a permanent change of station and greater than 50 percent of the official duties of the officer in such duty station involve direct patient care, the officer, in lieu of performing the minimum hours under subsection (c)(3) on an annual basis, may count up to 480 hours of clinical practice performed as specified in such subsection prior to such change of station, to fulfill in advance the requirement under such subsection for up to 3 years.

(e) **CLINICAL PRACTICE HOURS.**—The head of the Office of Medical Services shall make available to medical officers excused absence time to allow for the maintenance of clinical practice hours in accordance with subsection (c)(3).

SEC. 28. [50 U.S.C. 3529] MEDICAL ADVISORY BOARD.

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

(b) **DUTIES.**—The Board shall—

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

(2) upon request, provide advice and guidance in connection with any independent review of the Office conducted by an inspector general.

(c) **STUDY.**—

(1) **OBJECTIVES.**—In conducting the study under subsection

(b)(1), the Board shall seek to—

(A) contribute to the modernization and reform of the Office of Medical Services;

(B) ensure that the activities of the Office are of the highest professional quality; and

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

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

(A) interim reports on the study; and

(B) a final report on the study, which shall—

(i) set forth in detail the findings of the study and the recommendations of the Board, based on such findings and taking into consideration the objectives under paragraph (1), regarding any changes to the activities of the Office of Medical Services; and

(ii) include, as applicable, any additional or dissenting views submitted by a member of the Board.

(d) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Board shall be composed of 9 members, appointed as follows:

(A) 1 member appointed by the Speaker of the House of Representatives.

(B) 1 member appointed by the minority leader of the House of Representatives.

(C) 1 member appointed by the majority leader of the Senate.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives.

(F) 1 member appointed by the ranking minority member of the Permanent Select Committee on Intelligence of the House of Representatives.

(G) 1 member appointed by the Chairman of the Select Committee on Intelligence of the Senate.

(H) 1 member appointed by the Vice Chairman of the Select Committee on Intelligence of the Senate.

- (I) 1 member appointed by the Director of National Intelligence.
- (2) CHAIRPERSON.—During the first meeting under subsection (e)(1), the members of the Board shall elect a Chairperson of the Board. In addition to meeting the criteria under paragraph (3), the Chairperson may not be an employee, or former employee, of the Agency.
- (3) CRITERIA.—The members appointed under paragraph (1) shall meet the following criteria:
- (A) Each member shall be a recognized expert in at least 1 medical field, as demonstrated by appropriate credentials.
- (B) Each member shall possess significant and diverse medical experience, including clinical experience.
- (C) Each member shall be eligible to hold an appropriate security clearance.
- (4) TERMS.—
- (A) IN GENERAL.—Each member, including the Chairperson, shall be appointed or elected, as applicable, for the life of the Board.
- (B) VACANCIES.—Any vacancy in the Board occurring prior to the expiration of the term under subparagraph (A) shall be filled in the manner in which the original appointment or election was made.
- (5) COMPENSATION AND TRAVEL EXPENSES.—
- (A) COMPENSATION.—Except as provided in subparagraph (B), each member of the Board, including the Chairperson, may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties under subsection (b).
- (B) EXCEPTION FOR FEDERAL EMPLOYEES.—Members of the Board, including the Chairperson, who are officers or employees of the United States shall receive no additional pay by reason of the service of the member on the Board.
- (C) TRAVEL EXPENSES.—Each member of the Board, including the Chairperson, while away from the home or regular places of business of the member in the performance of services for the Board, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.
- (6) DETAILEES.—
- (A) IN GENERAL.—Upon request of the Board, the Director of National Intelligence may detail to the Board, without reimbursement from the Board, any of the personnel of the Office of the Director of National Intelligence to assist in carrying out the duties under subsection (b). Any such detailed personnel shall retain the rights, status, and privileges of the regular employment of the personnel without interruption.

(B) CLEARANCE.—Any personnel detailed to the Board under subparagraph (A) shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(e) MEETINGS.—

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

(2) MEETINGS WITH CONGRESS.—The Board shall meet with the congressional intelligence committees on a biannual basis.

(f) INFORMATION ACCESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Board may secure directly from any department or agency of the United States Government information necessary to enable it to carry out the duties under subsection (b) and, upon request of the Chairperson of the Board, the head of that department or agency shall furnish such information to the Board.

(2) EXCEPTION.—The Director (without delegation) may deny a request for information made by the Board pursuant to paragraph (1), regardless of the agency from which such information is requested.

(3) NOTIFICATION REQUIREMENT.—If the Director denies a request under paragraph (2), not later than 15 days after the date of such denial, the Director shall submit to the congressional intelligence committees a written notification of such denial.

(4) BRIEFINGS.—The Director shall ensure that the Board receives comprehensive briefings on all activities of the Office of Medical Services, including by promptly scheduling such briefings at the request of the Board.

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

(h) DEFINITIONS.—In this section, the terms “congressional intelligence committees” and “intelligence community” have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 29. [50 U.S.C. 3530] OFFICE OF WELLNESS AND WORKFORCE SUPPORT.

(a) ESTABLISHMENT.—The Director shall establish within the Agency an office (in this section referred to as the “Office”) to provide support for the physical health, mental health, and wellbeing of eligible individuals under subsection (d).

(b) CHIEF WELLBEING OFFICER; ASSIGNED STAFF.—

(1) CHIEF WELLBEING OFFICER.—The head of the Office is the Chief Wellbeing Officer, who shall provide to the Director regular updates on the operations of the Office.

(2) ASSIGNED STAFF.—To assist in performing the functions under subsection (c), the Director shall assign to the Office a sufficient number of individuals, who shall have no official duties other than duties related to the Office while so assigned.

(c) FUNCTIONS OF OFFICE.—

(1) FUNCTIONS.—The Director shall establish the functions and role of the Office, which shall include the following:

(A) Providing to eligible individuals under subsection (d) advice and assistance on health and wellbeing, including with respect to—

- (i) physical health and access to physical health care;
- (ii) mental health and access to mental health care; and
- (iii) other related programs and benefits for which the individual may be eligible.

(B) In providing advice and assistance to individuals under subparagraph (A), assisting such individuals who are applying for, and navigating the process to obtain, benefits furnished by the United States Government for which the individual is eligible, including, at a minimum—

- (i) health care and benefits described in such subparagraph; and
- (ii) benefits furnished pursuant to section 19A.

(C) Maintaining, and making available to eligible individuals under subsection (d), the following:

- (i) A list of physicians and mental health care providers (including from the private sector, as applicable), who have experience with the physical and mental health care needs of the Agency workforce.
- (ii) A list of chaplains and religious counselors who have experience with the needs of the Agency workforce, including information regarding access to the Chaplain Corps established under section 26.
- (iii) Information regarding how to select and retain private attorneys who have experience with the legal needs of the Agency workforce, including detailed information on the process for the appropriate sharing of information with retained private attorneys.

(D) Any other functions the Director determines appropriate.

(2) **RULE OF CONSTRUCTION.**—The inclusion of any person on a list maintained or made available pursuant to paragraph (1)(C) shall not be construed as an endorsement of such person (or any service furnished by such person), and the Director shall not be liable, as a result of such inclusion, for any portion of compensable injury, loss, or damage attributable to such person or service.

(3) **CONFIDENTIALITY.**—

(A) **REQUIREMENT.**—The Director shall ensure that, to the extent permitted by law, the advice and assistance provided by the Office to eligible individuals under subsection (d) is provided in a confidential manner.

(B) **REGULATIONS.**—The Director may prescribe regulations regarding the requirement for confidentiality under this paragraph. The Director shall submit to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Rep-

representatives any such regulations not later than 30 days after prescribing such regulations.

(d) **ELIGIBILITY.**—

(1) **IN GENERAL.**—An individual described in paragraph (2) may receive a service under the Office at the election of the individual.

(2) **INDIVIDUALS DESCRIBED.**—An individual described in this paragraph is—

(A) a current or former officer or employee of the Agency; or

(B) an individual affiliated with the Agency, as determined by the Director.

SEC. 30. [50 U.S.C. 3531] SEXUAL ASSAULT AND SEXUAL HARASSMENT WITHIN THE AGENCY.

(a) **RESPONSIBILITIES OF DIRECTOR.**—The Director shall carry out the following responsibilities:

(1) Establishing professional and uniform training for employees assigned to working with all aspects of the response of the Agency to allegations of sexual assault and sexual harassment.

(2) Developing and implementing policies and procedures to protect the confidentiality of employees who report sexual assault or sexual harassment and to mitigate negative effects on the reputation or career of such an employee as a result of such a report.

(3) Developing and implementing documented standards for—

(A) appropriate mitigation and protection measures for individuals who make allegations of a sexual assault or sexual harassment to be put in place while an investigation proceeds;

(B) appropriate employee consequences to be imposed based on the findings of an inquiry or investigation into a substantiated allegation of sexual assault or sexual harassment;

(C) appropriate career path protection for all employees involved in an incident resulting in a reported allegation of sexual assault or sexual harassment while an administrative or criminal investigation or review of the allegation is pending; and

(D) mitigation measures to protect employees and mission execution while such allegations are being addressed.

(4) Articulating and enforcing norms, expectations, practices, and policies, including with respect to employee promotions and assignments, that are published for the workforce and designed to promote a healthy workplace culture that is inhospitable to sexual assault and sexual harassment.

(5) Developing and issuing workforce messaging to inform Agency employees of policies, procedures, resources, and points of contact to obtain information related to, or to report, sexual assault or sexual harassment globally.

(6) Developing and implementing sexual assault and sexual harassment training for all Agency employees that—

- (A) is designed to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault and sexual harassment;
- (B) includes onboarding programs, annual refresher training, and specialized leadership training; and
- (C) includes details of the definitions of sexual assault and sexual harassment, the distinction between such terms, and what does or does not constitute each.
- (7) Developing and implementing processes and procedures applicable to personnel involved in providing the training referred to in paragraph (6) that—
- (A) are designed to ensure seamless policy consistency and mechanisms for submitting reports of sexual assault and sexual harassment in all training environments; and
- (B) include requirements for in-person training that—
- (i) covers the reporting processes for sexual assault and sexual harassment that are specific to training environments for students and trainers; and
- (ii) shall be provided at an appropriate time during the first 5 days of any extended or residential training course.
- (8) Developing and implementing, in consultation with the Victim Advocacy Specialists of the Federal Bureau of Investigation, appropriate training requirements, policies, and procedures applicable to all employees whose professional responsibilities include interaction with people making reports alleging sexual assault or sexual harassment.
- (9) Developing and implementing procedures under which current and former employees of the Agency who have reported an allegation of sexual assault or sexual harassment may obtain documents and records related to such a report, as appropriate and upon request.
- (10) Developing and implementing procedures under which an employee who makes a restricted or unrestricted report containing an allegation of a sexual assault or sexual harassment may transfer out of the current assignment or location of the employee, upon the request of the employee making the report. Such procedures shall be consistent with the privilege established in section 31.
- (11) Developing policies and procedures for the Special Victim Investigator, as applicable, to facilitate outside engagement requests of employees reporting allegations of sexual assault or sexual harassment as described in sections 31 and 32.
- (12) Coordinating the response of the Agency to allegations of sexual assault and sexual harassment.
- (b) SEMIANNUAL REPORT.—Not less frequently than once every 180 days, the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the activities of all Agency offices responsible for preventing, investigating, adjudicating, and addressing claims of sexual assault or sexual harassment. The Director shall personally review, approve, and submit each report under this subsection on a nondelegable basis. Each such report shall include—

- (1) for the period covered by the report—
- (A) the number of new allegations of sexual assault and sexual harassment reported to any Agency office, disaggregated by restricted and unrestricted reports;
 - (B) the number of new or ongoing cases in which the Sexual Harassment/Assault Response and Prevention Office has provided victim advocacy services;
 - (C) a description of all training activities related to sexual assault and sexual harassment carried out Agency-wide, and the number of such trainings conducted; and
- (2) for the period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024 and ending on the last day of the period covered by the report—
- (A) the total number of allegations of sexual assault and sexual harassment;
 - (B) the disposition of each report of such an allegation;
 - (C) any corrective action taken in response to each such report;
 - (D) the number of such allegations that were not substantiated; and
 - (E) the number of employee reassignment and relocation requests, including—
 - (i) the number of such requests that were granted;
 - (ii) the number of such requests that were denied; and
 - (iii) for any such request that was denied, the position of the individual who denied the request and the reason for denial.

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—The policies developed pursuant to this section shall apply to each of the following:

(A) Any employee of the Agency.

(B) Any person other than an Agency employee who alleges they were sexually assaulted or harassed at a facility associated with the Agency or during the performance of a function associated with the Agency. If such person is an employee of an industrial contractor, the contracting officer for the relevant contract shall coordinate with the contractually identified representative for the prime contractor in a manner consistent with section 31.

(2) **RELATION TO EXISTING REGULATIONS.**—The policies developed pursuant to this section for handling allegations of sexual harassment shall be in addition to the requirements of part 1614 of title 29, Code of Federal Regulations, or successor regulations.

SEC. 31. [50 U.S.C. 3532] REPORTING AND INVESTIGATION OF ALLEGATIONS OF SEXUAL ASSAULT AND SEXUAL HARASSMENT.

(a) **POLICIES RELATING TO RESTRICTED AND UNRESTRICTED REPORTING OF SEXUAL ASSAULT AND SEXUAL HARASSMENT.**—

(1) **IN GENERAL.**—The Director shall develop and implement policies, regulations, personnel training, and workforce education to establish and provide information about restricted reports and unrestricted reports of allegations of sexual assault

and sexual harassment within the Agency in accordance with this subsection.

(2) **WORKFORCE EDUCATION.**—Workforce education developed under paragraph (1) shall be designed to clearly inform Agency employees of the differences between restricted and unrestricted reporting of allegations of sexual assault and sexual harassment, and which individual or office within the Agency is responsible for receiving each type of report.

(3) **RELATIONSHIP TO THE SEXUAL HARASSMENT/ASSAULT RESPONSE AND PREVENTION OFFICE.**—To the extent consistent with preserving a victim's complete autonomy, the policies, regulations, training, and messaging described in this subsection shall—

(A) encourage Agency employees to make restricted or unrestricted reports of sexual assault and sexual harassment to the Sexual Harassment/Assault Response and Prevention Office;

(B) encourage Agency employees to use the Sexual Harassment/Assault Response and Prevention Office as the primary point of contact and entry point for Agency employees to make restricted or unrestricted reports of sexual assault and sexual harassment;

(C) encourage Agency employees to seek the victim advocacy services of the Sexual Harassment/Assault Response and Prevention Office after reporting an allegation of sexual assault or sexual harassment, to the extent consistent with the victim's election; and

(D) encourage Agency employees and individuals who receive disclosures of sexual assault and sexual harassment to provide the report to, and receive guidance from, the Sexual Harassment/Assault Response and Prevention Office.

(b) **ELECTION.**—Any person making a report containing an allegation of a sexual assault or sexual harassment shall elect whether to make a restricted report or an unrestricted report. Once an election is made to make an unrestricted report, such election may not be changed.

(c) **UNRESTRICTED REPORTS.**—

(1) **ASSISTANCE.**—A person who elects to make an unrestricted report containing an allegation of sexual assault or sexual harassment may seek the assistance of another employee of the Agency with taking the action required under paragraph (2).

(2) **ACTION REQUIRED.**—A person electing to make an unrestricted report containing an allegation of sexual assault or sexual harassment shall submit the report to the Sexual Harassment/Assault Response and Prevention Office. To the extent consistent with the person's election after consultation with the Sexual Harassment/Assault Response and Prevention Office, the Sexual Harassment/Assault Response and Prevention Office may facilitate the person's contact with any other appropriate Agency official or office, and make available to Agency employees the following:

(A) A list of physicians and mental health care providers (including from the private sector, as applicable) who have experience with the physical and mental health care needs of the Agency workforce.

(B) A list of chaplains and religious counselors who have experience with the needs of the Agency workforce, including information regarding access to the Chaplain Corps established under section 26.

(C) Information regarding how to select and retain private attorneys who have experience with the legal needs of the Agency workforce, including detailed information on the process for the appropriate sharing of information with retained private attorneys.

(3) **RULE OF CONSTRUCTION.**—The inclusion of any person on a list maintained or made available pursuant to subsection (c)(2) shall not be construed as an endorsement of such person (or any service furnished by such person), and neither the Sexual Harassment/Assault Response and Prevention Office nor the Agency shall be liable, as a result of such inclusion, for any portion of compensable injury, loss, or damage attributable to such person or service.

(d) **RESTRICTED REPORTS.**—

(1) **PROCESS FOR MAKING REPORTS.**—A person who elects to make a restricted report containing an allegation of sexual assault or sexual harassment shall submit the report to the Sexual Harassment/Assault Response and Prevention Office.

(2) **ACTION REQUIRED.**—A restricted report containing an allegation of sexual assault or sexual harassment—

(A) shall be treated by the person who receives the report in the same manner as a communication covered by the privilege set forth in this section;

(B) shall not result in a referral to law enforcement or commencement of a formal administrative investigation, unless the victim elects to change the report from a restricted report to an unrestricted report;

(C) in a case requiring an employee reassignment, relocation, or other mitigation or protective measures, shall result only in actions that are managed in a manner to limit, to the extent possible, the disclosure of any information contained in the report;

(D) shall be exempt from any Federal or, to the maximum extent permitted by the Constitution, State reporting requirements, including the requirements under section 535(b) of title 28, United States Code, section 17(b)(5) of this Act, relevant provisions of Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order, Executive Order 13462 (50 U.S.C. 3001 note; relating to President's intelligence advisory board and intelligence oversight board), or successor order, title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), and sections 501 and 505 of the Rehabilitation Act of 1973 (29

U.S.C. 791 and 794a), except when reporting is necessary to prevent or mitigate an imminent threat of serious bodily harm.

(3) **RULE OF CONSTRUCTION.**—The receipt of a restricted report submitted under subsection (d) shall not be construed as imputing actual or constructive knowledge of an alleged incident of sexual assault or sexual harassment to the Agency for the purpose of the Agency's responsibility to exercise reasonable care to take immediate and appropriate corrective action to prevent and correct harassing behavior.

(e) **PRIVILEGED COMMUNICATIONS WITH AGENCY EMPLOYEES.**—

(1) **IN GENERAL.**—A victim shall be entitled to maintain and assert a privilege against disclosure of, and be able to prevent any other person from disclosing, any confidential communication made between the victim and any employee of the Sexual Harassment/Assault Response and Prevention Office, if such communication was made for the purpose of facilitating advice or assistance to the victim in accordance with this section. A victim may consent to additional disclosures.

(2) **WHEN A COMMUNICATION IS CONFIDENTIAL.**—A communication is confidential for the purposes of this section if made in the course of the relationship between the victim and any employee of the Sexual Harassment/Assault Response and Prevention Office and not intended to be disclosed to third persons, other than those to whom disclosure is made in furtherance of the provision of advice or assistance to the victim or those reasonably necessary for such transmission of the communication.

(3) **MAINTENANCE OF PRIVILEGE.**—The privilege is maintained by the victim. A victim may authorize the Sexual Harassment/Assault Response and Prevention Office employee who received the communication to assert the privilege on his or her behalf, with confidentiality. The Sexual Harassment/Assault Response and Prevention Office employee who received the communication may assert the privilege on behalf of the victim. The authority of such Sexual Harassment/Assault Response and Prevention Office employee to so assert the privilege is presumed in the absence of evidence to the contrary.

(4) **EXCEPTIONS.**—The privilege shall not apply to prevent limited disclosures necessary under the following circumstances:

(A) When the victim is deceased.

(B) When the Sexual Harassment/Assault Response and Prevention Office employee who received the communication has a reasonable belief that a victim's mental or emotional condition makes the victim a danger to any person, including the victim.

(C) When the otherwise privileged communication clearly contemplates the future commission of a crime or breach of national security, or aiding any individual to commit or plan to commit what the victim knew or reasonable should have known to be a crime or breach of national security.

(D) When disclosure of a communication is constitutionally required.

(5) HANDLING OF EXCEPTIONS.—When the Sexual Harassment/Assault Response and Prevention Office employee determines that information requires an exception to the privilege, the Sexual Harassment/Assault Response and Prevention Office employee who received the communication will protect information pertaining to the facts and circumstances surrounding the underlying sexual assault or sexual harassment allegations to the greatest extent possible.

(f) INCIDENT REPORTS WHEN VICTIM OR ALLEGED PERPETRATOR IS AN AGENCY EMPLOYEE.—

(1) INCIDENT REPORTING POLICY.—The Director shall establish and maintain a policy under which—

(A) the head of the Sexual Harassment/Assault Response and Prevention Office is required to submit a written incident report not later than 8 days after receiving an unrestricted report containing an allegation of sexual assault or sexual harassment; and

(B) each such incident report required under subparagraph (A) shall be provided to—

- (i) the Director of the Agency;
- (ii) the Chief Operating Officer of the Agency;
- (iii) the Special Victim Investigator; and
- (iv) such other individuals as the Director determines appropriate.

(2) PURPOSE.—The purpose of an incident report required under paragraph (1) is—

(A) to record the details about actions taken or in progress to provide the necessary care and support to the victim of the alleged incident;

(B) to document the referral of the allegations to the appropriate investigatory or law enforcement agency; and

(C) to provide initial formal notification of the alleged incident.

(3) ELEMENTS.—Each incident report required under paragraph (1) shall include each of the following:

(A) The time, date, and location of the alleged sexual assault or sexual harassment.

(B) An identification of the type of offense or harassment alleged.

(C) An identification of the assigned office and location of the victim.

(D) An identification of the assigned office and location of the alleged perpetrator, including information regarding whether the alleged perpetrator has been temporarily transferred or removed from an assignment or otherwise restricted, if applicable.

(E) A description of any post-incident actions taken in connection with the incident, including—

- (i) referral to any services available to victims, including the date of each referral;

(ii) notification of the incident to appropriate investigatory organizations, including the organizations notified and dates of notifications; and

(iii) issuance of any personal protection orders or steps taken to separate the victim and the alleged perpetrator within their place of employment.

(F) Such other elements as the Director determines appropriate.

(g) COMMON PERPETRATOR NOTICE REQUIREMENT.—

(1) UNRESTRICTED REPORTS.—Upon receipt of an incident report under subsection (f)(1) containing an allegation of sexual assault or sexual harassment against an individual known to be the subject of at least one allegation of sexual assault or sexual harassment by another reporter, the Special Victim Investigator shall notify each of the following of all existing allegations against the individual:

(A) The Director of the Agency.

(B) The Chief Operating Officer of the Agency.

(C) The Sexual Harassment/Assault Response and Prevention Office.

(D) If the individual is an Agency employee, the head of the directorate employing the individual and the first-level supervisor of the individual.

(E) If the individual is an Agency contractor, the Acquisition Group Chief and the contracting officer for the relevant contract. For industrial contractor personnel, the contracting officer shall notify the contractually identified representative for the prime contractor.

(F) The Inspector General of the Agency.

(G) Such other individuals as the Director determines appropriate.

(2) RESTRICTED REPORTS.—In the case of restricted reports under subsection (d), the Sexual Harassment/Assault Response and Prevention Office shall notify any victims known to have filed a restricted report against an individual known to be the subject of at least one unrestricted allegation of sexual assault or sexual harassment by another reporter that another allegation has been made against the same individual who is the alleged subject of the victim's report at the time of the victim's initial report or any time thereafter upon receipt of any subsequent unrestricted report under subsection (c) or a common perpetrator notice under paragraph (1) of this subsection.

(h) APPLICABILITY.—The policies developed pursuant to this section shall apply to each of the following:

(1) Any employee of the Agency.

(2) Any person other than an Agency employee who alleges they were sexually assaulted or harassed at a facility associated with the Agency or during the performance of a function associated with the Agency.

(i) RECORDS.—

(1) IN GENERAL.—The Director shall establish a system for the tracking and, in accordance with chapter 31 of title 44, United States Code (commonly known as the "Federal Records Act of 1950"), long-term temporary retention of all Agency

records related to any investigation into an allegation of sexual assault or sexual harassment made in an unrestricted report, including any related medical documentation.

(2) **RELATION TO PRIVILEGE.**—Any Agency records created under the authority of this section are subject to the privileges described in this section. Routine records management activities conducted by authorized Agency personnel with respect to such records, including maintaining, searching, or dispositioning of records, shall not result in a waiver of those privileges.

(3) **APPLICABILITY TO FOIA.**—This section shall constitute a withholding statute pursuant to section 552(b)(3) of title 5, United States Code, with respect to any information that may reveal the identity of a victim of sexual assault or sexual harassment, or any information subject to the privileges described in this section.

(j) **RELATIONSHIP TO THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY.**—In the case of a restricted report of sexual harassment, such report shall not result in a referral to the Office of Equal Employment Opportunity, unless the victim elects to change the report from a restricted report to an unrestricted report. In the case of an unrestricted report, the Special Victim Investigator, the Office of Equal Employment Opportunity, law enforcement, or any other appropriate investigative body, or any appropriate combination thereof, may investigate the unrestricted report, as appropriate. Policies and procedures developed pursuant to this section are intended to offer victims options in addition to the process described in part 1614 of title 29, Code of Federal Regulations, or successor regulations.

(k) **DEFINITIONS.**—In this section:

(1) **REPORT.**—The term “report” means a communication—

(A) by a victim;

(B) that describes information relating to an allegation of sexual assault or sexual harassment;

(C) to an individual eligible to document an unrestricted or restricted report; and

(D) that the victim intends to result in formal documentation of an unrestricted or restricted report.

(2) **VICTIM.**—The term “victim” means a person who alleges they have suffered direct physical or emotional harm because they were subjected to sexual assault or sexual harassment.

SEC. 32. [50 U.S.C. 3533] SPECIAL VICTIM INVESTIGATOR.

(a) **ESTABLISHMENT.**—The Director shall establish in the Office of Security a Special Victim Investigator, who shall be authorized to investigate or facilitate the investigation of unrestricted reports containing allegations of sexual assault and sexual harassment. The person appointed as the Special Victim Investigator shall be an appropriately credentialed Federal law enforcement officer and may be detailed or assigned from a Federal law enforcement entity.

(b) **RESPONSIBILITIES.**—The Investigator shall—

(1) at the election of a victim (as defined in section 31(k)), be authorized to conduct internal Agency inquiries, investiga-

tions, and other fact-finding activities related to allegations of sexual harassment, which may be separate and in addition to any inquiry or investigation conducted by the Office of Equal Employment Opportunity;

(2) conduct and manage internal Agency inquiries, investigations, and other fact-finding activities related to specific allegations of sexual assault;

(3) testify in a criminal prosecution in any venue, where appropriate;

(4) serve as the case agent for a criminal investigation in any venue, where appropriate;

(5) facilitate engagement with other law enforcement relating to such allegations, where appropriate, including coordinating on the matter and any related matters with other Federal, State, local, and Tribal law enforcement agencies, as necessary and appropriate, pursuant to regulations, requirements, and procedures developed in consultation with the Federal Bureau of Investigation, the Department of State's Diplomatic Security Service, or other Federal, State, local, or Tribal law enforcement authorities, for any such inquiries, investigations, or other fact-finding activities;

(6) develop and implement policies and procedures necessary for the Special Victim Investigator or any law enforcement partner to conduct effective investigations and also protect sensitive information;

(7) serve as the primary internal investigative body in the Agency for allegations of sexual assault, except that, in the case of an allegation of a sexual assault involving an employee of the Office of Security, the Special Victim Investigator shall coordinate with the Inspector General or appropriate criminal investigators employed by a Federal, State, local, or Tribal law enforcement entity, as necessary, to maintain the integrity of the investigation and mitigate potential conflicts of interest;

(8) establish and coordinate clear policies regarding which agency should take the lead on conducting, or be the lead in coordinating with local law enforcement when applicable, investigations of sexual assault and sexual harassment overseas; and

(9) sharing information with the Sexual Harassment/Assault Response and Prevention Office, including providing a copy of materials related to investigations with such redactions as deemed necessary, to facilitate the support and advocacy of such Office for victims of alleged sexual assault or sexual harassment.

(c) TIMEFRAME FOR INVESTIGATIONS.—The Special Victim Investigator shall—

(1) ensure that any Special Victim Investigator investigation into an allegation of a sexual assault or sexual harassment contained in an unrestricted report submitted under section 31 is completed by not later than 60 days after the date on which the report is referred to the Special Victim Investigator; and

(2) if the Special Victim Investigator determines that the completion of an investigation will take longer than 60 days—

(A) not later than 60 days after the date on which the report is referred to the Special Victim Investigator, submit to the Director a request for an extension that contains a summary of the progress of the investigation, the reasons why the completion of the investigation requires additional time, and a plan for the completion of the investigation; and

(B) provide to the person who made the report and the person against whom the allegation in the report was made notice of the extension of the investigation.