

MATTHEW YOUNG POLLARD INTELLIGENCE
AUTHORIZATION ACT FOR FISCAL YEARS 2018 AND 2019

JULY 3, 2018.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 6237]

[Including cost estimate of the Congressional Budget Office]

The Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 6237) to authorize appropriations for fiscal years 2018 and 2019 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ORGANIZATION OF ACT INTO DIVISIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”.

(b) **ORGANIZATION.**—This Act is organized into two divisions as follows:

(1) **DIVISION A.**—Intelligence Authorization Act for Fiscal Year 2018.

(2) **DIVISION B.**—Intelligence Authorization Act for Fiscal Year 2019.

DIVISION A—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2018

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2018”.

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

Sec. 101. Short title; table of contents.
Sec. 102. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 1101. Authorization of appropriations.
Sec. 1102. Classified Schedule of Authorizations.
Sec. 1103. Personnel ceiling adjustments.
Sec. 1104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 1201. Authorization of appropriations.
Sec. 1202. Computation of annuities for employees of the Central Intelligence Agency.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 1301. Restriction on conduct of intelligence activities.
Sec. 1302. Increase in employee compensation and benefits authorized by law.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Sec. 1401. Authority for protection of current and former employees of the Office of the Director of National Intelligence.
Sec. 1402. Designation of the program manager-information sharing environment.
Sec. 1403. Technical modification to the executive schedule.

TITLE V—REPORTS AND OTHER MATTERS

Sec. 1501. Period of overseas assignments for certain foreign service officers.
Sec. 1502. Assessment of significant Russian influence campaigns directed at foreign elections and referenda.
Sec. 1503. Foreign counterintelligence and cybersecurity threats to Federal election campaigns.
Sec. 1504. Intelligence community reports on security clearances.
Sec. 1505. Assessment of threat finance relating to Russia.
Sec. 1506. Report on cyber exchange program.
Sec. 1507. Review of Intelligence Community whistleblower matters.
Sec. 1508. Report on role of Director of National Intelligence with respect to certain foreign investments.
Sec. 1509. Semiannual reports on investigations of unauthorized disclosures of classified information.
Sec. 1510. Reports on intelligence community participation in vulnerabilities equities process of Federal Government.
Sec. 1511. Sense of Congress on notifications of certain disclosures of classified information.
Sec. 1512. Technical amendments related to the Department of Energy.

SEC. 102. DEFINITIONS.

In this division, the terms “congressional intelligence committees” and “intelligence community” have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal year 2018 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

(b) CERTAIN SPECIFIC AUTHORIZATION.—Funds appropriated by the Department of Defense Missile Defeat and Defense Enhancements Appropriations Act, 2018 (division B of Public Law 115–96) for intelligence or intelligence-related activities are specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094), as specified in the classified Schedule of Authorizations pursuant to section 1102, and are subject to such section 504.

SEC. 1102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 1101 and, subject to section 1103, the authorized personnel ceilings as of September 30, 2018, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 1101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

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

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

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

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

(C) as otherwise required by law.

SEC. 1103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2018 by the classified Schedule of Authorizations referred to in section 1102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed—

(1) 3 percent of the number of civilian personnel authorized under such schedule for such element; or

(2) 10 percent of the number of civilian personnel authorized under such schedule for such element for the purposes of converting the performance of any function by contractors to performance by civilian personnel.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 1102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long-term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later than 15 days prior to the exercise of an authority described in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees—

(1) a written notice of the exercise of such authority; and

(2) in the case of an exercise of such authority subject to the limitation in subsection (a)(2), a written justification for the contractor conversion that includes a comparison of whole-of-Government costs.

SEC. 1104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2018 the sum of \$546,900,000.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 797 positions as of September 30, 2018. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by sub-

section (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2018 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 1102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2018, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 1102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 1201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2018 the sum of \$514,000,000.

SEC. 1202. COMPUTATION OF ANNUITIES FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) COMPUTATION OF ANNUITIES.—

(1) IN GENERAL.—Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2031) is amended—

(A) in subsection (a)(3)(B), by striking the period at the end and inserting “, as determined by using the annual rate of basic pay that would be payable for full-time service in that position.”;

(B) in subsection (b)(1)(C)(i), by striking “12-month” and inserting “2-year”;

(C) in subsection (f)(2), by striking “one year” and inserting “two years”;

(D) in subsection (g)(2), by striking “one year” each place such term appears and inserting “two years”;

(E) by redesignating subsections (h), (i), (j), (k), and (l) as subsections (i), (j), (k), (l), and (m), respectively; and

(F) by inserting after subsection (g) the following:

“(h) CONDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.—

“(1) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant’s death, except that any such election to provide an insurable interest survivor annuity to the participant’s spouse shall only be effective if the participant’s spouse waives the spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant’s reduced annuity.

“(2) REDUCTION IN PARTICIPANT’S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

“(3) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

“(4) RECOMPUTATION OF PARTICIPANT’S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.”.

(2) CONFORMING AMENDMENTS.—

(A) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) is amended—

(i) in section 232(b)(1) (50 U.S.C. 2052(b)(1)), by striking “221(h),” and inserting “221(i).”; and

(ii) in section 252(h)(4) (50 U.S.C. 2082(h)(4)), by striking “221(k)” and inserting “221(l).”.

(B) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Subsection (a) of section 14 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3514(a)) is amended by striking “221(h)(2), 221(i), 221(l),” and inserting “221(i)(2), 221(j), 221(m).”.

(b) ANNUITIES FOR FORMER SPOUSES.—Subparagraph (B) of section 222(b)(5) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032(b)(5)(B)) is amended by striking “one year” and inserting “two years”.

(c) PRIOR SERVICE CREDIT.—Subparagraph (A) of section 252(b)(3) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(b)(3)(A)) is amended by striking “October 1, 1990” both places that term appears and inserting “March 31, 1991”.

(d) REEMPLOYMENT COMPENSATION.—Section 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2113) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) PART-TIME REEMPLOYED ANNUITANTS.—The Director shall have the authority to reemploy an annuitant on a part-time basis in accordance with section 8344(l) of title 5, United States Code.”.

(e) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a)(1)(A) and subsection (c) shall take effect as if enacted on October 28, 2009, and shall apply to computations or participants, respectively, as of such date.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 1301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 1302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

SEC. 1401. AUTHORITY FOR PROTECTION OF CURRENT AND FORMER EMPLOYEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506(a)(4)) is amended by striking “such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;” and inserting “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;”.

SEC. 1402. DESIGNATION OF THE PROGRAM MANAGER-INFORMATION-SHARING ENVIRONMENT.

(a) INFORMATION-SHARING ENVIRONMENT.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)) is amended—

(1) in paragraph (1), by striking “President” and inserting “Director of National Intelligence”; and

(2) in paragraph (2), by striking “President” both places that term appears and inserting “Director of National Intelligence”.

(b) PROGRAM MANAGER.—Section 1016(f)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)(1)) is amended by striking “The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President’s sole discretion).” and inserting “Beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2018, each individual designated as the program manager shall be appointed by the Director of National Intelligence.”.

SEC. 1403. TECHNICAL MODIFICATION TO THE EXECUTIVE SCHEDULE.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Director of the National Counterintelligence and Security Center.”.

TITLE V—REPORTS AND OTHER MATTERS

SEC. 1501. PERIOD OF OVERSEAS ASSIGNMENTS FOR CERTAIN FOREIGN SERVICE OFFICERS.

(a) LENGTH OF PERIOD OF ASSIGNMENT.—Subsection (a) of section 502 of the Foreign Service Act of 1980 (22 U.S.C. 3982) is amended by adding at the end the following new paragraph:

“(3) In making assignments under paragraph (1), and in accordance with section 903, and, if applicable, section 503, the Secretary shall assure that a member of the Service may serve at a post for a period of not more than six consecutive years.”.

(b) FOREIGN LANGUAGE DEPLOYMENT REQUIREMENTS.—Section 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022) is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) FOREIGN LANGUAGE DEPLOYMENT REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary of State, with the assistance of other relevant officials, shall require all members of the Service who receive foreign language training in Arabic, Farsi, Chinese (Mandarin or Cantonese), Turkish, Korean, and Japanese by the institution or otherwise in accordance with subsection (b) to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department.

“(2) OVERSEAS DEPLOYMENTS.—In carrying out paragraph (1), at least one of the three successive tours referred to in such paragraph shall be an overseas deployment.

“(3) WAIVER.—The Secretary of State may waive the application of paragraph (1) for medical or family hardship or in the interest of national security.

“(4) CONGRESSIONAL NOTIFICATION.—The Secretary of State shall notify the Committees on Appropriations and Foreign Affairs of the House of Representatives and Committees on Appropriations and Foreign Relations of the Senate at the end of each fiscal year of any instances during the prior twelve months in which the waiver authority described in paragraph (3) was invoked.”.

SEC. 1502. ASSESSMENT OF SIGNIFICANT RUSSIAN INFLUENCE CAMPAIGNS DIRECTED AT FOREIGN ELECTIONS AND REFERENDA.

(a) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing an analytical assessment of the most significant Russian influence campaigns, if any, conducted during the 3-year period preceding the date of the enactment of this Act, as well as the most significant current or planned such Russian influence campaigns, if any. Such assessment shall include—

(1) a summary of such significant Russian influence campaigns, including, at a minimum, the specific means by which such campaigns were conducted, are being conducted, or likely will be conducted, as appropriate, and the specific goal of each such campaign;

(2) a summary of any defenses against or responses to such Russian influence campaigns by the foreign state holding the elections or referenda;

(3) a summary of any relevant activities by elements of the intelligence community undertaken for the purpose of assisting the government of such foreign state in defending against or responding to such Russian influence campaigns; and

(4) an assessment of the effectiveness of such defenses and responses described in paragraphs (2) and (3).

(b) FORM.—The report required by subsection (a) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

(c) RUSSIAN INFLUENCE CAMPAIGN DEFINED.—In this section, the term “Russian influence campaign” means any effort, covert or overt, and by any means, attributable to the Russian Federation directed at an election, referendum, or similar process in a country other than the Russian Federation or the United States.

SEC. 1503. FOREIGN COUNTERINTELLIGENCE AND CYBERSECURITY THREATS TO FEDERAL ELECTION CAMPAIGNS.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—As provided in paragraph (2), for each Federal election, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an internet website an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices. Each such report shall include, consistent with the protection of sources and methods, each of the following:

(A) A description of foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices.

(B) A summary of best practices that election campaigns for Federal offices can employ in seeking to counter such threats.

(C) An identification of any publicly available resources, including United States Government resources, for countering such threats.

(2) SCHEDULE FOR SUBMITTAL.—A report under this subsection shall be made available as follows:

(A) In the case of a report regarding a special election held for the office of Senator or Member of the House of Representatives during 2019, not later than the date that is 60 days before the date of such special election.

(B) In the case of a report regarding an election for a Federal office during any subsequent year, not later than the date that is 1 year before the date of the election.

(3) INFORMATION TO BE INCLUDED.—A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

(b) TREATMENT OF CAMPAIGNS SUBJECT TO HEIGHTENED THREATS.—If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that an election campaign for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.

SEC. 1504. INTELLIGENCE COMMUNITY REPORTS ON SECURITY CLEARANCES.

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

(1) despite sustained efforts by Congress and the executive branch, an unacceptable backlog in processing and adjudicating security clearances persists, both within elements of the intelligence community and in other departments of the Federal Government, with some processing times exceeding a year or even more;

(2) the protracted clearance timetable threatens the ability of elements of the intelligence community to hire and retain highly qualified individuals, and thus to fulfill the missions of such elements;

(3) the prospect of a lengthy clearance process deters some such individuals from seeking employment with the intelligence community in the first place, and, when faced with a long wait time, those with conditional offers of employment may opt to discontinue the security clearance process and pursue different opportunities;

(4) now more than ever, therefore, the broken security clearance process badly needs fundamental reform; and

(5) in the meantime, to ensure the ability of elements of the intelligence community to hire and retain highly qualified personnel, elements should consider, to the extent possible and consistent with national security, permitting new employees to enter on duty immediately or nearly so, and to perform, on a temporary basis pending final adjudication of their security clearances, work that either does not require a security clearance or requires only a low-level interim clearance.

(b) IN GENERAL.—Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(ii), by inserting “and” after the semicolon;

(B) in subparagraph (B)(ii), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

“(b) INTELLIGENCE COMMUNITY REPORTS.—(1) Not later than March 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the security clearances processed by each element of the intelligence community during the preceding fiscal year. Each such report shall separately identify security clearances processed for Federal employees and contractor employees sponsored by each such element.

“(2) Each report submitted under paragraph (1) shall include each of the following for each element of the intelligence community for the fiscal year covered by the report:

“(A) The total number of initial security clearance background investigations sponsored for new applicants.

“(B) The total number of security clearance periodic reinvestigations sponsored for existing employees.

“(C) The total number of initial security clearance background investigations for new applicants that were adjudicated with notice of a determination provided to the prospective applicant, including—

“(i) the total number that were adjudicated favorably and granted access to classified information; and

“(ii) the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(D) The total number of security clearance periodic background investigations that were adjudicated with notice of a determination provided to the existing employee, including—

“(i) the total number that were adjudicated favorably; and

“(ii) the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(E) The total number of pending security clearance background investigations, including initial applicant investigations and periodic reinvestigations, that were not adjudicated as of the last day of such year and that remained pending as follows:

“(i) For 180 days or less.

“(ii) For 180 days or longer, but less than 12 months.

“(iii) For 12 months or longer, but less than 18 months.

“(iv) For 18 months or longer, but less than 24 months.

“(v) For 24 months or longer.

“(F) In the case of security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—

“(i) an explanation of the causes for the delays incurred during the period covered by the report; and

“(ii) the number of such delays involving a polygraph requirement.

“(G) The percentage of security clearance investigations, including initial and periodic reinvestigations, that resulted in a denial or revocation of a security clearance.

“(H) The percentage of security clearance investigations that resulted in incomplete information.

“(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

“(3) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a)(1)” and inserting “subsections (a)(1) and (b)”.

SEC. 1505. ASSESSMENT OF THREAT FINANCE RELATING TO RUSSIA.

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis, shall submit to the congressional intelligence committees a report containing an assessment of Russian threat finance. The assessment shall be based on intelligence from all sources, including from the Office of Terrorism and Financial Intelligence of the Department of the Treasury.

(b) **ELEMENTS.**—The report required by subsection (a) shall include each of the following:

(1) A summary of leading examples from the 3-year period preceding the date of the submittal of the report of threat finance activities conducted by, for the benefit of, or at the behest of—

(A) officials of the Government of Russia;

(B) persons subject to sanctions under any provision of law imposing sanctions with respect to Russia;

(C) Russian nationals subject to sanctions under any other provision of law; or

(D) Russian oligarchs or organized criminals.

(2) An assessment with respect to any trends or patterns in threat finance activities relating to Russia, including common methods of conducting such activities and global nodes of money laundering used by Russian threat actors described in paragraph (1) and associated entities.

(3) An assessment of any connections between Russian individuals involved in money laundering and the Government of Russia.

- (4) A summary of engagement and coordination with international partners on threat finance relating to Russia, especially in Europe, including examples of such engagement and coordination.
- (5) An identification of any resource and collection gaps.
- (6) An identification of—
 - (A) entry points of money laundering by Russian and associated entities into the United States;
 - (B) any vulnerabilities within the United States legal and financial system, including specific sectors, which have been or could be exploited in connection with Russian threat finance activities; and
 - (C) the counterintelligence threat posed by Russian money laundering and other forms of threat finance, as well as the threat to the United States financial system and United States efforts to enforce sanctions and combat organized crime.
- (7) Any other matters the Director determines appropriate.
- (c) FORM OF REPORT.—The report required under subsection (a) may be submitted in classified form.
- (d) THREAT FINANCE DEFINED.—In this section, the term “threat finance” means—
 - (1) the financing of cyber operations, global influence campaigns, intelligence service activities, proliferation, terrorism, or transnational crime and drug organizations;
 - (2) the methods and entities used to spend, store, move, raise, conceal, or launder money or value, on behalf of threat actors;
 - (3) sanctions evasion; and
 - (4) other forms of threat finance activity domestically or internationally, as defined by the President.

SEC. 1506. REPORT ON CYBER EXCHANGE PROGRAM.

- (a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the potential establishment of a fully voluntary exchange program between elements of the intelligence community and private technology companies under which—
 - (1) an employee of an element of the intelligence community with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to a private technology company that has elected to receive the detailee; and
 - (2) an employee of a private technology company with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to an element of the intelligence community that has elected to receive the detailee.
- (b) ELEMENTS.—The report under subsection (a) shall include the following:
 - (1) An assessment of the feasibility of establishing the exchange program described in such subsection.
 - (2) Identification of any challenges in establishing the exchange program.
 - (3) An evaluation of the benefits to the intelligence community that would result from the exchange program.

SEC. 1507. REVIEW OF INTELLIGENCE COMMUNITY WHISTLEBLOWER MATTERS.

- (a) REVIEW OF WHISTLEBLOWER MATTERS.—The Inspector General of the Intelligence Community, in consultation with the inspectors general for the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the Defense Intelligence Agency, and the National Reconnaissance Office, shall conduct a review of the authorities, policies, investigatory standards, and other practices and procedures relating to intelligence community whistleblower matters, with respect to such inspectors general.
- (b) OBJECTIVE OF REVIEW.—The objective of the review required under subsection (a) is to identify any discrepancies, inconsistencies, or other issues, which frustrate the timely and effective reporting of intelligence community whistleblower matters to appropriate inspectors general and to the congressional intelligence committees, and the fair and expeditious investigation and resolution of such matters.
- (c) CONDUCT OF REVIEW.—The Inspector General of the Intelligence Community shall take such measures as the Inspector General determines necessary in order to ensure that the review required by subsection (a) is conducted in an independent and objective fashion.
- (d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report containing the results of the review required under subsection (a), along with recommendations to improve the timely and effective reporting of intelligence community whistleblower matters to inspec-

tors general and to the congressional intelligence committees and the fair and expeditious investigation and resolution of such matters.

SEC. 1508. REPORT ON ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE WITH RESPECT TO CERTAIN FOREIGN INVESTMENTS.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on the role of the Director in preparing analytic materials in connection with the evaluation by the Federal Government of national security risks associated with potential foreign investments into the United States.

(b) **ELEMENTS.**—The report under subsection (a) shall include—

- (1) a description of the current process for the provision of the analytic materials described in subsection (a);
- (2) an identification of the most significant benefits and drawbacks of such process with respect to the role of the Director, including the sufficiency of resources and personnel to prepare such materials; and
- (3) recommendations to improve such process.

SEC. 1509. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) **IN GENERAL.**—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

“SEC. 1105. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

“(a) INTELLIGENCE COMMUNITY REPORTING.—

“(1) IN GENERAL.—Not less frequently than once every 6 months, each covered official shall submit to the congressional intelligence committees a report on investigations of unauthorized public disclosures of classified information.

“(2) ELEMENTS.—Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

“(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.

“(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.

“(C) Of the number of such completed investigations identified under subparagraph (B), the number referred to the Attorney General for criminal investigation.

“(b) DEPARTMENT OF JUSTICE REPORTING.—

“(1) IN GENERAL.—Not less frequently than once every 6 months, the Assistant Attorney General for National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for each referral covered by the report, at a minimum, the following:

“(A) The date the referral was received.

“(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

“(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

“(D) A statement indicating whether an open criminal investigation related to the referral is active.

“(E) A statement indicating whether any criminal charges have been filed related to the referral.

“(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.

“(c) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.

“(d) DEFINITIONS.—In this section:

“(1) COVERED OFFICIAL.—The term ‘covered official’ means—

“(A) the heads of each element of the intelligence community; and

“(B) the inspectors general with oversight responsibility for an element of the intelligence community.

“(2) INVESTIGATION.—The term ‘investigation’ means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.

“(3) UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.—The term ‘unauthorized disclosure of classified information’ means any unauthorized disclosure of classified information to any recipient.

“(4) UNAUTHORIZED PUBLIC DISCLOSURE OF CLASSIFIED INFORMATION.—The term ‘unauthorized public disclosure of classified information’ means the unauthorized disclosure of classified information to a journalist or media organization.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1104 the following new item:

“Sec. 1105. Semiannual reports on investigations of unauthorized disclosures of classified information.”.

SEC. 1510. REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESS OF FEDERAL GOVERNMENT.

(a) REPORTS ON PROCESS AND CRITERIA UNDER VULNERABILITIES EQUITIES POLICY AND PROCESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a written report describing—

(A) with respect to each element of the intelligence community—

(i) the title of the official or officials responsible for determining whether, pursuant to criteria contained in the Vulnerabilities Equities Policy and Process document or any successor document, a vulnerability must be submitted for review under the Vulnerabilities Equities Process; and

(ii) the process used by such element to make such determination; and

(B) the roles or responsibilities of that element during a review of a vulnerability submitted to the Vulnerabilities Equities Process.

(2) CHANGES TO PROCESS OR CRITERIA.—Not later than 30 days after any significant change is made to the process and criteria used by any element of the intelligence community for determining whether to submit a vulnerability for review under the Vulnerabilities Equities Process, such element shall submit to the congressional intelligence committees a report describing such change.

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

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once each calendar year, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report containing, with respect to the previous year—

(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;

(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and

(C) the aggregate number, by category, of the vulnerabilities excluded from review under the Vulnerabilities Equities Process, as described in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.

(2) UNCLASSIFIED INFORMATION.—Each report submitted under paragraph (1) shall include an unclassified appendix that contains—

(A) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process; and

(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.

(3) NONDUPLICATION.—The Director of National Intelligence may forgo submission of an annual report required under this subsection for a calendar year, if the Director notifies the congressional intelligence committees in writing that, with respect to the same calendar year, an annual report required by paragraph 4.3 of the Vulnerabilities Equities Policy and Process document already has been submitted to Congress, and such annual report contains the information that would otherwise be required to be included in an annual report under this subsection.

(c) DEFINITIONS.—In this section:

(1) **VULNERABILITIES EQUITIES POLICY AND PROCESS DOCUMENT.**—The term “Vulnerabilities Equities Policy and Process document” means the executive branch document entitled “Vulnerabilities Equities Policy and Process” dated November 15, 2017.

(2) **VULNERABILITIES EQUITIES PROCESS.**—The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(3) **VULNERABILITY.**—The term “vulnerability” means a weakness in an information system or its components (for example, system security procedures, hardware design, and internal controls) that could be exploited or could affect confidentiality, integrity, or availability of information.

SEC. 1511. SENSE OF CONGRESS ON NOTIFICATIONS OF CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) **FINDINGS.**—Congress finds that section 502 of the National Security Act of 1947 (50 U.S.C. 3092) requires elements of the intelligence community to keep the congressional intelligence committees “fully and currently informed” about all “intelligence activities” of the United States, and to “furnish to the congressional intelligence committees any information or material concerning intelligence activities * * * which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.”

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

(1) section 502 of the National Security Act of 1947 (50 U.S.C. 3092), together with other intelligence community authorities, obligate an element of the intelligence community to submit to the congressional intelligence committees written notification, by not later than 7 days after becoming aware, that an individual in the executive branch has disclosed covered classified information to an official of an adversary foreign government using methods other than established intelligence channels; and

(2) each such notification should include—

(A) the date and place of the disclosure of classified information covered by the notification;

(B) a description of such classified information;

(C) identification of the individual who made such disclosure and the individual to whom such disclosure was made; and

(D) a summary of the circumstances of such disclosure.

(c) **DEFINITIONS.**—In this section:

(1) **ADVERSARY FOREIGN GOVERNMENT.**—The term “adversary foreign government” means the government of any of the following foreign countries:

(A) North Korea.

(B) Iran.

(C) China.

(D) Russia.

(E) Cuba.

(2) **COVERED CLASSIFIED INFORMATION.**—The term “covered classified information” means classified information that was—

(A) collected by an element of the intelligence community; or

(B) provided by the intelligence service or military of a foreign country to an element of the intelligence community.

(3) **ESTABLISHED INTELLIGENCE CHANNELS.**—The term “established intelligence channels” means methods to exchange intelligence to coordinate foreign intelligence relationships, as established pursuant to law by the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, or other head of an element of the intelligence community.

(4) **INDIVIDUAL IN THE EXECUTIVE BRANCH.**—The term “individual in the executive branch” means any officer or employee of the executive branch, including individuals—

(A) occupying a position specified in article II of the Constitution;

(B) appointed to a position by an individual described in subparagraph (A); or

(C) serving in the civil service or the senior executive service (or similar service for senior executives of particular departments or agencies).

SEC. 1512. TECHNICAL AMENDMENTS RELATED TO THE DEPARTMENT OF ENERGY.

(a) **NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.**—

(1) **CLARIFICATION OF FUNCTIONS OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.**—Subsection (b) of section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)) is amended—

- (A) by striking paragraphs (11) and (12); and
 (B) by redesignating paragraphs (13) through (19) as paragraphs (11) through (17), respectively.
- (2) COUNTERINTELLIGENCE PROGRAMS.—Section 3233(b) of the National Nuclear Security Administration Act (50 U.S.C. 2423(b)) is amended—
 (A) by striking “Administration” and inserting “Department”; and
 (B) by inserting “Intelligence and” after “the Office of”.
- (b) ATOMIC ENERGY DEFENSE ACT.—Section 4524(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2674(b)(2)) is amended by inserting “Intelligence and” after “The Director of”.
- (c) NATIONAL SECURITY ACT OF 1947.—Paragraph (2) of section 106(b) of the National Security Act of 1947 (50 U.S.C. 3041(b)(2)) is amended—
 (1) in subparagraph (E), by inserting “and Counterintelligence” after “Office of Intelligence”;
 (2) by striking subparagraph (F);
 (3) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and
 (4) in subparagraph (H), as so redesignated, by realigning the margin of such subparagraph 2 ems to the left.

DIVISION B—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2019

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2019”.

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

Sec. 201. Short title; table of contents.
 Sec. 202. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 2101. Authorization of appropriations.
 Sec. 2102. Classified Schedule of Authorizations.
 Sec. 2103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 2201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 2301. Restriction on conduct of intelligence activities.
 Sec. 2302. Increase in employee compensation and benefits authorized by law.
 Sec. 2303. Modification of special pay authority for science, technology, engineering, or mathematics positions and addition of special pay authority for cyber positions.
 Sec. 2304. Repeal of Joint Intelligence Community Council.
 Sec. 2305. Permanent enhanced procurement authority to manage supply chain risks.
 Sec. 2306. Intelligence community information technology environment.
 Sec. 2307. Development of secure cellular voice solution for intelligence community.
 Sec. 2308. Policy on minimum insider threat standards.
 Sec. 2309. Submission of intelligence community policies.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 2401. Chief Financial Officer of the Intelligence Community.
 Sec. 2402. Chief Information Officer of the Intelligence Community.

Subtitle B—Central Intelligence Agency

Sec. 2411. CIA subsistence for personnel assigned to austere locations.
 Sec. 2412. Special rules for certain monthly workers’ compensation payments and other payments for CIA personnel.
 Sec. 2413. Expansion of security protective service jurisdiction of the Central Intelligence Agency.
 Sec. 2414. Repeal of foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.

Subtitle C—Office of Intelligence and Counterintelligence of Department of Energy

Sec. 2421. Consolidation of Department of Energy Offices of Intelligence and Counterintelligence.
 Sec. 2422. Establishment of Energy Infrastructure Security Center.
 Sec. 2423. Repeal of Department of Energy Intelligence Executive Committee and budget reporting requirement.

Subtitle D—Other Elements

Sec. 2431. Collocation of certain Department of Homeland Security personnel at field locations.
 Sec. 2432. Framework for roles, missions, and functions of Defense Intelligence Agency.
 Sec. 2433. Consultation by Secretary of Defense with Director of National Intelligence for certain functions.
 Sec. 2434. Construction of National Security Agency East Campus Building 3.
 Sec. 2435. Establishment of advisory board for National Reconnaissance Office.

TITLE V—REPORTS AND OTHER MATTERS

- Sec. 2501. Public Interest Declassification Board.
 Sec. 2502. Repeal of certain reporting requirements.
 Sec. 2503. Notification of significant foreign cyber intrusions and active measures campaigns directed at elections for Federal offices.
 Sec. 2504. Reports on intelligence community loan repayment and related programs.
 Sec. 2505. Comptroller General of the United States report on senior executives of the Office of the Director of National Intelligence.
 Sec. 2506. Briefings on counterintelligence activities of the Federal Bureau of Investigation.
 Sec. 2507. Briefing on FBI offering permanent residence to sources and cooperators.
 Sec. 2508. Technical and clerical amendments to the National Security Act of 1947.

SEC. 202. DEFINITIONS.

In this division, the terms “congressional intelligence committees” and “intelligence community” have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

TITLE I—INTELLIGENCE ACTIVITIES**SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2019 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

SEC. 2102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 2101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 2101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

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

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

- (A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));
- (B) to the extent necessary to implement the budget; or
- (C) as otherwise required by law.

SEC. 2103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2019 the sum of \$514,524,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 2102(a) for advanced research and development shall remain available until September 30, 2020.

(b) CLASSIFIED AUTHORIZATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a),

there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2019 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 2102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2019 the sum of \$514,000,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 2301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 2302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 2303. MODIFICATION OF SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS AND ADDITION OF SPECIAL PAY AUTHORITY FOR CYBER POSITIONS.

Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a) is amended—

(1) by amending subsection (a) to read as follows:

“(a) SPECIAL RATES OF PAY FOR POSITIONS REQUIRING EXPERTISE IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

“(1) IN GENERAL.—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may, for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics—

“(A) establish higher minimum rates of pay; and

“(B) make corresponding increases in all rates of pay of the pay range for each grade or level, subject to subsection (b) or (c), as applicable.

“(2) TREATMENT.—The special rate supplements resulting from the establishment of higher rates under paragraph (1) shall be basic pay for the same or similar purposes as those specified in section 5305(j) of title 5, United States Code.”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) SPECIAL RATES OF PAY FOR CYBER POSITIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (c), the Director of the National Security Agency may establish a special rate of pay—

“(A) not to exceed the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, if the Director certifies to the Under Secretary of Defense for Intelligence, in consultation with the Under Secretary of Defense for Personnel and Readiness, that the rate of pay is for positions that perform functions that execute the cyber mission of the Agency; or

“(B) not to exceed the rate of basic pay payable for the Vice President of the United States under section 104 of title 3, United States Code, if the Director certifies to the Secretary of Defense, by name, individuals that have advanced skills and competencies and that perform critical functions that execute the cyber mission of the Agency.

“(2) PAY LIMITATION.—Employees receiving a special rate under paragraph (1) shall be subject to an aggregate pay limitation that parallels the limitation established in section 5307 of title 5, United States Code, except that—

“(A) any allowance, differential, bonus, award, or other similar cash payment in addition to basic pay that is authorized under title 10, United States Code, (or any other applicable law in addition to title 5 of such Code,

excluding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall also be counted as part of aggregate compensation; and

“(B) aggregate compensation may not exceed the rate established for the Vice President of the United States under section 104 of title 3, United States Code.

“(3) LIMITATION ON NUMBER OF RECIPIENTS.—The number of individuals who receive basic pay established under paragraph (1)(B) may not exceed 100 at any time.

“(4) LIMITATION ON USE AS COMPARATIVE REFERENCE.—Notwithstanding any other provision of law, special rates of pay and the limitation established under paragraph (1)(B) may not be used as comparative references for the purpose of fixing the rates of basic pay or maximum pay limitations of qualified positions under section 1599f of title 10, United States Code, or section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147).”;

(4) in subsection (c), as redesignated by paragraph (2), by striking “A minimum” and inserting “Except as provided in subsection (b), a minimum”;

(5) in subsection (d), as redesignated by paragraph (2), by inserting “or (b)” after “by subsection (a)”; and

(6) in subsection (g), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017” and inserting “Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2019”; and

(B) in paragraph (2)(A), by inserting “or (b)” after “subsection (a)”.

SEC. 2304. REPEAL OF JOINT INTELLIGENCE COMMUNITY COUNCIL.

(a) REPEAL.—Section 101A of the National Security Act of 1947 (50 U.S.C. 3022) is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by striking the item relating to section 101A.

(c) CONFORMING AMENDMENT.—Section 102A(c)(1)(B) of such Act (50 U.S.C. 3024) is amended by striking “and, after obtaining the advice of the Joint Intelligence Community Council”.

SEC. 2305. PERMANENT ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISKS.

Section 309 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87; 125 Stat. 1875; 50 U.S.C. 3329 note) is amended by striking subsection (g).

SEC. 2306. INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

(a) ROLES AND RESPONSIBILITIES.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall be responsible for coordinating the performance by elements of the intelligence community of IC ITE, including each of the following:

(A) Ensuring compliance with all applicable IC ITE rules and regulations.

(B) Ensuring IC ITE measurable performance goals exist.

(C) Documenting IC ITE standards and practices.

(D) Acting as an arbiter among elements of the intelligence community related to any disagreements arising out of the implementation of IC ITE.

(E) Delegating responsibilities to the elements of the intelligence community and carrying out such other responsibilities as are necessary for the effective implementation of IC ITE.

(2) KEY SERVICE PROVIDERS.—Key service providers shall be responsible for—

(A) providing key services, in coordination with the Director of National Intelligence; and

(B) providing the Director with information requested and required to fulfill the responsibilities of the Director under paragraph (1).

(3) USE OF KEY SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each element of the intelligence community shall use key services when such services are available.

(B) EXCEPTION.—The Director of National Intelligence may provide for a written exception to the requirement under subparagraph (A) if the Director determines there is a compelling financial or mission need for such exception.

(b) MANAGEMENT ACCOUNTABILITY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate and maintain one or more accountable IC ITE executives to be responsible for—

(1) IC ITE management, financial control, and integration;

- (2) ensuring the performance of each key service, including establishing measurable service requirements and schedules;
 - (3) ensuring independent testing of each IC ITE core service, including testing by the intended users, to evaluate performance against measurable service requirements and to ensure the capability meets user requirements; and
 - (4) coordinate IC ITE transition or restructuring efforts, including phase out of legacy systems.
- (c) SECURITY PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and maintain a security plan for IC ITE.
- (d) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a long-term roadmap that shall include each of the following:
- (1) A description of the minimum required and desired key service requirements, including—
 - (A) key performance parameters; and
 - (B) an assessment of current, measured performance.
 - (2) IC ITE implementation milestones, including each of the following:
 - (A) A schedule for expected deliveries of key service capabilities during each of the following phases:
 - (i) Concept refinement and technology maturity demonstration.
 - (ii) Development, integration, and demonstration,
 - (iii) Production, deployment, and sustainment.
 - (iv) System retirement.
 - (B) Dependencies of such key service capabilities.
 - (C) Plans for the transition or restructuring necessary to incorporate key service capabilities.
 - (D) A description of any legacy systems and discontinued capabilities to be phased out.
 - (3) Such other matters as the Director determines appropriate.
- (e) BUSINESS PLAN.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a business plan that includes each of the following:
- (1) A uniform approach to identify IC ITE key service funding requests within the proposed budget, including multiyear plans to implement the long-term roadmap required by subsection (d).
 - (2) A uniform approach by which each element of the intelligence community shall identify the cost of legacy information technology or alternative capabilities where IC ITE services will also be available.
 - (3) A uniform effort by which each element of the intelligence community shall identify transition and restructuring costs for new, existing, and retiring IC ITE services, as well as IC ITE services that have changed designations among core service, service of common concern, and agency unique service.
 - (4) A fair and equitable rate structure for use of IC ITE.
- (f) QUARTERLY PRESENTATIONS.—Beginning not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees quarterly updates regarding ongoing implementation of IC ITE as compared to the requirements in the most recently submitted security plan required by subsection (c), long-term roadmap required by subsection (d), and business plan required by subsection (e).
- (g) ADDITIONAL NOTIFICATIONS.—The Director of National Intelligence shall provide timely notification to the congressional intelligence committees regarding any policy changes related to or affecting IC ITE, new initiatives or strategies related to or impacting IC ITE, and changes or deficiencies in the execution of the security plan required by subsection (c), long-term roadmap required by subsection (d), and business plan required by subsection (e).
- (h) DEFINITIONS.—In this section:
- (1) The term “agency unique service” means a capability that is unique to and used only within one element of the intelligence community.
 - (2) The term “core service” means a capability that is available to multiple elements of the intelligence community and required for consistent operation of IC ITE.
 - (3) The term “intelligence community information technology environment” or “IC ITE” means all of the information technology services across the intelligence community, including the data sharing and protection environment across multiple classification domains.

(4) The term “key service” is a core service or service of common concern, but is not an agency unique service.

(5) The term “key service provider” is the entity responsible and accountable for implementing a key service within the IC ITE.

(6) The term “service of common concern” means a capability available across IC ITE that is of interest to two or more elements of the intelligence community.

(i) SUNSET.—The section shall have no effect on or after September 30, 2024.

SEC. 2307. DEVELOPMENT OF SECURE CELLULAR VOICE SOLUTION FOR INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Director of National Intelligence shall certify and approve the operation of a National Intelligence Program enterprise-wide secure voice cellular solution that leverages commercially available technology and operates on existing commercial cellular networks.

(b) POLICY.—The Director of National Intelligence shall establish an intelligence community policy for the cellular voice solution required by subsection (a) that addresses each of the following:

(1) Determinations regarding eligibility to use a device covered by such cellular voice solution.

(2) The appropriate classification levels associated with the use of secure cellular phones.

(3) Measures that should be taken prior to initiating or receiving a secure cellular call.

(4) Appropriate methods for storage of secure devices when not in the physical possession of an authorized user.

(5) Such other matters as the Director determines appropriate.

(c) COSTS.—The Director of National Intelligence shall ensure that annual operating costs of the secure cellular solution requirement in subsection (a), excluding initial development and deployment, are born on a cost-reimbursable basis by each relevant element of the intelligence community.

SEC. 2308. POLICY ON MINIMUM INSIDER THREAT STANDARDS.

(a) POLICY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a policy for minimum insider threat standards.

(b) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the head of each element of the intelligence community shall implement the policy established under subsection (a).

SEC. 2309. SUBMISSION OF INTELLIGENCE COMMUNITY POLICIES.

(a) SUBMISSION OF POLICIES.—

(1) CURRENT POLICY.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees using the electronic repository all non-publicly available policies, directives, and guidance issued by the Director of National Intelligence for the intelligence community that are in effect as of the date of the submission.

(2) CONTINUOUS UPDATES.—Not later than 15 days after the date on which the Director of National Intelligence issues, modifies, or rescinds a policy, directive, or guidance of the intelligence community, the Director shall—

(A) notify the congressional intelligence committees of such addition, modification, or removal; and

(B) update the electronic repository with respect to such addition, modification, or removal.

(b) ELECTRONIC REPOSITORY DEFINED.—In this section, the term “electronic repository” means the electronic distribution mechanism, in use as of the date of the enactment of this Act, or any successor electronic distribution mechanism, by which the Director of National Intelligence submits to the congressional intelligence committees information.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 2401. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103I(a) of the National Security Act of 1947 (50 U.S.C. 3034(a)) is amended by adding at the end the following new sentence: “The Chief Financial Officer shall report directly to the Director of National Intelligence.”.

SEC. 2402. CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G(a) of the National Security Act of 1947 (50 U.S.C. 3032(a)) is amended by adding at the end the following new sentence: “The Chief Information Officer shall report directly to the Director of National Intelligence.”.

Subtitle B—Central Intelligence Agency

SEC. 2411. CIA SUBSISTENCE FOR PERSONNEL ASSIGNED TO AUSTERE LOCATIONS.

Subsection (a) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506) is amended—

(1) in paragraph (1), by striking “(50 U.S.C. 403–4a),” and inserting “(50 U.S.C. 403–4a),”;

(2) in paragraph (6), by striking “and” at the end;

(3) in paragraph (7), by striking the period at the end and inserting “; and”;

and

(4) by adding at the end the following new paragraph (8):
“(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.”.

SEC. 2412. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR CIA PERSONNEL.

(a) IN GENERAL.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by inserting after section 19 the following new section:

“SEC. 19A. SPECIAL RULES FOR CERTAIN INDIVIDUALS INJURED BY REASON OF WAR, INSURGENCY, HOSTILE ACT, OR TERRORIST ACTIVITIES.

“(a) ADJUSTMENT OF COMPENSATION FOR CERTAIN INJURIES.—

“(1) INCREASE.—The Director of the Central Intelligence Agency 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 title 5, United States Code.

“(b) 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.

“(c) TREATMENT OF AMOUNTS.—For purposes of section 104 of the Internal Revenue Code of 1986, amounts paid pursuant to this section shall be treated as amounts paid under chapter 81 of title 5, United States Code.

“(d) DEFINITIONS.—In this section:

“(1) COVERED DEPENDENT.—The term ‘covered dependent’ means a family member 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

“(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 war, insurgency, hostile act, or terrorist activities occurring during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country; and

“(ii) that was not the result of the willful misconduct of the covered dependent.

“(B) With respect to a covered employee or a covered individual, an injury incurred—

“(i) during war, insurgency, hostile act, or terrorist activities occurring during a period of assignment to a duty station in a foreign country; and

“(ii) that was not the result of the willful misconduct of the covered employee or the covered individual.”.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) prescribe regulations ensuring the fair and equitable implementation of section 19A of the Central Intelligence Agency Act of 1949, as added by subsection (a); and

(2) submit to the congressional intelligence committees such regulations.

(c) APPLICATION.—Section 19A of the Central Intelligence Agency Act of 1949, as added by subsection (a), shall apply with respect to—

(1) payments made to covered employees (as defined in such section) under section 8105 of title 5, United States Code, beginning on or after the date of the enactment of this Act; and

(2) treatment described in subsection (b) of such section 19A occurring on or after the date of the enactment of this Act.

SEC. 2413. EXPANSION OF SECURITY PROTECTIVE SERVICE JURISDICTION OF THE CENTRAL INTELLIGENCE AGENCY.

Subsection (a) of section 15 of the Central Intelligence Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in the subsection heading, by striking “POLICEMEN” and inserting “POLICE OFFICERS”; and

(2) in paragraph (1)—

(A) in subparagraph (B), by striking “500 feet;” and inserting “500 yards;”; and

(B) in subparagraph (D), by striking “500 feet.” and inserting “500 yards.”.

SEC. 2414. REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT.—Section 104A of the National Security Act of 1947 (50 U.S.C. 3036) is amended by striking subsection (g).

(b) CONFORMING REPEAL OF REPORT REQUIREMENT.—Section 611 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487) is amended by striking subsection (c).

Subtitle C—Office of Intelligence and Counterintelligence of Department of Energy

SEC. 2421. CONSOLIDATION OF DEPARTMENT OF ENERGY OFFICES OF INTELLIGENCE AND COUNTERINTELLIGENCE.

(a) IN GENERAL.—Section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b) is amended to read as follows:

“OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE

“SEC. 215.

“(a) IN GENERAL.—There is in the Department an Office of Intelligence and Counterintelligence. Such office shall be under the National Intelligence Program.

“(b) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Intelligence and Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

“(2) The Secretary shall select an individual to serve as the Director from among individuals who have substantial expertise in matters relating to the intelligence community, including foreign intelligence and counterintelligence.

“(c) DUTIES.—(1) Subject to the authority, direction, and control of the Secretary, the Director shall perform such duties and exercise such powers as the Secretary may prescribe.

“(2) The Director shall be responsible for establishing policy for intelligence and counterintelligence programs and activities at the Department.

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

(b) CONFORMING REPEAL.—Section 216 of the Department of Energy Organization Act (42 U.S.C. 7144c) is hereby repealed.

(c) CLERICAL AMENDMENT.—The table of contents at the beginning of the Department of Energy Organization Act is amended by striking the items relating to sections 215 and 216 and inserting the following new item:

“215. Office of Intelligence and Counterintelligence.”.

SEC. 2422. ESTABLISHMENT OF ENERGY INFRASTRUCTURE SECURITY CENTER.

Section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b), as amended by section 2421, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ENERGY INFRASTRUCTURE SECURITY CENTER.—(1)(A) The President shall establish an Energy Infrastructure Security Center, taking into account all appropriate government tools to analyze and disseminate intelligence relating to the security of the energy infrastructure of the United States.

“(B) The Secretary shall appoint the head of the Energy Infrastructure Security Center.

“(C) The Energy Infrastructure Security Center shall be located within the Office of Intelligence and Counterintelligence.

“(2) In establishing the Energy Infrastructure Security Center, the Director of the Office of Intelligence and Counterintelligence shall address the following missions and objectives to coordinate and disseminate intelligence relating to the security of the energy infrastructure of the United States:

“(A) Establishing a primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to the security of the energy infrastructure of the United States.

“(B) Ensuring that appropriate departments and agencies have full access to and receive intelligence support needed to execute the plans or activities of the agencies, and perform independent, alternative analyses.

“(C) Establishing a central repository on known and suspected foreign threats to the energy infrastructure of the United States, including with respect to any individuals, groups, or entities engaged in activities targeting such infrastructure, and the goals, strategies, capabilities, and networks of such individuals, groups, or entities.

“(D) Disseminating intelligence information relating to the security of the energy infrastructure of the United States, including threats and analyses, to the President, to the appropriate departments and agencies, and to the appropriate committees of Congress.

“(3) The President may waive the requirements of this subsection, and any parts thereof, if the President determines that such requirements do not materially improve the ability of the United States Government to prevent and halt attacks against the energy infrastructure of the United States. Such waiver shall be made in writing to Congress and shall include a description of how the missions and objectives in paragraph (2) are being met.

“(4) If the President decides not to exercise the waiver authority granted by paragraph (3), the President shall submit to Congress from time to time updates and plans regarding the establishment of an Energy Infrastructure Security Center.”.

SEC. 2423. REPEAL OF DEPARTMENT OF ENERGY INTELLIGENCE EXECUTIVE COMMITTEE AND BUDGET REPORTING REQUIREMENT.

Section 214 of the Department of Energy Organization Act (42 U.S.C. 7144a) is amended—

- (1) by striking “(a) DUTY OF SECRETARY.—”; and
- (2) by striking subsections (b) and (c).

Subtitle D—Other Elements

SEC. 2431. COLLOCATION OF CERTAIN DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT FIELD LOCATIONS.

Not later than 18 months after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall transfer not less than 40 personnel who are stationed, as of the date of the enactment of this Act, at the Department of Homeland Security headquarters located at Nebraska Avenue Northwest, Washington, District of Columbia, to locations at least 30 miles from such headquarters in order to collocate such personnel with and provide support for Department of Homeland Security operational units from Customs and Border Protection, the Transportation Security Administration, Immigration and Customs Enforcement, or other elements of the Department of Homeland Security.

SEC. 2432. FRAMEWORK FOR ROLES, MISSIONS, AND FUNCTIONS OF DEFENSE INTELLIGENCE AGENCY.

(a) **IN GENERAL.**—The Director of National Intelligence and the Secretary of Defense shall jointly establish a framework to ensure the appropriate balance of resources for the roles, missions, and functions of the Defense Intelligence Agency in its capacity as an element of the intelligence community and as a combat support agency. The framework shall include supporting processes to provide for the consistent and regular reevaluation of the responsibilities and resources of the Defense Intelligence Agency to prevent imbalanced priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.

(b) **MATTERS FOR INCLUSION.**—The framework required under subsection (a) shall include each of the following:

- (1) A lexicon providing for consistent definitions of relevant terms used by both the intelligence community and the Department of Defense, including each of the following:
 - (A) Defense intelligence enterprise.
 - (B) Enterprise manager.
 - (C) Executive agent.
 - (D) Function.
 - (E) Functional manager.
 - (F) Mission.
 - (G) Mission manager.
 - (H) Responsibility.
 - (I) Role.
 - (J) Service of common concern.

(2) An assessment of the necessity of maintaining separate designations for the intelligence community and the Department of Defense for intelligence functional or enterprise management constructs.

(3) A repeatable process for evaluating the addition, transfer, or elimination of defense intelligence missions, roles, and functions, currently performed or to be performed in the future by the Defense Intelligence Agency, which includes each of the following:

- (A) A justification for the addition, transfer, or elimination of a mission, role, or function.
- (B) The identification of which, if any, element of the Federal Government performs the considered mission, role, or function.
- (C) In the case of any new mission, role, or functions—
 - (i) an assessment of the most appropriate agency or element to perform such mission, role, or function, taking into account the resource profiles, scope of responsibilities, primary customers, and existing infrastructure necessary to support such mission, role, or function; and
 - (ii) a determination of the appropriate resource profile and an identification of the projected resources needed and the proposed source of such resources over the future-years defense program, to be provided

in writing to any elements of the intelligence community or the Department of Defense affected by the assumption, transfer, or elimination of any mission, role, or function.

(D) In the case of any mission, role, or function proposed to be assumed, transferred, or eliminated, an assessment, which shall be completed jointly by the heads of each element affected by such assumption, transfer, or elimination, of the risks that would be assumed by the intelligence community and the Department if such mission, role, or function is assumed, transferred, or eliminated.

(E) A description of how determinations are made regarding the funding of programs and activities under the National Intelligence Program and the Military Intelligence Program, including—

- (i) which programs or activities are funded under each such Program;
- (ii) which programs or activities should be jointly funded under both such Programs and how determinations are made with respect to funding allocations for such programs and activities; and
- (iii) the thresholds and process for changing a program or activity from being funded under one such Program to being funded under the other such Program.

SEC. 2433. CONSULTATION BY SECRETARY OF DEFENSE WITH DIRECTOR OF NATIONAL INTELLIGENCE FOR CERTAIN FUNCTIONS.

Section 105(b) of the National Security Act of 1947 (50 U.S.C. 3038(b)) is amended in the matter preceding paragraph (1) by inserting “, in consultation with the Director of National Intelligence,” after “the Secretary of Defense”.

SEC. 2434. CONSTRUCTION OF NATIONAL SECURITY AGENCY EAST CAMPUS BUILDING 3.

(a) SENSE OF CONGRESS.—It is the sense of Congress that in carrying out the construction at the National Security Agency East Campus, the Director of the National Security Agency should prioritize the consolidation of national intelligence mission activities on such campus and away from disparate leased facilities in the Washington-Baltimore region.

(b) INCREMENTAL CONSTRUCTION OF EAST CAMPUS BUILDING 3.—

(1) IN GENERAL.—The Director of the National Security Agency may provide for the construction of East Campus Building 3, as authorized in section 2102, in increments, subject to annual appropriations, except that the total amount expended on the construction of East Campus Building 3 may not exceed \$775,000,000.

(2) FISCAL YEAR 2019.—The authorization of appropriations for East Campus Building 3 under section 2102 is an authorization to proceed with the construction of East Campus Building 3. The Director of the National Security Agency shall conduct necessary activities during fiscal year 2019 to avoid delays in project completion.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to the congressional intelligence committees a plan for the construction of East Campus Building 4 and East Campus Building 5. Such plan shall include—

- (1) a list of commercial leases in the Washington-Baltimore region that could be terminated if Congress authorizes the construction of East Campus Building 4 and East Campus Building 5; and
- (2) an analysis of options to accelerate East Campus construction efforts.

SEC. 2435. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL RECONNAISSANCE OFFICE.

(a) ESTABLISHMENT.—Section 106A of the National Security Act of 1947 (50 U.S.C. 3041a) is amended by adding at the end the following new subsection:

“(d) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—There is established in the National Reconnaissance Office an advisory board (in this section referred to as the ‘Board’).

“(2) DUTIES.—The Board shall—

“(A) study matters relating to the mission of the National Reconnaissance Office, including with respect to space, overhead reconnaissance, acquisition, and other matters; and

“(B) advise and report directly the Director with respect to such matters.

“(3) MEMBERS.—

“(A) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.

“(B) TERMS.—Each member shall be appointed for a term of 2 years. Except as provided by subparagraph (C), a member may not serve more than 3 terms.

“(C) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(D) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

“(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(F) EXECUTIVE SECRETARY.—The Director may appoint an executive secretary, who shall be an employee of the National Reconnaissance Office, to support the Board.

“(4) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

“(5) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees a report on the activities of the Board during the preceding year.

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

(b) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office shall appoint the initial 5 members to the advisory board under subsection (d) of section 106A of the National Security Act of 1947 (50 U.S.C. 3041a), as added by subsection (a).

TITLE V—REPORTS AND OTHER MATTERS

SEC. 2501. PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 3161 note) is amended by striking “2018” and inserting “2028”.

SEC. 2502. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) CORRECTING LONG-STANDING MATERIAL WEAKNESSES.—Section 368 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 110–259; 50 U.S.C. 3051 note) is hereby repealed.

(b) ANNUAL REPORT ON INTERACTIONS BETWEEN INTELLIGENCE COMMUNITY AND ENTERTAINMENT INDUSTRY.—Section 308 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 131 Stat. 813; 50 U.S.C. 3222) is amended by striking subsection (c).

(c) DECLASSIFICATION REVIEW WITH RESPECT TO DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.—Section 601 of such Act (division N of Public Law 115–31; 131 Stat. 827) is hereby repealed.

(d) INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.—Section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

- (1) by striking subsection (c); and
- (2) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively; and
- (3) in subsection (c), as so redesignated—
 - (A) in paragraph (8), by striking “; and” and inserting a period; and
 - (B) by striking paragraph (9).

(e) INSPECTOR GENERAL REPORT.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

- (1) by striking subsection (g); and
- (2) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

SEC. 2503. NOTIFICATION OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS DIRECTED AT ELECTIONS FOR FEDERAL OFFICES.

(a) DETERMINATIONS OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS.—The Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly carry out subsection (b) if such Directors and the Secretary jointly determine—

- (1) that on or after the date of the enactment of this Act, a significant foreign cyber intrusion or active measures campaign intended to influence an upcoming election for any Federal office has occurred or is occurring; and

(2) with moderate or high confidence, that such intrusion or campaign can be attributed to a foreign state or to a foreign nonstate person, group, or other entity.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than 14 days after making a determination under subsection (a), the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security, shall jointly provide a briefing to the congressional leadership, the congressional intelligence committees and, consistent with the protection of sources and methods, the other appropriate congressional committees. The briefing shall be classified and address, at a minimum, the following:

(A) A description of the significant foreign cyber intrusion or active measures campaign, as the case may be, covered by the determination.

(B) An identification of the foreign state or foreign nonstate person, group, or other entity, to which such intrusion or campaign has been attributed.

(C) The desirability and feasibility of the public release of information about the cyber intrusion or active measures campaign.

(D) Any other information such Directors and the Secretary jointly determine appropriate.

(2) ELECTRONIC ELECTION INFRASTRUCTURE BRIEFINGS.—With respect to a significant foreign cyber intrusion covered by a determination under subsection (a), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall offer to the owner or operator of any electronic election infrastructure directly affected by such intrusion, a briefing on such intrusion, including steps that may be taken to mitigate such intrusion. Such briefing may be classified and made available only to individuals with appropriate security clearances.

(3) PROTECTION OF SOURCES AND METHODS.—This subsection shall be carried out in a manner that is consistent with the protection of sources and methods.

(c) DEFINITIONS.—In this section:

(1) ACTIVE MEASURES CAMPAIGN.—The term “active measures campaign” means a foreign semi-covert or covert intelligence operation.

(2) CANDIDATE, ELECTION, AND POLITICAL PARTY.—The terms “candidate”, “election”, and “political party” have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(3) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(4) CYBER INTRUSION.—The term “cyber intrusion” means an electronic occurrence that actually or imminently jeopardizes, without lawful authority, electronic election infrastructure, or the integrity, confidentiality, or availability of information within such infrastructure.

(5) ELECTRONIC ELECTION INFRASTRUCTURE.—The term “electronic election infrastructure” means an electronic information system of any of the following that is related to an election for Federal office:

(A) The Federal Government.

(B) A State or local government.

(C) A political party.

(D) The election campaign of a candidate.

(6) FEDERAL OFFICE.—The term “Federal office” has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(7) HIGH CONFIDENCE.—The term “high confidence”, with respect to a determination, means that the determination is based on high-quality information from multiple sources.

(8) MODERATE CONFIDENCE.—The term “moderate confidence”, with respect to a determination, means that a determination is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.

(9) OTHER APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “other appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

SEC. 2504. REPORTS ON INTELLIGENCE COMMUNITY LOAN REPAYMENT AND RELATED PROGRAMS.

- (a) **SENSE OF CONGRESS.**—It is the sense of Congress that—
- (1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;
 - (2) creating such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions;
 - (3) such a program, including with respect to eligibility requirements, should be designed so as to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and
 - (4) to the extent possible, such a program should be uniform throughout the intelligence community and publicly promoted by each element of the intelligence community to both current employees of the element as well as to prospective employees of the element.
- (b) **REPORT ON POTENTIAL INTELLIGENCE COMMUNITY-WIDE PROGRAM.**—
- (1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in cooperation with the heads of the elements of the intelligence community and the heads of any other appropriate department or agency of the Federal Government, shall submit to the congressional intelligence committees a report on potentially establishing and carrying out an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, as described in subsection (a).
 - (2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include, at a minimum, the following:
 - (A) A description of the financial resources that the elements of the intelligence community would require to establish and initially carry out the program specified in paragraph (1).
 - (B) A description of the practical steps to establish and carry out such a program.
 - (C) The identification of any legislative action the Director determines necessary to establish and carry out such a program.
- (c) **ANNUAL REPORTS ON ESTABLISHED PROGRAMS.**—
- (1) **IN GENERAL.**—The Director of National Intelligence shall annually submit to the congressional intelligence committees a report on the covered programs. Each such report shall include, with respect to the period covered by the report, the following:
 - (A) The number of personnel from each element of the intelligence community who used each covered program.
 - (B) The total amount of funds each element expended for each such program.
 - (C) A description of the efforts made by each element to promote each covered program pursuant to both the personnel of the element of the intelligence community and to prospective personnel.
 - (2) **COVERED PROGRAMS DEFINED.**—In this subsection, the term “covered programs” means any loan repayment program, loan forgiveness program, financial counseling program, or similar programs, established pursuant to title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) or any other provision of law that may be administered or used by an element of the intelligence community.

SEC. 2505. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON SENIOR EXECUTIVES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

- (a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional intelligence committees a report on the number of Senior Executive Service positions in the Office of the Director of National Intelligence.
- (b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:
- (1) The number of required Senior Executive Service positions for the Office of the Director of National Intelligence.
 - (2) Whether such requirements are reasonably based on the mission of the Office.
 - (3) A discussion of how the levels of the Senior Executive Service positions in the Office compare to the number of senior positions at other elements of the intelligence community.

(c) **COOPERATION.**—The Director of National Intelligence shall provide to the Comptroller General any information requested by the Comptroller General to carry out this section by not later than 5 business days after the date on which the Comptroller General makes such request.

(d) **SENIOR EXECUTIVE SERVICE POSITION DEFINED.**—In this section, the term “Senior Executive Service position” has the meaning given that term in section 3132(a)(2) of title 5, United States Code, and includes any position above the GS-15, step 10, level of the General Schedule under section 5332 of such title.

SEC. 2506. BRIEFINGS ON COUNTERINTELLIGENCE ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) **QUARTERLY BRIEFINGS.**—Not later than 90 days after the date of the enactment of this Act, and on a quarterly basis thereafter, the Director of the Federal Bureau of Investigation shall provide to the congressional intelligence committees a briefing on the counterintelligence activities of the Federal Bureau of Investigation. Such briefings shall include, at a minimum, an overview and update of—

- (1) the counterintelligence posture of the Bureau;
- (2) matters of counterintelligence concern; and

(3) any other information relating to the counterintelligence activities of the Bureau that the Director determines necessary to keep the congressional intelligence committees fully and currently informed as required by section 501 of the National Security Act of 1947 (50 U.S.C. 3091).

(b) **GUIDELINES.**—The Director, in coordination with the Attorney General and in consultation with the congressional intelligence committees, shall develop guidelines governing the scope of the briefings provided under subsection (a).

SEC. 2507. BRIEFING ON FBI OFFERING PERMANENT RESIDENCE TO SOURCES AND COOPERATORS.

Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall provide to the congressional intelligence committees a briefing on the ability of the Federal Bureau of Investigation to offer, as an inducement to assisting the Bureau, permanent residence within the United States to foreign individuals who are sources or cooperators in counterintelligence or other national security-related investigations. The briefing shall address the following:

(1) The extent to which the Bureau may make such offers, whether independently or in conjunction with other agencies and departments of the United States Government, including a discussion of the authorities provided by section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)), section 7 of the Central Intelligence Agency Act (50 U.S.C. 3508), and any other provision of law under which the Bureau may make such offers.

(2) An overview of the policies and operational practices of the Bureau with respect to making such offers.

(3) The sufficiency of such policies and practices with respect to inducing individuals to cooperate with, serve as sources for such investigations, or both.

(4) Whether the Director recommends any legislative actions to improve such policies and practices, particularly with respect to the counterintelligence efforts of the Bureau.

SEC. 2508. TECHNICAL AND CLERICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

(a) **TABLE OF CONTENTS.**—The table of contents at the beginning of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

- (1) by inserting after the item relating to section 2 the following new item:

“Sec. 3. Definitions.”;

- (2) by striking the item relating to section 107;

(3) by striking the item relating to section 113B and inserting the following new item:

“Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.”;

- (4) by striking the items relating to sections 202, 203, 204, 208, 209, 210, 211, 212, 213, and 214; and

- (5) by inserting after the item relating to section 311 the following new item:

“Sec. 312. Repealing and saving provisions.”.

(b) **OTHER TECHNICAL CORRECTIONS.**—Such Act is further amended—

- (1) in section 102A—

(A) in subparagraph (G) of paragraph (1) of subsection (g), by moving the margins of such subparagraph 2 ems to the left; and

- (B) in paragraph (3) of subsection (v), by moving the margins of such paragraph 2 ems to the left;
- (2) in section 106—
 - (A) by inserting “SEC. 106” before “(a)”; and
 - (B) in subparagraph (I) of paragraph (2) of subsection (b), by moving the margins of such subparagraph 2 ems to the left;
- (3) by striking section 107;
- (4) in section 108(c), by striking “in both a classified and an unclassified form” and inserting “to Congress in classified form, but may include an unclassified summary”;
- (5) in section 112(c)(1), by striking “section 103(c)(7)” and inserting “section 102A(i)”;
- (6) by amending section 201 to read as follows:

“SEC. 201. DEPARTMENT OF DEFENSE.

“Except to the extent inconsistent with the provisions of this Act or other provisions of law, the provisions of title 5, United States Code, shall be applicable to the Department of Defense.”;

- (7) in section 205, by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;
- (8) in section 206, by striking “(a)”;
- (9) in section 207, by striking “(c)”;
- (10) in section 308(a), by striking “this Act” and inserting “sections 2, 101, 102, 103, and 303 of this Act”;
- (11) by redesignating section 411 as section 312;
- (12) in section 503—
 - (A) in paragraph (5) of subsection (c)—
 - (i) by moving the margins of such paragraph 2 ems to the left; and
 - (ii) by moving the margins of subparagraph (B) of such paragraph 2 ems to the left; and
 - (B) in paragraph (2) of subsection (d), by moving the margins of such paragraph 2 ems to the left; and
- (13) in subparagraph (B) of paragraph (3) of subsection (a) of section 504, by moving the margins of such subparagraph 2 ems to the right.

PURPOSE

The purpose of H.R. 6237 is to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Years 2018 and 2019. These activities enhance the national security of the United States, support and assist the armed forces of the United States, and support the President in the execution of the foreign policy of the United States.

CLASSIFIED ANNEXES AND COMMITTEE INTENT

The classified annexes to this report include the classified schedule of authorizations and associated explanatory language for fiscal years 2018 and 2019. The classified annexes are an integral part of this legislation. Each classified annex contains thorough discussions of the issues underlying the funding authorizations found in the classified schedules of authorizations. All intelligence programs discussed in the classified annexes to this report will follow the guidance and limitations set forth therein. The classified schedule of authorizations is incorporated directly into this legislation by virtue of Sections 1102 and 2102, respectively. The classified annexes are available for review by all Members of the House of Representatives, subject to the requirements of clause 13 of rule XXIII of the Rules of the House of Representatives and rule 14 of the Rules of Procedure for the House Permanent Select Committee on Intelligence.

SCOPE OF COMMITTEE REVIEW

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

COMMITTEE STATEMENT AND VIEWS

H.R. 6237, the Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019 (the Act) authorizes the activities of, and funding for, the 17 agencies that comprise the U.S. Intelligence Community (IC). These activities include: deterring nation state adversaries like Russia and China; countering proliferators of weapons of mass destruction; defeating the Islamic State of Iraq and Syria (ISIS) and other terrorist groups; defending against world-wide cyber-attacks; and protecting the Homeland from overseas threats.

The Act authorizes the resources necessary to face these challenges and provides for needed future capabilities. The total funding levels authorized by the classified Schedule of Authorizations are slightly above the Administration's budget request, balancing fiscal discipline and national security. However, the Committee remains concerned that the funding levels specified under current law for Fiscal Year 2020 and beyond could prevent the IC from fully carrying out its missions at a time when the United States and its allies face increasingly complex security challenges.

The provisions of the Act consist of changes to statute and direction to the IC to enable effective, efficient, and constitutional intelligence activities. Because most of the intelligence budget involves classified programs, the bulk of the Committee's recommendations each year are found in the classified annex accompanying the bill. H.R. 6237 funds high-priority initiatives not included in the President's budget request, trims requested increases that lack clear justifications, and reflects the Committee's determinations of which programs represent the best value for intelligence dollars.

Ultimately, H.R. 6237 ensures that during fiscal years 2018 and 2019, the dedicated men and women of the IC have the funding, authorities, and support they need to carry out their mission and keep America safe, while ensuring accountability and strict oversight of intelligence programs and activities.

The Act is divided into two divisions: Division A and Division B, which contain the FY18 and FY19 Intelligence Authorization Acts, respectively.

Division A: FY18 Intelligence Authorization Act

Management of the intelligence community workforce

The Committee repeats direction from the Intelligence Authorization Act for Fiscal Year 2017 that the IC elements should build, develop, and maintain a workforce appropriately balanced among its civilian, military, and contractor employees to meet the missions assigned to it in law and by the president. Starting in fiscal year 2019, the Committee will no longer include position ceilings in the annual Schedule of Authorizations.

Section 1103 of the Act includes authority for IC elements to adjust personnel ceilings by three percent, and by ten percent specifically for the purpose of contractor conversions. These flexibilities are temporary management tools that will cease in Fiscal Year 2019, when the IC fully implements the multi-sector workforce initiative.

The Committee looks forward to working with the Office of the Director of National Intelligence (ODNI) as it issues implementation guidelines, sets standards for workforce cost analysis tools, and ensures that Congress retains sufficient insight into IC personnel resources. The Committee also looks forward to working with IC elements as they develop implementation strategies, assess the optimal workforce mix, and use internal controls to validate their workforce decisions.

Foreign service officer tour lengths

Committee members and staff frequently meet with foreign service officers worldwide during oversight travel and recognize the difficulties faced by the Department of State in staffing embassies and consulates with officers with the necessary language and cultural expertise. The Committee believes that the current standard tour length for foreign service officers exacerbates these challenges by moving officers with significant language and cultural experience after only two years of service in each country, and therefore must be lengthened. The Committee further believes that the Department of State could achieve significant cost savings by reducing the number of permanent-changes-of-station and extending the tour length of officers overseas.

Therefore, consistent with H.R. 6271, The Foreign Service Optimization Act of 2016, introduced by Chairman Nunes in the 114th Congress, Section 1501 of the Act amends the Foreign Service Act of 1980 to permit the Secretary of State to allow foreign service officers to serve at an overseas post for a period of not more than six consecutive years. In addition, it requires the Secretary of State, with the assistance of other relevant officials, to require all members of the foreign service who receive language training in Arabic, Farsi, Chinese (Mandarin or Cantonese), Turkish, Korean, and Japanese to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department of State—though the Secretary of State may

waive that requirement for medical or family hardship reasons, or in the interest of national security.

Unauthorized disclosures of classified information

The Committee is concerned by the widespread, recent media reports that purport to contain unauthorized disclosures of classified information. Protecting the nation's secrets from unauthorized disclosure is essential to safeguarding our nation's intelligence sources and methods. An unlawful disclosure of classified information can destroy sensitive collection capabilities and endanger American lives, including those individuals who take great personal risks to assist the United States in collecting vital foreign intelligence.

Federal law prohibits the unauthorized disclosure of classified information, but enforcement is often lacking or inconsistent. Accordingly, the Committee desires to better understand the number of potential unauthorized disclosures discovered and investigated on a routine basis. Moreover, the Committee has little visibility into the number of investigations initiated by each IC agency or the number of criminal referrals to the Department of Justice. Accordingly, Section 1509 of the Act requires all IC agencies to provide the congressional intelligence committee with a semi-annual report of the number of investigations of unauthorized disclosures to journalists or media organizations, including subsequent referrals to the Attorney General.

Additionally, the Committee wishes to better understand the role of Inspectors General (IGs) within elements of the IC, with respect to unauthorized disclosures of classified information at those elements.

Therefore, the Committee directs the IC IG, within 180 days of enactment of this Act, to provide the congressional intelligence committees with a report regarding the role of IGs with respect to investigating unauthorized disclosures. The report shall address: the roles of IC elements' security personnel and law enforcement regarding unauthorized disclosures; the current role of IGs within IC elements regarding such disclosures; what, if any, specific actions could be taken by such IGs to increase their involvement in the investigation of such matters; any laws, rules or procedures that currently prevent IGs from increasing their involvement; and the benefits and drawbacks of increased IG involvement, to include potential impacts to IG's roles and missions.

Presidential Policy Guidance

The Presidential Policy Guidance (PPG) dated May 22, 2013, and entitled "Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities" provides for the participation by elements of the IC in reviews of certain proposed counterterrorism operations. The Committee desires to remain fully and currently informed about the status of the PPG and its implementation.

Therefore, the Committee directs ODNI, within five days of any change to the PPG, or to any successor policy guidance, to submit to the congressional intelligence committees a written notification thereof, that shall include a summary of the change and the specific legal and policy justification(s) for the change.

Centers for Academic Excellence

The Committee commends the commitment demonstrated by ODNI's Centers for Academic Excellence (CAE) program managers, IC agencies that sponsored CAE interns, and all other personnel who contributed to making the inaugural edition of the CAE Internship Program a reality in summer 2017.

The Committee expects the CAE Program to build on this foundation by showing measurable, swift progress, and ultimately fulfilling Congress's intent that the Program serve as a pipeline of the next generation of IC professionals.

Therefore, the Committee directs that the IC take all viable action to expand the CAE Program by increasing, to the fullest extent possible:

1. The number and racial and gender diversity of CAE interns;
2. The number of CAE academic institutions and their qualified internship candidates participating in the Program; and
3. The number of IC elements that sponsor CAE interns.

Report on violent extremist groups

Violent extremist groups like ISIS continue to exploit the Internet for nefarious purposes: to inspire lone wolves; to spread propaganda; to recruit foreign fighters; and to plan and publicize atrocities. As the former Director of the National Counterterrorism Center (NCTC) has stated publicly:

[W]e need to counter our adversaries' successful use of social media platforms to advance their propaganda goals, raise funds, recruit, coordinate travel and attack plans, and facilitate operations. . . . Our future work must focus on denying our adversaries the capability to spread their messages to at-risk populations that they can reach through the use of these platforms.

Section 403 of the Intelligence Authorization Act for Fiscal Year 2017 required the Director of National Intelligence (DNI), consistent with the protection of sources and methods, to assist public and private sector entities in recognizing online violent extremist content—specifically, by making publicly available a list of insignias and logos associated with foreign extremist groups designated by the Secretary of State. The Committee believes the IC can take further steps.

Therefore, the Committee directs the Director of NCTC, in coordination with appropriate other officials designated by the DNI, within 180 days of enactment of this Act, to brief the congressional intelligence committees on options for a pilot program to develop and continually update best practices for private technology companies to quickly recognize and lawfully take down violent extremist content online.

Such briefing shall address:

1. The feasibility, risks, costs, and benefits of such a program;
2. The U.S. Government agencies and private sector entities that would participate; and
3. Any additional authorities that would be required by the program's establishment.

South China Sea

The South China Sea is an area of great geostrategic importance to the United States and its allies. However, China's controversial territorial claims and other actions stand to undercut international norms and erode the region's stability. It is thus imperative the United States uphold respect for international law in the South China Sea. Fulfilling that objective in turn will require an optimal intelligence collection posture.

Therefore, the Committee directs the Department of Defense (DoD), in coordination with DNI, within 30 days of enactment of this Act, to brief the congressional intelligence and defense committees on known intelligence collection gaps, if any, with respect to adversary operations and aims in the South China Sea. The briefing shall identify the gaps and whether those gaps are driven by lack of access, lack of necessary collection capabilities or legal or policy authorities, or by other factors. The briefing shall also identify IC judgments that assess which intelligence disciplines would be best-suited to answer the existing gaps, and current plans to address the gaps over the Future Years Defense Program.

Improving analytic automation

The Committee continues to support IC and DoD efforts to gather, analyze, manage, and store large amounts of intelligence, surveillance, and reconnaissance (ISR) data from remote sources. One such effort is the National Geospatial-Intelligence Agency (NGA) program called Expeditionary Large Data Object Repository for Analytics in Deployed Operations. Managing data by making information discoverable to analysts across the globe while reducing storage and analytical access costs are critical steps in the IC and DoD's efforts to leverage commercial best practices in big data analytics. While NGA is at the forefront of such efforts, the Committee is concerned by DoD and IC's slow pace in developing formal requirements for big data analytic capabilities.

The Committee understands DoD faces significant challenges in addressing combatant commanders' ISR requirements, and DoD is investing in new collection capabilities that are producing growing volumes of data. However, investments in ground processing, automation, and alert functions have not kept pace. For example, wide area motion imagery collection capabilities have evolved with technology and are producing extremely valuable ISR data, but processing and integration of this data is labor intensive. DoD continues to struggle to apply commercially-available data analysis and machine learning capabilities. The Committee recognizes that DoD's processing, exploitation and dissemination (PED) shortfalls cannot be addressed without integrating commercial data processing and access techniques, and automating as much of the PED workflow as possible.

Therefore, the Committee directs the Under Secretary of Defense for Intelligence (USD(I)), in coordination with the Secretary of the Army, Secretary of the Air Force, Secretary of the Navy, and the DNI, no later than December 1, 2018, brief the congressional intelligence and defense committees on efforts that allow for rapid adoption of data storage, access, and automated processing and machine learning technologies and techniques.

Project MAVEN

There has been exponential growth in the volume of data available for DoD intelligence professionals to manage, process, exploit, and disseminate. Analysts are in dire need of tools that will support simultaneous access to, and analysis of, data from a multitude of sources and disciplines.

The massive quantities of available digital data hold significant promise for improving data analytics, producing more actionable intelligence, and contributing to the employment of a more lethal force. It is critical that DoD invest in new technologies that will bring artificial intelligence, deep learning, and computer vision to streamline the process of object detection, identification, and tracking—and allow analysts to focus their valuable cognitive capacity on the hardest and highest priority problems.

The Committee believes Project MAVEN provides DoD with a critical path to the integration of big data, artificial intelligence, and machine learning across the full spectrum of military intelligence to ensure our warfighters maintain advantages over increasingly capable adversaries. Although DoD has taken tentative steps to explore the potential of artificial intelligence, big data, deep learning, and machine learning, the Committee believes Project MAVEN will accelerate DoD's efforts to turn the enormous volume of data available to analysts into actionable intelligence.

Therefore, the Committee directs the Secretary of Defense, in coordination with NGA and other relevant IC and DoD agencies, within 90 days of enactment of this Act, to brief the congressional intelligence and defense committees on Project MAVEN. Such briefing shall address:

1. Schedule and strategy for labeling classified and unclassified data;
2. Algorithm development, production, and deployment strategy;
3. Coordination of integration efforts with other DoD and IC elements;
4. Plan to implement the technologies developed by Project MAVEN technology throughout the defense intelligence enterprise;
5. Additional areas this technological advance can be implemented; and
6. Validated funding requirements and efforts that ensure spending practices are focused and efficient.

Report on geospatial commercial activities for basic and applied research and development

The Committee directs the Director of NGA, in coordination with the DNI, the Director of the Central Intelligence Agency (CIA), and the Director of the National Reconnaissance Office (NRO), within 90 days of enactment of this Act, to submit to the congressional intelligence and defense committees a report on the feasibility, risks, costs, and benefits of providing the private sector and academia, on a need-driven and limited basis—consistent with the protection of sources and methods, as well as privacy and civil liberties—access to data in the possession of the NGA for the purpose of assisting the efforts of the private sector and academia in basic research, applied research, data transfers, and the development of automation,

artificial intelligence, and associated algorithms. Such report shall include:

1. Identification of any additional authorities the Director of NGA would require to provide the private sector and academia with access to relevant data on a need-driven and limited basis, consistent with applicable laws and procedures relating to the protection of sources, methods, privacy and civil liberties; and
2. Market research to assess the commercial and academic interest in such data and determine likely private-sector entities and institutions of higher education interested in public-private partnerships relating to such data.

Military Occupational Specialty-to-Degree program

The Committee supports the Military Occupational Specialty (MOS)-to-Degree program, which is an innovative framework that enables enlisted Marines to receive credits towards an associate's or a bachelor's degree while earning required MOS credentials. The program partners with colleges and universities to map a Marine's experience and training to equivalent credit, and provides Marines with an awareness of tuition assistance and scholarship programs to enable them to complete the remaining credits towards their degree. The Committee encourages the Marine Corps to expand the MOS-to-Degree program through further curriculum development and enhanced management of the program.

Therefore, the Committee directs the Marine Corps Intelligence Activity (MCIA), within 90 days of the enactment of this Act, to brief the congressional intelligence and defense committees on the Marine Corps' progress towards expanding the MOS-to-Degree program.

Unmanned aircraft system pilot retention

The Committee supports the Marine Corps' vision to grow a more diverse, lethal, amphibious, and middleweight expeditionary force by leveraging emerging technologies, particularly in the area of unmanned and manned-unmanned teaming. Additionally, the Committee is enthusiastic about the Marine Corps' efforts to equip operating forces down to the squad level with a Small Unit Remote Scouting System Family of Small Unmanned Aerial Systems (UAS) capable of operating in all weather conditions across the full spectrum of conflict. The Committee is also aware of the service's concept for a Marine Air Ground Task Force Unmanned Expeditionary (MUX) capability.

However, the Committee is concerned with the projected cost and delays associated with developing this new technology and believes the Marine Corps is ill-prepared to address the growing deficiency in expertise and the manpower challenges that will accompany expansion of the unmanned fleet. Based on observations of the Air Force's and Army's efforts, the Committee believes the Marine Corps' UAS programs will experience pilot and maintainer shortages based on inadequate training, lack of reliable equipment, and the absence of incentive.

Therefore, the Committee directs the Deputy Commandant of Aviation, within 120 days of enactment of this Act, to brief the congressional intelligence and defense committees on potential interim

solutions to the gap exposed by the long development time for MUX. Such briefing should also address the Marine Corps' UAS talent management plan, including a strategy for pilot retention and a plan to unify unmanned training that will build a base of instructors and encourage the professionalism of the community.

Remotely piloted aircraft training strategy

Consistent with the directive language found in the committee report accompanying H.R. 2810, the House Armed Services Committee (HASC)-passed FY 2018 National Defense Authorization Act (NDAA) (H. Rept. 115–200), the Committee directs the Secretary of the Air Force, no later than September 28, 2018, to brief the congressional intelligence and defense committees on the Air Force's approach to remotely piloted aircraft (RPA) aircrew training, with a particular focus on how the Air Force plans to field simulator capability and training capacity among active and reserve component units supporting RPA operations.

Wide-area motion imagery intelligence capability

Consistent with the directive language found in the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Secretary of the Air Force no later than March 1, 2019, to provide to the congressional intelligence and defense committees a report that describes in detail the lifecycle weapon system sustainment and modernization strategy for maintaining an enduring wide-area motion imagery capability for the geographic combatant commanders.

MQ-4C Triton unmanned aircraft system

Consistent with the directive language found in the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Secretary of the Navy, no later than November 15, 2018, to brief the congressional intelligence and defense committees on MQ-4C mission execution and tasking, collection, processing, exploitation, and dissemination (TCPED) processes. The briefing shall include or explain:

1. A framework description of the manning, equipping, and training requirements for the MQ-4C system;
2. A description of the baseline architecture of the mission support infrastructure required to support MQ-4C operations;
3. How the Navy plans to support and execute the TCPED processes;
4. How the Navy plans to support flying operations from either line-of-sight or beyond-line-of-sight locations;
5. How many aircraft the Navy plans to dedicate annually to the ISR Global Force Management Allocation Process of the DoD; and
6. How many hours of collection the MQ-4C will be able to provide annually in each of the intelligence disciplines for combatant commanders.

E-8C joint surveillance and target attack radar system

Consistent with the directive language found in the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Secretary of the Air

Force, no later than March 1, 2019, to provide to the congressional intelligence and defense committees a report that explains in detail all aspects of how and when the Air Force will transition from legacy Joint Surveillance and Target Attack Radar System (JSTARS) aircraft capability to JSTARS recapitalization aircraft capability.

Acceleration of Increment 2 of Warfighter Information Network-Tactical program

Consistent with Section 111 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs the Secretary of the Army, no later than January 30, 2019, to submit to the congressional intelligence and defense committees a report detailing potential options for the acceleration of procurement and fielding of the Warfighter Information Network-Tactical Increment 2 program.

Cost-benefit analysis of upgrades to MQ-9

Consistent with Section 134 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs the Secretary of Defense, in coordination with the Secretary of the Air Force, within 180 days of enactment of this Act, to provide the congressional intelligence and defense committees an analysis that compares the costs and benefits of the following:

1. Upgrading fielded MQ-9 Reaper aircraft to a Block 5 configuration; and
2. Proceeding with the procurement of MQ-9B aircraft instead of upgrading fielded MQ-9 Reaper aircraft to a Block 5 configuration.

Limitation on divestment of U-2 or RQ-4 aircraft

The Committee recognizes that both piloted U-2 Dragon Lady and the remotely piloted RQ-4 Global Hawk fleets of aircraft provide essential and extremely sought after high-altitude airborne ISR capabilities for geographic combatant commanders. These platforms have been viewed as competitors for resources, with stakeholders trying to decide which should remain within the Air Force inventory for the long-term.

Although the U-2 and RQ-4 have differing attributes that may make one platform preferable depending on requirements, maintaining both platforms provides critical, complementary capabilities within DoD's portfolio of high-altitude ISR assets. Furthermore, retiring either aircraft would exacerbate an existing and significant capability shortfall in meeting combatant commanders' requirements.

The Committee expects the Secretary of the Air Force to continue current and future modernization efforts and upgrades for the U-2 and RQ-4 to increase capability, generate synergy, and foster commonality within the high-altitude airborne ISR portfolio. The Committee discourages the Secretary of the Air Force or the Chief of Staff of the Air Force from planning in the future or proposing to Congress any aircraft retirement that would create an ISR capability deficit or capacity shortfalls from existing levels until a sufficient replacement reaches full operational capability.

Therefore, consistent with Section 1034 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs that none of the funds authorized to be appropriated by the Act, or otherwise made

available for the DoD for any fiscal year before Fiscal Year 2024, may be obligated or expended to prepare to divest, place in storage, or place in a status awaiting further disposition of the possessing commander any U-2 or RQ-4 aircraft for the DoD. This prohibition shall not apply to an individual U-2 or RQ-4 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-returnable to flying service due to any mishap, other damage, or being uneconomical to repair.

Nonconventional assisted recovery

Consistent with Section 1053 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs the Secretary of Defense, no later than March 1, 2019, to submit to the congressional intelligence and defense committees the written review and assessment of personnel recovery and nonconventional assisted recovery programs. The assessment shall include:

1. An overall strategy defining personnel recovery and nonconventional assisted recovery programs and activities, including how such programs and activities support the requirements of the geographic combatant commanders;
2. A comprehensive review and assessment of statutory authorities, policies, and interagency coordination mechanisms, including limitations and shortfalls, for personnel recovery and nonconventional assisted recovery programs and activities;
3. A comprehensive description of current and anticipated future personnel recovery and nonconventional assisted recovery requirements across the Future Years Defense Program, as validated by the Joint Staff; and
4. An overview of validated current and expected future force structure requirements necessary to meet near-, mid-, and long-term personnel recovery and nonconventional assisted recovery programs and activities of the geographic combatant commanders.

The Committee further directs the Comptroller General of the United States, within 90 days of the date on which the assessment is submitted, to submit to the congressional intelligence and defense committees a review of such assessment.

Division B: FY19 Intelligence Authorization Act

Policy on minimum insider threat standards

Executive Order 13587 and the National Insider Threat Task Force established minimum insider threat standards. Such standards are required for the responsible sharing and safeguarding of classified information on computer networks while ensuring consistent, appropriate protections for privacy and civil liberties. The Committee understands there are policies in place to attempt implementation of such standards; however, the Committee has found that several elements of the IC have not fully implemented such standards. Therefore, given the several high-profile insider threat issues, the Committee emphasizes the importance of such minimums by statutorily requiring the DNI to establish a policy on minimum insider threat standards, and IC elements should expeditiously establish their own policies and implement the DNI guidance.

Further, consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs the Chief Management Officer to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence by November 1, 2018, on the outcomes of its cost and technical analyses required by this report, and the Department's efforts to implement enterprise-wide programs and policies for insider threat detection, user activity monitoring, and cyber-attack detection and remediation.

Intelligence Community Information Technology Environment

The Committee remains supportive of the goals of Intelligence Community Information Technology Environment (IC ITE) and the importance of the common, secure sharing infrastructure it creates. The Committee further understands that the path to implement a complex, technical environment such as IC ITE needs to be sufficiently flexible and agile. However, the Committee remains concerned with the lack of consistency and substance in previous reports and briefings on IC ITE. Therefore, Section 2307 statutorily requires a long-term roadmap, business plan, and security plan that shall be reported to the Committee at least quarterly with additional notifications as necessary.

Intelligence Community Chief Financial Officer

The Chief Financial Officers (CFO) Act of 1990 mandated best practices for decision-making and accountability, as well as improved decision-makers' access to reliable and timely financial and performance information. The CFO Act, as amended, requires that the chief financial officers of 24 departments and agencies "report directly to the head of the agency regarding financial management matters." Section 2401 brings the ODNI in line with the best practices implemented in the CFO Act.

Intelligence Community Chief Information Officer

As codified in 44 U.S.C. 3506(a)(1)(A), each federal agency head is responsible for "carrying out the information resources management activities to improve agency productivity, efficiency, and effectiveness." Accordingly, Section 2402 expresses the Committee's intent to emphasize the importance of the IC Chief Information Officer (CIO), as defined in 50 U.S.C. 3032(a), in assisting the DNI with information resource management by requiring the IC CIO to directly report to the DNI.

Central Intelligence Agency subsistence for personnel assigned to austere locations

Section 2411 permits the Director of the CIA to allow subsistence for personnel assigned to austere locations. Although the statute does not define "austere," the Committee believes that utilization of this authority should be minimal. Therefore, within 180 days after the enactment of this Act, the CIA shall brief the congressional intelligence committees on the CIA's definition of "austere" and the CIA regulations in place governing this authority.

Collocation of certain Department of Homeland Security personnel at field locations

The Committee supports the Department of Homeland Security (DHS) Bureau of Intelligence and Analysis' (I&A) intent to integrate into operations across the broader DHS enterprise. Accordingly, Section 2431 directs DHS I&A to deploy at least 40 personnel outside DHS Headquarters in Washington, D.C. for the purposes of collocating such personnel with DHS operational units from Customs and Border Protection, Transportation Security Administration, Immigration and Customs Enforcement, or other elements of DHS. DHS I&A Headquarter shall not be backfilled by hiring new employees to replace those transferred.

Framework for roles, missions, and functions of the Defense Intelligence Agency

The Committee commends the work of the Under Secretary of Defense for Intelligence to answer a request in the *Intelligence Authorization Act for Fiscal Year 2017* (division N of Public Law 115–31) to review the roles and missions of the Defense Intelligence Agency (DIA). The Committee agrees with the Under Secretary's finding identifying a gap in Department of Defense coordination of the functions of the DIA, as a combat support agency (CSA) that is a member of the IC. The Director of the DIA reports to both the Secretary of Defense and the DNI; however, the agency lacks a framework to balance the resourcing and mission conflicts this bifurcated chain of command may occasionally cause.

Therefore, consistent with directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, not later than October 1, 2018, the Committee directs the Secretary of Defense, in consultation with the DNI, to develop policies that outline the process to balance the missions under DIA's CSA role with the missions and functions assigned by the intelligence community. These policies must address a process for assigning and integrating any new missions assigned by the DoD or the IC. The Committee further directs the Secretary of Defense, in consultation with the DNI, to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee not later than October 15, 2018, on the plan to develop these policies.

Construction of National Security Agency East Campus Building 3

Construction authorized under this Act for the National Security Agency's (NSA) East Campus should prioritize the consolidation of National Intelligence mission activities, including by minimizing the distribution of NSA throughout the Baltimore-Washington region. The Committee believes that co-location of NSA's National Intelligence mission activities within a shared security perimeter and with modern facilities, will improve the efficient execution of mission requirements, and provide important workforce morale improvement.

East Campus Building 3, as authorized in Section 2434 of this Act, may be constructed in increments subject to annual appropriations, but shall not exceed the total authorized amount of \$775 million. Congressional authorization of East Campus Building 3 con-

stitutes authorization to proceed and NSA shall conduct necessary activities in Fiscal Year 2019 to avoid delay in project completion.

Limitations on Intelligence Community elements' communications with Congress

Effective oversight of the IC requires unencumbered communications between representatives of the agencies, members of Congress, and congressional staff. The Committee directs the DNI not to limit any element of the IC from having interactions with the congressional intelligence committees, including but not limited to, preclearance by the DNI of remarks, briefings, discussions of agency resources or authorities requirements, or mandatory reports to the DNI on conversations with the congressional intelligence committees.

National Reconnaissance Office contracting restrictions

The Committee is concerned that NRO imposes unnecessary contractual restrictions that prohibit or discourage a contractor from contacting, meeting with, or providing information to the members or staff of the congressional intelligence committees. Therefore, the Committee directs NRO to eliminate any restrictions prohibiting or discouraging contractors from contacting, meeting with, or providing information to the congressional intelligence committees in all current and future contracts. Furthermore, the Committee directs the NRO to provide a briefing to the congressional intelligence committees not later than December 1, 2018 regarding completion of the aforementioned direction.

Intelligence community support to the National Vetting Center

On February 6, 2018, the President issued National Security Policy Memorandum (NSPM)-9, "Presidential Memorandum on Optimizing the Use of Federal Government Information in Support of National Vetting Enterprise." The memorandum directs the DHS, in coordination with the ODNI and other agencies, to establish the National Vetting Center. The memorandum also requires agencies to "provide the Center access to relevant biographic, biometric, and related derogatory information." It further directs DNI, in coordination with the heads of relevant IC elements, to "establish a support element to facilitate, guide, and coordinate all IC efforts to use classified intelligence and other relevant information within the IC holdings in support of the center." The Committee wishes to obtain regular updates and the most current information about the activities of that support element.

Therefore, no later than 180 days after the enactment of this Act and annually thereafter, the Committee directs the DNI and the Under Secretary for Intelligence and Analysis at DHS to brief the congressional intelligence committees on the status of IC support to the National Vetting Center, as established by NSPM-9.

Update on status of Attorney General-approved U.S. person procedures under Executive Order 12333

The Committee acknowledges the difficult, labor-intensive work undertaken by certain IC elements, to ensure the current effectiveness of, and in some cases to substantially revise, final Attorney General-approved procedures regarding the collection, dissemina-

tion, and retention of United States persons information. The Committee wishes to better understand the status of this project, throughout the IC.

Therefore, the Committee directs that, not later than 60 days after enactment of this Act, the DNI and the Attorney General shall brief the congressional intelligence committees on the issuance of final, Attorney General-approved procedures by elements of the IC. Specifically, the briefing shall identify (1) any such elements that have not yet issued final procedures; and (2) with respect to such elements, the status of the procedures' development, and any interim guidance or procedures on which those elements currently rely.

Homegrown violent extremists imprisoned in Department of Defense facilities

The Committee is concerned about an evident gap in information sharing about individuals imprisoned in DoD facilities who are categorized by the FBI as homegrown violent extremists (HVEs). An example is the case of Nidal Hasan, who has been convicted and sentenced to death by a U.S. military court martial and remains incarcerated in a U.S. military facility. The Committee understands that, despite his incarceration, Hasan openly communicates with the outside world through written correspondence and has continued to inspire extremists throughout the world. Indeed, while in custody, Hasan wrote a 454-page manifesto on the value of engaging in violent jihad which contains radical interpretations of the Koran justifying the commission of violent jihad. The Committee further understands that the FBI is unable to determine the full scope of Hasan's contacts with the outside world because only a portion of his communications have been provided by the DoD.

Therefore, no later than 180 days after the enactment of the Act, the Committee directs the FBI to work with the DoD to create a process by which the DoD provides to the FBI the complete communications of individuals imprisoned in DoD facilities and who are categorized by the FBI as HVEs.

Naming of Federal Bureau of Investigation Headquarters

According to statute enacted in 1972, the current FBI headquarters building in Washington, D.C. must be "known and designated" as the "J. Edgar Hoover FBI Building." That tribute has aged poorly. It should be reconsidered, in view of Hoover's record on civil liberties—including the effort to disparage and undermine Dr. Martin Luther King Jr. Even today, Hoover's name evokes the Bureau's sordid "COINTELPRO" activities.

The Committee believes Congress should consider repealing the provision requiring the existing Pennsylvania Avenue building to be known as the "J. Edgar Hoover FBI Building". A new name should be determined, through a joint dialogue among Bureau leadership, law enforcement personnel, elected officials, and civil rights leaders.

Foundational intelligence analysis modernization

Consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs the Joint Staff Director for Intelligence, in

coordination with the USD(I) and the Director of the DIA, to develop a plan by October 1, 2018, to modernize systems used to provide foundational intelligence.

Further, the Committee directs the Joint Staff Director for Intelligence, in coordination with the DIA Director, to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence by November 1, 2018, on such plan to modernize foundational intelligence systems. If a determination is made that a new system is required, the Committee expects the Battlespace Awareness Functional Capabilities Board to validate the requirements for any new system, and that the acquisition plan will follow best practices for the rapid acquisition and improvement of technology dependent systems.

Intelligence support to cyber operations

Consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs the USD(I), in coordination with the DIA and the military services, to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence by December 1, 2018, on intelligence support to cyber operations.

Science, Technology, Engineering, and Math careers in defense intelligence

Consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs the Director of DIA to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence not later than December 1, 2018, on a plan to develop a Science, Technology, Engineering, and Math career program that attracts and maintains the defense intelligence cadre of Science and Technical Intelligence analysts to meet tomorrow's threats.

Security and intelligence role in export control

Consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs the Under Secretary of Defense for Policy, in coordination with the USD(I), to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence not later than October 1, 2018, on security support to export control.

Security clearance background investigation reciprocity

Consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs the Secretary of Defense, in coordination with the DNI and the Director of the Office of Personnel Management, not later than October 1, 2018, to brief the House Committee on Armed Services and the House Permanent Select Committee on Intelligence on efforts to ensure seamless transition of investigations between authorized investigative agencies, as required by law.

Further, consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs the Secretary of Defense, in coordination with the DNI and the Director of the Office of Personnel Management, not later than November 1, 2018, to brief the House Permanent Select Committee on Intelligence on efforts to ensure reciprocity is a consideration for implementation of continuous evaluation and continuous vetting across the federal government.

Strengthening oversight of the military intelligence program budget

In directive language found in the committee accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the House Committee on Armed Services directed the USD(I) to “review all of the Department’s intelligence, counterintelligence, and related intelligence programs, projects, and activities supporting the Secretary’s responsibilities and requirements.” Regarding this review, the report expressed the House Committee on Armed Services’ expectation that USD(I) would

note that the [the House Committee on Armed Services] believes resources for sensors integral to the function of weapon systems, sensors and systems developed for space and missile defense, and resources for activities and programs associated with Operational Preparation of the Environment and Nonconventional Assisted Recovery are in support of operational requirements, and should be excluded from designation to the MIP.

The Committee expects that USD(I), in addition to noting the belief of the House Committee on Armed Services, also will note this Committee’s belief that:

- (1) merely deeming certain resources to be “in support of operational requirements” is insufficient to exclude such resources from designation to the MIP; and that:
- (2) the determination of whether to designate resources to the MIP involves a substantive examination, of whether such resources will be used for activities that are substantially similar, if not equivalent to, intelligence and intelligence activities.

Additionally, and consistent with the directive language found in the committee report accompanying H.R. 5515, the HASC-passed FY 2019 NDAA, the Committee directs USD(I) to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives and the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence by March 1, 2019, on the results of the USD(I) review directed by H.R. 5515, including how the review will result in clear guidance on designation of programs, projects, and activities to the MIP.

Intelligence community leave policies

It is imperative that the federal government recruit, hire, and retain a highly qualified workforce. That depends in part on offering federal personnel a competitive benefits package—including with respect to parental leave and related benefits. Toward that end, the Committee strongly believes the federal government, including ele-

ments of the IC, must align such benefits to the fullest extent possible with those of leading U.S. private sector companies and other industrialized countries.

The Committee is concerned that IC elements may not have fully implemented revised advanced sick leave policies as outlined in the Presidential memorandum *Modernizing Federal Leave Policies for Childbirth, Adoption and Foster Care to Recruit and Retain Talent and Improve Productivity*, dated January 15, 2015, or implemented them only partially. Among other things, the memorandum directs that, to the extent permitted by law, agencies shall offer 240 hours of advanced sick leave, at the request of an employee and in appropriate circumstances, in connection with the birth or adoption of a child or for other sick leave eligible uses.

Additionally, beyond the memorandum's requirements, the Committee also believes IC elements should actively be exploring ways to enhance their parental leave policies, to include paid parental leave.

Therefore, not later than 180 days after the date of enactment of this Act, the DNI shall submit a written report to the intelligence committees on each IC element's implementation of the Memorandum's requirements with respect to parental leave. The report should be unclassified, but may contain a classified annex if necessary. At a minimum, such report shall:

- (1) summarize each element's policies with respect to parental leave and related benefits;
- (2) identify those elements fully in compliance with the Memorandum's requirements with respect to parental leave and other benefits described by the Memorandum;
- (3) identify elements not in compliance with such requirements;
- (4) as applicable, note and evaluate the sufficiency of any claimed explanation from an IC element, as to why its policies do not yet fully comply with such requirements;
- (5) as applicable, identify a projected date, no later than 180 days after the report's submission, by which the Memorandum will be fully implemented by all IC elements; and
- (6) describe any barriers identified by the Director or an element of the IC—including any legal and resource barriers—to the establishment, for each element of the IC, of a paid parental leave policy.

Foreign Influence Task Force

The IC has warned of active measures taken by foreign actors to interfere with and undermine the U.S. democratic process, most recently and brazenly by the Russian Federation. The committee appreciates FBI efforts to confront this challenge in part through creation of its Foreign Influence Task Force. The Committee believes that confronting foreign influence directed at the United States is of fundamental importance, and thus desires to engage in a close and regular dialogue with the FBI about the task force's activities.

Therefore, the Committee directs the FBI to provide detailed, quarterly briefings to the congressional intelligence committees, regarding the task force's activities, to include its progress and any significant challenges.

Joint System Integration Lab annual briefing

The Joint System Integration Lab (JSIL) at Redstone Arsenal, Alabama enables testing of critical military intelligence capabilities, including unmanned aerial system (UAS) sensors, modeling and simulation, and integration between and among service UASs. The Committee seeks to remain fully and currently informed about this important work.

Therefore, the Committee directs the JSIL, within 180 days of enactment and annually for two years thereafter, to brief the congressional intelligence and defense committees, on intelligence and intelligence-related activities conducted by the JSIL.

Management of the Centers of Academic Excellence in National Security Studies

The IC's Centers of Academic Excellence in National Security Studies (CAE) program was established in 2004 to serve the mission-critical objectives of educating highly qualified students of diverse backgrounds and encouraging them to pursue careers in the IC. The ODNI has designated the DIA as the Executive Agent of the program.

In the past, the ODNI collected information about involvement in the CAE program by IC elements and educational institutions, as well as demographic (gender, minority, disability), educational, employment, and other data on the participating students. The ODNI reported this information to Congress in 2010 on the period covering 2004–2009. However, despite continuing Congressional interest in this program, the IC has apparently ceased collection and analysis of such data. More critically, ODNI and DIA informed the House Intelligence Committee that the IC currently cannot provide statistical evidence as to whether, or to what extent, the CAE program is fulfilling its objectives.

Congress directed in Fiscal Year 2016 that ODNI establish a dedicated CAE summer internship program, but the first effort in summer 2017 did not yield the anticipated diversity of summer interns or robust participation of IC elements. The summer 2018 internship program also did not appear to be postured to demonstrate significant progress.

Accordingly, the Committee directs ODNI to serve as the Executive Agent for CAE on a permanent and non-delegable basis no later than 6 months into Fiscal Year 2019. In addition, the Committee directs ODNI to immediately resume collection and analysis of data necessary to evaluate the IC CAE's performance, to include educational, employment, diversity, and other data that was used to produce ODNI's 2010 report. Within 180 days of enactment of this Act, the Committee directs ODNI to submit a written report to the congressional intelligence committees containing this data from the 2016–2018 academic years, as well as metrics about the total number of students who participated in CAE courses, seminars, internships, or other events; the number of students designated as CAE scholars pursuing a certificate; and the number of CAE certificates awarded during this timeframe, with a demographic breakdown regarding diversity.

The Committee believes that the IC CAE program should undergo a fundamental review to determine what changes can be made to allow the program to achieve its intended objectives and has re-

requested a review be conducted by the Government Accountability Office (GAO). Therefore, the Committee also directs the IC to fully cooperate with the GAO review.

Enhancing automation at the National Geospatial-Intelligence Agency

The Committee strongly supports efforts to leverage commercial advances in automation of imagery, Wide Area Motion Imagery (WAMI), Full Motion Video (FMV), and Synthetic Aperture Radar (SAR) products to reduce manual processing and improve information flow to users. However, the Committee is concerned that NGA does not dedicate adequate resources to integrate new automation techniques which have resulted in years of research into the issue, but limited operational gains during day to day imagery processing.

Therefore, the Committee directs NGA, within 90 days of enactment of this Act, to brief the congressional intelligence and defense committees on an updated plan to reduce manual processing of imagery, WAMI, FMV, and SAR to improve information flow to users. The briefing shall also address:

1. NGA's strategy to leverage commercial advances;
2. The various geospatial intelligence automated exploitation development programs across the National System for Geospatial-Intelligence, and the associated funding and specific purpose of said programs;
3. Any similar efforts by government entities outside the National System for Geospatial-Intelligence of which NGA is aware; and
4. Which of these efforts are duplicative.

Redundant organic software development

The Committee is concerned that NGA is developing software solutions that are otherwise available for purchase on the commercial market. This practice most always, increases the time it takes to deliver new capabilities to the warfighter; increases the overall cost of the solution through expensive operational and maintenance costs; and undermines the U.S. software industrial base.

Therefore, the Committee directs NGA, within 60 days of enactment of this Act, to brief the congressional intelligence committees, on its identification of all NGA developed software programs and explain why such program are developed organically instead of leveraging commercially available products.

Critical skills recruiting for automation

Although cutting edge sensors have provided the IC and DoD with exquisite imagery, WAMI, and FMV, intelligence analysts are unable to keep pace with the volume of data being generated. This demands a transformation in the way the intelligence enterprise processes, organizes, and presents data. For that reason, the committee fully supports the NGA's efforts to attract, recruit, and retain a highly competent workforce that can acquire and integrate new data automation tools.

Therefore, the Committee directs NGA, within 60 days of enactment of this Act, to brief the congressional intelligence and defense committees on NGA's efforts to recruit critical skills such as mathe-

maticians, data scientists, and software engineers that possess critical skills needed to support NGA's objectives in automation.

Sensitive Compartmented Information Facilities

The Committee has become aware of several major impediments for companies with appropriately cleared personnel to perform work for agencies and organizations like the NRO and NGA. For example, businesses without ownership of a Sensitive Compartmented Information Facility (SCIF), which includes many small businesses, find it very difficult to perform classified work. Construction and accreditation of SCIF spaces may be cost-prohibitive for small business and non-traditional government contractors. Additionally, construction timelines often exceed the period of performance of a contract.

A modern trend for innovative and non-traditional government contractors is the increase use of co-working space environments. Additionally, public and private entities are partnering to create emerging regional innovation hubs to help identify technology solutions and products in the private sector that can be utilized by the DoD and IC. These innovation hubs currently produce an agile, neutral, but largely unclassified development environment.

Therefore, the Committee directs NRO and NGA, within 90 days of enactment of this Act, to brief the congressional intelligence committees on:

1. Potential approaches to allow for SCIF spaces to be certified and accredited outside of a traditional contractual arrangement;
2. Analysis of the advantages and disadvantages of issuing DoD Contract Security Specification (DD Form 254s) to "Facilities" as opposed to "Contracts";
3. Options for classified co-use and shared workspace environments such as: innovation, incubation, catalyst, and accelerator environments;
4. Pros and cons for public, private, government, or combination owned classified neutral facilities; and
5. Any other opportunities to support companies with appropriately cleared personnel but without ownership of a SCIF effective access to a neutral SCIF.

Encouraging innovation

The committee is aware of and supports the NRO as it continues to pursue innovation and incorporate innovative technologies into many programs of record (POR). However, while the NRO is one of the more innovative leaders regarding government satellite matters, the NRO also struggles to leverage commercial and government research and development efforts and incorporate them in an effective and timely manner into PORs.

Therefore, the Committee directs NRO, within 90 days of enactment of this Act, to brief the congressional intelligence committees on the following:

1. Opportunities that could expand innovation;
2. Any challenges for innovation; and
3. How innovative or new technologies are incorporated to support critical milestones for PORs.

Improving use of the unclassified marketplaces

The Committee has become aware that a major impediment for companies to perform work for agencies and organizations like the NRO is the lack of postings on unclassified marketplaces, such as the unclassified Acquisition Resource Center (ARC). Instead of posting data to unclassified marketplaces, NRO unclassified postings often refer to classified systems for critical, yet unclassified information. If the NRO is serious about embracing commercial innovation, unclassified marketplace postings should remain on unclassified systems.

Therefore, the Committee directs NRO, within 90 days of enactment of this Act, to brief the congressional intelligence committees on options for improving the unclassified marketplace process.

Satellite servicing

No later than one year after the date of the enactment of this Act, the DNI, in consultation with the Secretary of Defense, shall jointly provide the congressional intelligence and armed services committees upon request, a briefing detailing the costs, risks, and operation benefits of leveraging commercial satellite servicing capabilities for national security satellite systems. The briefing shall include:

1. A prioritized list (with a rationale) of the operational and planned assets of the IC that could be enhanced by satellite servicing missions;
2. The costs, risks, and benefits of integrating satellite servicing capabilities as part of operational resilience; and
3. Potential strategies that could allow future national security space systems to leverage commercial in-orbit servicing capabilities where appropriate and feasible.

Enhanced oversight of IC contractors

A topic of sustained Committee interest has been improving the federal government's oversight of IC acquisition and procurement practices, including activities by poorly performing IC contractors.

A framework exists to ensure that IC elements do not award IC contracts to businesses that engage in negligence or even gross negligence, consistently fail to appropriately safeguard classified information, maintain poor financial practices, or other issues. For example, an IC element may maintain a list of contractors of concern, in order to ensure that proposals from such contractors are rejected or subjected to additional scrutiny. The Committee wishes to build on these practices and is concerned about the existing framework's adequacy.

Therefore, the Committee directs all elements of the IC, to the fullest extent consistent with applicable law and policy, to share with one another information about contractors with track records of concern—such as the commission of negligence or gross negligence in the performance of IC contracts, or the repeated failure to appropriately safeguard classified information in a fashion that the contractor reasonably could have been expected to prevent.

Additionally, no later than 30 days after enactment of this Act, the DNI shall brief the Committee on the authorities of IC elements with respect to contractors with track records of concern—before, during, and after procurement. An objective of the briefing

will be to discuss information sharing practices in this regard, and to identify specific areas where the oversight framework can be strengthened.

COMMITTEE CONSIDERATION AND ROLL CALL VOTES

On June 28, 2018, the Committee met in open session to consider H.R. 6237 and ordered the bill favorably reported.

In open session, the Committee considered an amendment in the nature of a substitute, offered by Mr. Nunes to H.R. 6237. The amendment was adopted by a voice vote.

Mr. Nunes then moved to make the classified Fiscal Year 2018 and Fiscal Year 2019 schedules of authorizations available for Members of the House to review. The motion was agreed to by a recorded vote of 20 ayes to 0 noes:

Voting aye: Mr. Nunes (Chairman), Mr. Conaway, Mr. King, Mr. LoBiondo, Mr. Rooney, Ms. Ros-Lehtinen, Mr. Turner, Mr. Wenstrup, Mr. Stewart, Mr. Crawford, Ms. Stefanik, Mr. Schiff, Mr. Himes, Ms. Sewell, Mr. Carson, Ms. Speier, Mr. Quigley, Mr. Swalwell, Mr. Castro, and Mr. Heck.

Voting no: None

The Committee then agreed to a motion by the Chairman to favorably report H.R. 6237, as amended, to the House, including by reference the classified schedules of authorizations. The motion was agreed to by a unanimous voice vote.

SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF AMENDMENT

DIVISION A—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2018

Section 101—Short title; Table of contents

Section 101 lists the title and table of contents of the Intelligence Authorization Act for Fiscal Year 2018 (the 2018 Act).

Section 102—Definitions

Section 102 defines the terms “congressional intelligence committees” and the “Intelligence Community” (IC) that will be used in the 2018 Act.

TITLE I—INTELLIGENCE ACTIVITIES

Section 1101—Authorization of appropriations

Section 1101 lists the U.S. Government departments, agencies, and other elements for which the 2018 Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2018.

Section 1102—Classified schedule of authorizations

Section 1102 provides that the amounts authorized to be appropriated for intelligence and intelligence-related activities and the personnel levels for Fiscal Year 2018 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 1103—Personnel ceiling adjustments

Section 1103 states that the Director of National Intelligence (DNI) may authorize employment of civilian personnel in Fiscal Year 2018 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 1102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 1104—Intelligence Community Management Account

Section 1104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2018.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Section 1201—Authorization of appropriations

Section 1201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2018 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

Section 1202—Computation of annuities for employees of the Central Intelligence Agency

Section 1202 makes technical changes to the CIA Retirement Act to conform with various statutes governing the Civil Service Retirement System.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 1301—Restriction on conduct of intelligence activities

Section 1301 provides that the authorization of appropriations by the 2018 Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 1302—Increase in employee compensation and benefits authorized by law

Section 1302 provides that funds authorized to be appropriated by the 2018 Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE
COMMUNITY

Section 1401—Authority for protection of current and former employees of the Office of the Director of the National Intelligence

Section 1401 amends Section 5 of the CIA Act of 1949 to authorize the protection of current and former personnel of the Office of the Director of National Intelligence (ODNI) and their immediate families.

Section 1402—Designation of the Program Manager Information Sharing Environment

Section 1402 makes technical changes to the Intelligence Reform and Terrorism Protection Act of 2004 to permit the DNI to designate the Program Manager-Information Sharing Environment (PM-ISE).

Section 1403—Technical correction to the Executive Schedule

Section 1403 makes a technical change to 5 U.S.C. 5313, by adding the Director of Counterintelligence and Security to the list of positions included at Level II of the Executive Schedule.

TITLE V—REPORTS AND OTHER MATTERS

Section 1501—Period of overseas assignments for certain foreign service officers

Section 1501 optimizes various aspects of the assignment system for foreign service officers within the Department of State.

Section 1502—Assessment of significant Russian influence campaigns Directed at foreign elections and referenda

Section 1502 requires the DNI to provide a report assessing past and ongoing Russian influence campaigns against foreign elections and referenda, to include a summary of the means by which such influence campaigns have been or are likely to be conducted, a summary of defenses against or responses to such Russian influence campaigns, a summary of IC activities to assist foreign governments against such campaigns, and an assessment of the effectiveness of such foreign defenses and responses.

Section 1503—Foreign counterintelligence and cybersecurity threats to federal election Campaigns

Section 1503 requires the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis (I&A) and the Director of the Federal Bureau of Investigation (FBI), to publish regular public advisory reports on foreign counterintelligence and cybersecurity threats to federal election campaigns before those elections take place. Additional information may be provided to the appropriate representatives of campaigns if the FBI Director and the DHS Under Secretary for I&A jointly determine that an election campaign for federal office is subject to a heightened foreign counterintelligence or cybersecurity threat.

Section 1504—Intelligence community reports on security clearances

Section 1504 amends the National Security Act of 1947 to require improved reporting on IC security clearance processing.

Section 1505—Assessment of threat finance relating to Russia

Section 1505 requires the IC to conduct an assessment of Russia's threat finance activities globally, to include an assessment of trends or patterns in such threat finance activity, a summary of engagement with international partners on Russian threat finance, and an identification of any resource and collection gaps.

Section 1506—Report on cyber exchange program

Section 1506 directs the DNI to submit a report on the potential establishment of a voluntary cyber exchange program between the IC and private technology companies.

Section 1507—Review of Intelligence Community whistleblower matters

Section 1507 directs the IC IG, in consultations with the IGs of other IC agencies, to conduct a review of practices and procedures relating to IC whistleblower matters.

Section 1508—Report on the role of Director of National Intelligence with respect to certain foreign investments

Section 1508 directs the DNI to submit a report on ODNI's role in preparing analytic materials in connection with the U.S. Government's evaluation of national security risks associated with potential foreign investments.

Section 1509—Semiannual reports on investigations of unauthorized public disclosures of classified information

Section 1509 directs IC elements to submit a semi-annual report on the number of investigations opened and completed by each agency regarding an unauthorized public disclosure of classified information to the media, and the number of completed investigations referred to the Attorney General. Section 1509 also directs the Department of Justice to submit a semi-annual report on the status of each criminal leaks referral made by the IC.

Section 1510—Report on Intelligence Community participation in vulnerabilities equities Process

Section 1510 directs the Inspector General of the IC to conduct a review of the process by which the IC and executive branch agencies determine whether, when, how, and to whom information about a vulnerability that is not publicly known will be shared with a non-federal entity or the public.

Section 1511—Sense of Congress on notification of certain disclosures of classified information

Section 1511 expresses the sense of Congress that, pursuant to the requirement for the IC to keep the congressional intelligence committees "fully and currently informed" in Section 502 of the National Security Act of 1947, IC agencies must submit prompt written notification after becoming aware that an individual in the executive branch has disclosed certain classified information outside established intelligence channels to adversary foreign governments—North Korea, Iran, China, Russia, or Cuba.

Section 1512—Technical amendments related to the Department of Energy

Section 1512 makes technical changes in the Atomic Energy Defense Act and in the National Security Act of 1947 regarding references to the Department of Energy's Office of Intelligence and Counterintelligence.

DIVISION B—INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 2019

Section 201—Short title; Table of contents

Section 201 lists the title and table of contents of the Intelligence Authorization Act for Fiscal Year 2019 (the 2019 Act).

Section 202—Definitions

Section 202 defines the terms “congressional intelligence committees” and the “Intelligence Community” (IC) that will be used in the 2019 Act.

TITLE I—INTELLIGENCE ACTIVITIES

Section 2101—Authorization of appropriations

Section 2101 lists the U.S. Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2019.

Section 2102—Classified Schedule of Authorizations

Section 2102 provides that the amounts authorized to be appropriated for intelligence and intelligence-related activities are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 2103—Intelligence Community Management Account

Section 2103 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI for the elements within the ICMA for Fiscal Year 2019.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Section 2201—Authorization of appropriations

Section 2201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2019 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 2301—Restriction on conduct of intelligence activities

Section 2301 provides that the authorization of appropriations by the 2019 Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 2302—Increase in employee compensation and benefits authorized by law

Section 2302 provides that funds authorized to be appropriated by the 2019 Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 2303—Modification of special pay authority for Science, Technology, Engineering, or Mathematics positions and addition of special pay authority for cyber positions

Section 2303 provides an increased yearly cap for Science, Technology, Engineering, or Mathematics (STEM) employee positions in the IC that support critical cyber missions. The section also permits the NSA to establish a special rate of pay for positions that perform functions that execute the agency's cyber mission.

Section 2304—Repeal of Joint Intelligence Community Council

Section 2304 repeals Section 101A of the National Security Act of 1947 to eliminate the Joint Intelligence Community Council.

Section 2305—Permanent enhanced procurement authority to manage supply chain risks

Section 2305 permanently authorizes enhanced procurement authority to manage supply chain risks.

Section 2306—Intelligence Community Information Technology Environment

Section 2306 defines the roles and responsibilities for the performance of the Intelligence Community Information Technology Environment (IC ITE). The section requires certain reporting and briefing requirements to the congressional intelligence committees regarding the IC's ongoing implementation of IC ITE.

Section 2307—Development of secure cellular voice solution for intelligence community

Section 2307 requires the DNI approve and certify a secure cellular voice solution for use by the intelligence community elements funded by the National Intelligence Program.

Section 2308—Policy on minimum insider threat standards

Section 2308 requires the DNI to develop minimum insider threat standards to be followed by each element of the IC.

Section 2309—Submission of intelligence community policies

Section 2309 requires the DNI to make all Office of Director of National Intelligence (ODNI) policies and procedures available to the congressional intelligence committees. The Section also requires ODNI to notify the congressional committees of any new or rescinded policies.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

SUBTITLE A—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Section 2401—Chief Financial Officer of the Intelligence Community

Section 2401 amends the National Security Act of 1947 by requiring the Chief Financial Officer of the Intelligence Community to directly report to the DNI.

Section 2402—Chief Information Officer of the Intelligence Community

Section 2402 amends the National Security Act of 1947 by requiring the Chief Information Officer of the Intelligence Community to directly report to the DNI.

SUBTITLE B—CENTRAL INTELLIGENCE AGENCY

Section 2411—CIA subsistence for personnel assigned to austere locations

Section 2411 authorizes the Director of the CIA to approve, with or without reimbursement, subsistence to personnel assigned to an austere overseas location.

Section 2412—Special rules for certain monthly workers' compensation payments and other payments for CIA personnel

Section 2412 authorizes the Director of the CIA to provide enhanced injury benefits to a covered employee or qualifying dependents who suffer an injury overseas due to war, insurgency, hostile act, or terrorist activities.

Section 2413—Expansion of security protective service jurisdiction of the Central Intelligence Agency

Section 2413 expands the security perimeter jurisdiction at CIA facilities from 500 feet to 500 yards.

Section 2414—Repeal of foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency

Section 2414 repeals the foreign language proficiency requirement for certain CIA senior level positions authorized in Section 611 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108-487).

SUBTITLE C—OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE OF DEPARTMENT OF ENERGY

Section 2421—Consolidation of Department of Energy Offices of Intelligence and Counterintelligence

Section 2421 amends the Department of Energy Organization Act to consolidate the offices of intelligence and counterintelligence into the DOE Office of Intelligence and Counterintelligence.

Section 2422—Establishment of Energy Infrastructure Security Center

Section 2422 establishes the Energy Infrastructure Security Center (EISC) under the Department of Energy Office of Intelligence and Counterintelligence that will be responsible for coordinating intelligence regarding the to the protection of U.S. energy infrastructure.

Section 2423—Repeal of Department of Energy Intelligence Executive Committee and budget reporting requirement

Section 2423 amends the Department of Energy Organization Act by repealing the Department of Energy Intelligence Executive Committee, as well as certain budgetary reporting requirements.

SUBTITLE D—OTHER ELEMENTS

Section 2431—Collocation of certain Department of Homeland Security personnel at field locations

Section 2431 mandates that DHS I&A transfer at least 40 personnel from DHS headquarters for the purposes of providing support to other DHS elements, including Customs and Border Protection, the Transportation Security Administration, and Immigration and Customs Enforcement.

Section 2432—Framework for roles, missions, and functions of Defense Intelligence Agency

Section 2432 requires the Secretary of Defense and DNI to jointly develop a framework for the roles, missions, and functions of the Defense Intelligence Agency as an intelligence community element and combat support agency.

Section 2433—Consultation by Secretary of Defense with Director of National Intelligence for certain functions

Section 2433 amends Section 3038 of the National Security Act of 1947 by requiring the Secretary of Defense to consult the DNI regarding National Intelligence Program-matters associated with certain Department of Defense elements, such as the Defense Intelligence Agency, National Security Agency, and the National Geospatial-Intelligence Agency.

Section 2434—Construction of National Security Agency East Campus Building 3

Section 2434 authorizes the Director of the National Security Agency to incrementally fund the construction of East Campus Building 3, except that the total amount expended may not exceed \$775,000,000. The Section also requires a report to the congressional intelligence committees on plans for the construction of East Campus Buildings 4 and 5.

Section 2435—Establishment of advisory board for National Reconnaissance Office

Section 2435 amends the National Security Act of 1947 to authorize the Director of the National Reconnaissance Office to establish an advisory board to study matters related to space, overhead reconnaissance, acquisition, and other matters.

TITLE V—REPORTS AND OTHER MATTERS

Section 2501—Public Interest Declassification Board

Section 2501 reauthorizes the Public Interest Declassification Board for 10 years.

Section 2502—Repeal of certain reporting requirements

Section 2502 repeals certain reporting requirements related to long-standing material weaknesses, annual reports on interactions between the Intelligence Community and entertainment industry, declassification reviews with respect to detainees transferred from United States Naval Station Guantanamo Bay, the Interagency Threat Assessment and Coordination Group, and Inspector General reports.

Section 2503—Notification of significant foreign cyber intrusions and active measures campaigns directed at elections for federal offices

Section 2503 requires the DNI, the Director of the FBI, and the Secretary of Homeland Security to brief the congressional intelligence committees, congressional leadership, the armed services committees, and the homeland security committees (consistent with sources and methods) not later than 14 days after a determination has been made with moderate or high confidence that a significant foreign cyber intrusion or active measures campaign intended to influence an upcoming election for any Federal office has taken place by a foreign state or foreign nonstate person, group, or other entity. The briefing shall provide a description of the significant foreign cyber intrusion or active measures campaign, including an identification of the foreign state or foreign nonstate person or group.

Section 2504—Reports on intelligence community loan repayment and related programs

Section 2504 requires the DNI, in cooperation with the heads of the elements of the IC, to submit to the congressional intelligence committees a report on potentially establishing an IC-wide program for student loan repayment and forgiveness.

Section 2505—Comptroller General of the United States report on senior executives of the Office of the Director of National Intelligence

Section 2505 directs the Comptroller General of the United States within 180 days of enactment of this Act to submit a report to the congressional intelligence committees regarding senior executive service staffing at the ODNI.

Section 2506—Briefing on counterintelligence activities of the Federal Bureau of Investigation

Section 2506 requires the FBI Director provide the congressional intelligence committees on a quarterly basis with a briefing on the counterintelligence activities of the FBI that shall include, at a minimum, the counterintelligence posture of the Bureau on matters of counterintelligence concern. The FBI Director, in coordination with the Attorney General, shall develop guidelines governing the scope of such briefings.

Section 2507—Briefing on FBI offering permanent residence to sources and cooperators

Section 2507 directs the FBI within 30 days of enactment of this Act to provide a briefing to the congressional intelligence committees regarding the FBI's ability to provide permanent U.S. resi-

dence to foreign individuals who serve as cooperators in national security-related investigations.

Section 2508—Technical and clerical amendments to the National Security Act of 1947

Section 2508 makes certain edits to the National Security Act of 1947 as amended for technical or clerical purposes.

OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held multiple hearings on the classified budgetary issues raised by H.R. 6237. The bill, as reported by the Committee, reflects conclusions reached by the Committee in light of this oversight activity.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of H.R. 6237 are to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Years 2018 and 2019. These activities enhance the national security of the United States, support and assist the armed forces of the United States, and support the President in the execution of the foreign policy of the United States.

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

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement of whether the provisions of the reported bill include unfunded mandates. In compliance with this requirement, the Committee has received a letter from the Congressional Budget Office included herein.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 2018.

Hon. DEVIN NUNES,
*Chairman, Permanent Select Committee on Intelligence,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed a preliminary estimate of the direct spending effects of H.R. 6237, the Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019, as ordered reported by the House Permanent Select Committee on Intelligence on June 28, 2018. This preliminary estimate is based on language provided by the Committee on June 28, 2018. CBO's complete cost estimate for H.R. 6237, including discretionary costs, will be provided shortly.

On a preliminary basis, CBO estimates that enacting the bill would affect direct spending by making changes to the Central Intelligence Agency Retirement and Disability System to enhance the benefits offered to certain annuitants; therefore, pay-as-you-go procedures apply. However, we estimate that those effects would be

less than \$500,000 over the 2019–2028 period. Enacting the bill would not affect revenues.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is William Ma.

Sincerely,

KEITH HALL,
Director.

STATEMENT ON CONGRESSIONAL EARMARKS

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT

* * * * *

TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

* * * * *

Part C—Computation of Annuities

SEC. 221. COMPUTATION OF ANNUITIES.

(a) ANNUITY OF PARTICIPANT.—

(1) COMPUTATION OF ANNUITY.—The annuity of a participant is the product of—

(A) the participant’s high-3 average pay (as defined in paragraph (4)); and

(B) the number of years, not exceeding 35, of service credit (determined in accordance with sections 251 and 252) multiplied by 2 percent.

(2) CREDIT FOR UNUSED SICK LEAVE.—The total service of a participant who retires on an immediate annuity (except under section 231) or who dies leaving a survivor or survivors entitled to an annuity shall include (without regard to the 35-year limitation prescribed in paragraph (1)) the days of unused sick leave to the credit of the participant. Days of unused sick leave may not be counted in determining average basic pay or eligibility for an annuity under this title. A deposit shall not be re-

quired for days of unused sick leave credited under this paragraph.

(3) CREDITING OF PART-TIME SERVICE.—

(A) IN GENERAL.—In the case of a participant whose service includes service on a part-time basis performed after April 6, 1986, the participant's annuity shall be the sum of the amounts determined under subparagraphs (B) and (C).

(B) COMPUTATION OF PRE-APRIL 7, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service before April 7, 1986, shall be the amount computed under paragraph (1) using the participant's length of service before that date (increased by the unused sick leave to the credit of the participant at the time of retirement) and the participant's high-3 average pay^[1], as determined by using the annual rate of basic pay that would be payable for full-time service in that position.

(C) COMPUTATION OF POST-APRIL 6, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service after April 6, 1986, shall be the product of—

(i) the amount computed under paragraph (1), using the participant's length of service after that date and the participant's high-3 average pay, as determined by using the annual rate of basic pay that would be payable for full-time service; and

(ii) the ratio which the participant's actual service after April 6, 1986 (as determined by prorating the participant's total service after that date to reflect the service that was performed on a part-time basis) bears to the total service after that date that would be creditable for the participant if all the service had been performed on a full-time basis.

(D) TREATMENT OF EMPLOYMENT ON TEMPORARY OR INTERMITTENT BASIS.—Employment on a temporary or intermittent basis shall not be considered to be service on a part-time basis for purposes of this paragraph.

(4) HIGH-3 AVERAGE PAY DEFINED.—For purposes of this subsection, a participant's high-3 average pay is the amount of the participant's average basic pay for the highest 3 consecutive years of the participant's service for which full contributions have been made to the fund.

(5) COMPUTATION OF SERVICE.—In determining the aggregate period of service upon which an annuity is to be based, any fractional part of a month shall not be counted.

(b) SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

(1) REDUCTION IN PARTICIPANT'S ANNUITY TO PROVIDE SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

(A) GENERAL RULE.—Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 55), the participant shall receive a reduced annuity and provide a survivor annuity for the participant's spouse under this subsection or former

spouse under section 222(b), or a combination of such annuities, as the case may be.

(B) JOINT ELECTION FOR WAIVER OR REDUCTION OF SPOUSE SURVIVOR ANNUITY.—A married participant or former participant and the participant's spouse may jointly elect in writing at the time of retirement to waive a survivor annuity for that spouse under this section or to reduce such survivor annuity under this section by designating a portion of the annuity of the participant as the base for the survivor annuity. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

(C) JOINT ELECTION OF PARTICIPANT AND FORMER SPOUSE.—If a participant or former participant has a former spouse, such participant and the participant's former spouse may jointly elect by spousal agreement under section 264(b) to waive, reduce, or increase a survivor annuity under section 222(b) for that former spouse. Any such election must be made (i) before the end of the [12-month] 2-year period beginning on the date on which the divorce or annulment involving that former spouse becomes final, or (ii) at the time of retirement of the participant, whichever is later.

(D) UNILATERAL ELECTIONS IN ABSENCE OF SPOUSE OR FORMER SPOUSE.—The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

(2) AMOUNT OF REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity of a participant or former participant providing a survivor annuity under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first \$3,600 plus 10 percent of any amount over \$3,600. The reduction under this paragraph shall be calculated before any reduction under section 222(a)(5).

(3) AMOUNT OF SURVIVING SPOUSE ANNUITY.—

(A) IN GENERAL.—If a retired participant receiving a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse. The amount of the annuity shall be equal to 55 percent of (i) the full amount of the participant's annuity computed under subsection (a), or (ii) any lesser amount elected as the base for the survivor annuity under paragraph (1)(B).

(B) LIMITATION.—Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is

also a surviving former spouse of the retired participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor annuities which remains available under section 222(b)(4)(B).

(C) EFFECTIVE DATE AND TERMINATION OF ANNUITY.—An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the retired participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 55. If such survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

(c) 18-MONTH OPEN PERIOD AFTER RETIREMENT TO PROVIDE SPOUSE COVERAGE.—

(1) SURVIVOR ANNUITY ELECTIONS.—

(A) ELECTION WHEN SPOUSE COVERAGE WAIVED AT TIME OF RETIREMENT.—A participant or former participant who retires after March 31, 1992 and who—

- (i) is married at the time of retirement; and
- (ii) elects at that time (in accordance with subsection

(b)) to waive a survivor annuity for the spouse, may, during the 18-month period beginning on the date of the retirement of the participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for the participant's spouse.

(B) ELECTION WHEN REDUCED SPOUSE ANNUITY ELECTED.—A participant or former participant who retires after March 31, 1992, and—

- (i) who, at the time of retirement, is married, and
- (ii) who, at that time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

(2) DEPOSIT REQUIRED.—

(A) REQUIREMENT.—An election under paragraph (1) shall not be effective unless the amount specified in subparagraph (B) is deposited into the fund before the end of that 18-month period.

(B) AMOUNT OF DEPOSIT.—The amount to be deposited with respect to an election under this subsection is the amount equal to the sum of the following:

- (i) ADDITIONAL COST TO SYSTEM.—The additional cost to the system that is associated with providing a survivor annuity under subsection (b) and that results from such election, taking into account—

(I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity; and

(II) the costs associated with providing for the later election.

(ii) INTEREST.—Interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

(3) VOIDING OF PREVIOUS ELECTIONS.—An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

(4) REDUCTIONS IN ANNUITY.—An annuity that is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

(5) RIGHTS AND OBLIGATIONS RESULTING FROM REDUCED ANNUITY ELECTION.—Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations that would have resulted had the participant involved elected such annuity at the time of retirement.

(d) ANNUITIES FOR SURVIVING CHILDREN.—

(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a retired participant who died before April 1, 1992, and who is survived by a child or children—

(A) if the retired participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

(B) if the retired participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a retired participant who dies on or after April 1, 1992, and who is survived by a child or children—

(A) if the retired participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

(B) if the retired participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

(3) AMOUNT OF ANNUITY.—

(A) The annual amount of an annuity for the surviving child of a participant covered by paragraph (1)(A) or (2)(A) of this subsection (or covered by paragraph (1)(A) or (2)(A) of section 232(c)) is the smallest of the following:

(i) 60 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

(ii) \$900, as adjusted under section 291.

(iii) \$2,700, as adjusted under section 291, divided by the number of children.

(B) The amount of an annuity for the surviving child of a participant covered by paragraph (1)(B) or (2)(B) of this subsection (or covered by paragraph (1)(B) or (2)(B) of section 232(c)) is the smallest of the following:

(i) 75 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

(ii) \$1,080, as adjusted under section 291.

(iii) \$3,240, as adjusted under section 291, divided by the number of children.

(4) RECOMPUTATION OF CHILD ANNUITIES.—

(A) In the case of a child annuity payable under paragraph (1), upon the death of a surviving spouse or the termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse or child had not survived the retired participant.

(B) In the case of a child annuity payable under paragraph (2), upon the death of a surviving spouse or former spouse or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the retired participant. If the annuity of a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities of all currently eligible children were then being initiated.

(5) DEFINITION OF FORMER SPOUSE.—For purposes of this subsection, the term "former spouse" includes any former wife or husband of the retired participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

(e) COMMENCEMENT AND TERMINATION OF CHILD ANNUITIES.—

(1) COMMENCEMENT.—An annuity payable to a child under subsection (d), or under section 232(c), shall begin on the day after the date on which the participant or retired participant dies or, in the case of an individual over the age of 18 who is not a child within the meaning of section 102(b), shall begin or resume on the first day of the month in which the individual later becomes or again becomes a student as described in section 102(b). Such annuity may not commence until any lump-sum that has been paid is returned to the fund.

(2) TERMINATION.—Such an annuity shall terminate on the last day of the month before the month in which the recipient of the annuity dies or no longer qualifies as a child (as defined in section 102(b)).

(f) PARTICIPANTS NOT MARRIED AT TIME OF RETIREMENT.—

(1) DESIGNATION OF PERSONS WITH INSURABLE INTEREST.—

(A) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under sections 221(b) and 222, at the time of retirement an unmarried participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subparagraph (B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant's death. The amount of such an annuity shall be equal to 55 percent of the participant's reduced annuity.

(B) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

(C) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

(D) RECOMPUTATION OF PARTICIPANT'S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this paragraph shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.

(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT MARRIAGE.—A participant who is unmarried at the time of retirement and who later marries may irrevocably elect, in a signed writing received by the Director within **[one year]** *two years* after the marriage, to receive a reduced annuity as provided in section 221(b). Such election and reduction shall be effective on the first day of the month beginning 9 months after the date of marriage. The election voids prospectively any election previously made under paragraph (1).

(g) EFFECT OF DIVORCE AFTER RETIREMENT.—

(1) RECOMPUTATION OF RETIRED PARTICIPANT'S ANNUITY UPON DIVORCE.—An annuity which is reduced under this section (or any similar prior provision of law) to provide a survivor annuity for a spouse shall, if the marriage of the retired participant to such spouse is dissolved, be recomputed and paid for each full month during which a retired participant is not married (or is remarried, if there is no election in effect under paragraph (2)) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor annuity under subsection (b) or (c) of section 222 or under section 226.

(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT REMARRIAGE.—

(A) IN GENERAL.—Upon remarriage, the retired participant may irrevocably elect, by means of a signed writing received by the Director within ~~one year~~ *two years* after such remarriage, to receive a reduced annuity for the purpose of providing an annuity for the new spouse of the retired participant in the event such spouse survives the retired participant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5) or elected under subparagraph (B)).

(B) WHEN ANNUITY PREVIOUSLY NOT (OR NOT FULLY) REDUCED.—

(i) ELECTION.—If the retired participant's annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement, the retired participant may make an election under the first sentence of subparagraph (A) upon remarriage to a spouse other than the spouse at the time of retirement. For any remarriage that occurred before August 14, 1991, the retired participant may make such an election within 2 years after such date.

(ii) DEPOSIT REQUIRED.—

(I) The retired participant shall, within ~~one year~~ *two years* after the date of the remarriage (or by August 14, 1993 for any remarriage that occurred before August 14, 1991), deposit in the fund an amount determined by the Director, as nearly as may be administratively feasible, to reflect the amount by which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced, plus interest.

(II) The annual rate of interest for each year during which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced shall be 6 percent.

(III) If the retired participant does not make the deposit, the Director shall collect such amount by offset against the participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the retired participant, and the retired participant is deemed to consent to such offset.

(IV) The deposit required by this subparagraph may be made by the surviving spouse of the retired participant.

(C) EFFECTS OF ELECTION.—An election under this paragraph and the reduction in the participant's annuity shall be effective on the first day of the month beginning 9 months after the date of remarriage. A survivor annuity

elected under this paragraph shall be treated in all respects as a survivor annuity under subsection (b).

(h) CONDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.—

(1) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant's death, except that any such election to provide an insurable interest survivor annuity to the participant's spouse shall only be effective if the participant's spouse waives the spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant's reduced annuity.

(2) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

(3) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

(4) RECOMPUTATION OF PARTICIPANT'S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.

[(h)] (i) COORDINATION OF ANNUITIES.—

(1) SURVIVING SPOUSE.—A surviving spouse whose survivor annuity was terminated because of remarriage before attaining age 55 shall not be entitled under subsection (b)(3)(C) to the restoration of that survivor annuity payable from the fund unless the surviving spouse elects to receive it instead of any other survivor annuity to which the surviving spouse may be entitled under the system or any other retirement system for Government employees by reason of the remarriage.

(2) FORMER SPOUSE.—A surviving former spouse of a participant or retired participant shall not become entitled under section 222(b) or 224 to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the surviving former spouse elects to receive it instead of any other survivor annuity to which the surviving former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

(3) SURVIVING SPOUSE OF POST-RETIREMENT MARRIAGE.—A surviving spouse who married a participant after the participant's retirement shall be entitled to a survivor annuity payable from the fund only upon electing that annuity instead of

any other survivor annuity to which the surviving spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the retired participant.

[(i)] *(j)* SUPPLEMENTAL SURVIVOR ANNUITIES.—

(1) SPOUSE OF RECALLED ANNUITANT.—A married recalled annuitant who reverts to retired status with entitlement to a supplemental annuity under section 271(b) shall, unless the annuitant and the annuitant's spouse jointly elect in writing to the contrary at the time of reversion to retired status, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for the annuitant's spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant.

(2) REGULATIONS.—The Director shall prescribe regulations to provide for the application of paragraph (1) of this subsection and of subsection (b) of section 271 in any case in which an annuitant has a former spouse who was married to the recalled annuitant at any time during the period of recall service and who qualifies for an annuity under section 222(b).

[(j)] *(k)* OFFSET OF ANNUITIES BY AMOUNT OF SOCIAL SECURITY BENEFIT.—Notwithstanding any other provision of this title, an annuity (including a disability annuity) payable under this title to an individual described in sections 211(d)(1) and 301(c)(1) and any survivor annuity payable under this title on the basis of the service of such individual shall be reduced in a manner consistent with section 8349 of title 5, United States Code, under conditions consistent with the conditions prescribed in that section.

[(k)] *(l)* INFORMATION FROM OTHER AGENCIES.—

(1) OTHER AGENCIES.—For the purpose of ensuring the accuracy of the information used in the determination of eligibility for and the computation of annuities payable from the fund under this title, at the request of the Director—

(A) the Secretary of Defense shall provide information on retired or retainer pay paid under title 10, United States Code;

(B) the Secretary of Veterans Affairs shall provide information on pensions or compensation paid under title 38, United States Code;

(C) the Secretary of Health and Human Services shall provide information contained in the records of the Social Security Administration; and

(D) the Secretary of Labor shall provide information on benefits paid under subchapter I of chapter 81 of title 5, United States Code.

(2) LIMITATION ON INFORMATION REQUESTED.—The Director shall request only such information as the Director determines is necessary.

(3) LIMITATION ON USES OF INFORMATION.—The Director, in consultation with the officials from whom information is requested, shall ensure that information made available under this subsection is used only for the purposes authorized.

[(l)] *(m)* INFORMATION ON RIGHTS UNDER THE SYSTEM.—The Director shall, on an annual basis—

(1) inform each retired participant of the participant's right of election under subsections (c), (f)(2), and (g); and

(2) to the maximum extent practicable, inform spouses and former spouses of participants, former participants, and retired participants of their rights under this Act.

SEC. 222. ANNUITIES FOR FORMER SPOUSES.

(a) **FORMER SPOUSE SHARE OF PARTICIPANT'S ANNUITY.—**

(1) **PRO RATA SHARE.—**Unless otherwise expressly provided by a spousal agreement or court order under section 264(b), a former spouse of a participant, former participant, or retired participant is entitled to an annuity—

(A) if married to the participant, former participant, or retired participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

(B) if not married to the participant throughout such creditable service, equal to that proportion of 50 percent of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

(2) **DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—**A former spouse is not qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

(3) **COMMENCEMENT OF ANNUITY.—**The annuity of a former spouse under this subsection commences on the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or on the first day of the month after the divorce or annulment involved becomes final, whichever is later.

(4) **TERMINATION OF ANNUITY.—**The annuity of such former spouse and the right thereto terminate on—

(A) the last day of the month before the month in which the former spouse dies or remarries before 55 years of age; or

(B) the date on which the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

(5) **TREATMENT OF PARTICIPANT'S ANNUITY.—**

(A) **REDUCTION IN PARTICIPANT'S ANNUITY.—**The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating—

(i) the survivor annuity for any spouse, former spouse, or other survivor under this title; and

(ii) any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or under section 221(b).

(B) **TREATMENT WHEN ANNUITANT RETURNS TO SERVICE.—**If an annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered dis-

ability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

(6) **DISABILITY ANNUITANT.**—Notwithstanding paragraph (3), in the case of a former spouse of a disability annuitant—

(A) the annuity of that former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than a disability annuity) or the date on which the disability annuity begins, whichever is later, and

(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

(7) **ELECTION OF BENEFITS.**—A former spouse of a participant, former participant, or retired participant shall not become entitled under this subsection to an annuity payable from the fund unless the former spouse elects to receive it instead of any survivor annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

(8) **LIMITATION IN CASE OF MULTIPLE FORMER SPOUSE ANNUITIES.**—No spousal agreement or court order under section 264(b) involving a participant may provide for an annuity or a combination of annuities under this subsection that exceeds the annuity of the participant.

(b) **FORMER SPOUSE SURVIVOR ANNUITY.**—

(1) **PRO RATA SHARE.**—Subject to any election under section 221(b)(1)(B) and (C) and unless otherwise expressly provided by a spousal agreement or court order under section 264(b), if an annuitant is survived by a former spouse, the former spouse shall be entitled—

(A) if married to the annuitant throughout the creditable service of the annuitant, to a survivor annuity equal to 55 percent of the unreduced amount of the annuitant's annuity, as computed under section 221(a); and

(B) if not married to the annuitant throughout such creditable service, to a survivor annuity equal to that proportion of 55 percent of the unreduced amount of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

(2) **DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.**—A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

(3) **COMMENCEMENT, TERMINATION, AND RESTORATION OF ANNUITY.**—An annuity payable from the fund under this title to

a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

(4) SURVIVOR ANNUITY AMOUNT.—

(A) MAXIMUM AMOUNT.—The maximum survivor annuity or combination of survivor annuities under this subsection (and section 221(b)(3)) with respect to any participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

(B) LIMITATION ON OTHER SURVIVOR ANNUITIES BASED ON SERVICE OF SAME PARTICIPANT.—Once a survivor annuity has been provided under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided under this subsection (or section 221(b)(3)) with respect to the participant only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

(C) FINALITY OF COURT ORDER UPON DEATH OF PARTICIPANT.—After the death of a participant or retired participant, a court order under section 264(b) may not adjust the amount of the annuity of a former spouse of that participant or retired participant under this section.

(5) EFFECT OF TERMINATION OF FORMER SPOUSE ENTITLEMENT.—

(A) RECOMPUTATION OF PARTICIPANT'S ANNUITY.—If a former spouse of a retired participant dies or remarries before attaining age 55, the annuity of the retired participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid, effective on the first day of the month beginning after such death or remarriage, as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

(B) ELECTION OF SPOUSE ANNUITY.—Subject to paragraph (4)(B), the participant may elect in writing within **[one year]** *two years* after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

(c) OPTIONAL ADDITIONAL SURVIVOR ANNUITIES FOR OTHER FORMER SPOUSE OR SURVIVING SPOUSE.—

(1) IN GENERAL.—In the case of any participant providing a survivor annuity under subsection (b) for a former spouse—

(A) such participant may elect, or

(B) a spousal agreement or court order under section 264(b) may provide for, an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the

participant satisfactorily passes a physical examination as prescribed by the Director.

(2) LIMITATION.—Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, may exceed 55 percent of the unreduced amount of the participant's annuity, as computed under section 221(a).

(3) CONTRIBUTION FOR ADDITIONAL ANNUITIES.—

(A) PROVISION OF ADDITIONAL SURVIVOR ANNUITY.—In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection—

- (i) by a reduction in the annuity or an allotment from the basic pay of the participant;
- (ii) by a lump-sum payment or installment payments to the fund; or
- (iii) by any combination thereof.

(B) ACTUARIAL EQUIVALENCE TO BENEFIT.—The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

(C) EFFECT OF FORMER SPOUSE'S DEATH OR DISQUALIFICATION.—If a former spouse predeceases the participant or remarries before attaining age 55 (or, in the case of a spouse, the spouse predeceases the participant or does not qualify as a former spouse upon dissolution of the marriage)—

- (i) if an annuity reduction or pay allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the pay allotment terminated, as the case may be; and
- (ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

(D) RECOMPUTATION UPON DEATH OR REMARRIAGE OF FORMER SPOUSE.—Under regulations prescribed by the Director, an annuity shall be recomputed (or a pay allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 55 and an increased annuity is provided for that spouse in accordance with this section.

(4) COMMENCEMENT AND TERMINATION OF ADDITIONAL SURVIVOR ANNUITY.—An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the spouse's or the former spouse's death or remarriage before attaining age 55.

(5) NONAPPLICABILITY OF COLA PROVISION.—Section 291 does not apply to an annuity under this subsection, unless authorized under regulations prescribed by the Director.

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Part D—Benefits Accruing to Certain Participants

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SEC. 232. DEATH IN SERVICE.

(a) RETURN OF CONTRIBUTIONS WHEN NO ANNUITY PAYABLE.—If a participant dies and no claim for an annuity is payable under this title, the participant's lump-sum credit and any voluntary contributions made under section 281, with interest, shall be paid in the order of precedence shown in section 241(c).

(b) SURVIVOR ANNUITY FOR SURVIVING SPOUSE OR FORMER SPOUSE.—

(1) IN GENERAL.—If a participant dies before separation or retirement from the Agency and is survived by a spouse or by a former spouse qualifying for a survivor annuity under section 222(b), such surviving spouse shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this title. The annuity of such surviving spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the death or remarriage before attaining age 55 of the surviving spouse or former spouse (subject to the payment and restoration provisions of sections 221(b)(3)(C), [221(h),] 221(i), and 222(b)(3)).

(2) COMPUTATION.—The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's high-3 average pay, or (B) the sum obtained under such section after increasing the participant's length of service by the difference between the participant's age at the time of death and age 60.

(3) LIMITATION.—Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a surviving spouse under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B).

(4) PRECEDENCE OF SECTION 224 SURVIVOR ANNUITY OVER DEATH-IN-SERVICE ANNUITY.—If a former spouse who is eligible for a death-in-service annuity under this section is or becomes eligible for an annuity under section 224, the annuity provided under this section shall not be payable and shall be superseded by the annuity under section 224.

(c) ANNUITIES FOR SURVIVING CHILDREN.—

(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a participant who before April 1, 1992, died before separation or retirement from the Agency and who was survived by a child or children—

(A) if the participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

(B) if the participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a participant who on or after April 1, 1992, dies before separation or retirement from the Agency and who is survived by a child or children—

(A) if the participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

(B) if the participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

(3) FORMER SPOUSE DEFINED.—For purposes of this subsection, the term “former spouse” includes any former wife or husband of a participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

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Part F—Period of Service for Annuities

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SEC. 252. PRIOR SERVICE CREDIT.

(a) IN GENERAL.—A participant may, subject to the provisions of this section, include in the participant’s period of service—

(1) civilian service in the Government before becoming a participant that would be creditable toward retirement under subchapter III of chapter 83 of title 5, United States Code (as determined under section 8332(b) of such title); and

(2) honorable active service in the Armed Forces before the date of the separation upon which eligibility for an annuity is based, or honorable active service in the Regular or Reserve Corps of the Public Health Service after June 30, 1960, or as

a commissioned officer of the National Oceanic and Atmospheric Administration after June 30, 1961.

(b) LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the total service of any participant shall exclude—

(A) any period of civilian service on or after October 1, 1982, for which retirement deductions or deposits have not been made,

(B) any period of service for which a refund of contributions has been made, or

(C) any period of service for which contributions were not transferred pursuant to subsection (c)(1);

unless the participant makes a deposit to the fund in an amount equal to the percentages of basic pay received for such service as specified in the table contained in section 8334(c) of title 5, United States Code, together with interest computed in accordance with section 8334(e) of such title. The deposit may be made in one or more installments (including by allotment from pay), as determined by the Director.

(2) EFFECT OF RETIREMENT DEDUCTIONS NOT MADE.—If a participant has not paid a deposit for civilian service performed before October 1, 1982, for which retirement deductions were not made, such participant's annuity shall be reduced by 10 percent of the deposit described in paragraph (1) remaining unpaid, unless the participant elects to eliminate the service involved for the purpose of the annuity computation.

(3) EFFECT OF REFUND OF RETIREMENT CONTRIBUTIONS.—A participant who received a refund of retirement contributions under this or any other retirement system for Government employees covering service for which the participant may be allowed credit under this title may deposit the amount received, with interest computed under paragraph (1). Credit may not be allowed for the service covered by the refund until the deposit is made, except that a participant who—

(A) separated from Government service before [October 1, 1990] *March 31, 1991*, and received a refund of the participant's retirement contributions covering a period of service ending before [October 1, 1990] *March 31, 1991*;

(B) is entitled to an annuity under this title (other than a disability annuity) which commences after December 1, 1992; and

(C) does not make the deposit required to receive credit for the service covered by the refund;

shall be entitled to an annuity actuarially reduced in accordance with section 8334(d)(2)(B) of title 5, United States Code.

(4) ENTITLEMENT UNDER ANOTHER SYSTEM.—Credit toward retirement under the system shall not be allowed for any period of civilian service on the basis of which the participant is receiving (or will in the future be entitled to receive) an annuity under another retirement system for Government employees, unless the right to such annuity is waived and a deposit is made under paragraph (1) covering that period of service, or a transfer is made pursuant to subsection (c).

(c) TRANSFER FROM OTHER GOVERNMENT RETIREMENT SYSTEMS.—

(1) IN GENERAL.—If an employee who is under another retirement system for Government employees becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) under such retirement system on behalf of the employee as well as such employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the employee's credit in the fund effective as of the date such employee becomes a participant in the system.

(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered before becoming a participant in the system.

(3) ADDITIONAL CONTRIBUTIONS; REFUNDS.—A participant whose contributions are transferred pursuant to paragraph (1) shall not be required to make additional contributions for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 8334(c) of title 5, United States Code, for contributions to the fund.

(d) TRANSFER TO OTHER GOVERNMENT RETIREMENT SYSTEMS.—

(1) IN GENERAL.—If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) to the fund on the participant's behalf as well as the participant's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the participant's credit in the fund of such other retirement system effective as of the date on which the participant becomes eligible to participate in such other retirement system.

(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered before the participant's becoming eligible for participation in that other system.

(e) PRIOR MILITARY SERVICE CREDIT.—

(1) APPLICATION TO OBTAIN CREDIT.—If a deposit required to obtain credit for prior military service described in subsection (a)(2) was not made to another Government retirement fund and transferred under subsection (c)(1), the participant may obtain credit for such military service, subject to the provisions of this subsection and subsections (f) through (h), by applying for it to the Director before retirement or separation from the Agency.

(2) EMPLOYMENT STARTING BEFORE, ON, OR AFTER OCTOBER 1, 1982.—Except as provided in paragraph (3)—

(A) the service of a participant who first became a Federal employee before October 1, 1982, shall include credit for each period of military service performed before the date of separation on which entitlement to an annuity under this title is based, subject to section 252(f); and

(B) the service of a participant who first becomes a Federal employee on or after October 1, 1982, shall include credit for—

(i) each period of military service performed before January 1, 1957, and

(ii) each period of military service performed after December 31, 1956, and before the separation on which entitlement to an annuity under this title is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in subsection (h).

(3) EFFECT OF RECEIPT OF MILITARY RETIRED PAY.—In the case of a participant who is entitled to retired pay based on a period of military service, the participant's service may not include credit for such period of military service unless the retired pay is paid—

(A) on account of a service-connected disability—

(i) incurred in combat with an enemy of the United States; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in section 1101 of title 38, United States Code); or

(B) under chapter 67 of title 10, United States Code.

(4) SURVIVOR ANNUITY.—Notwithstanding paragraph (3), the survivor annuity of a survivor of a participant—

(A) who was awarded retired pay based on any period of military service, and

(B) whose death occurs before separation from the Agency,

shall be computed in accordance with section 8332(c)(3) of title 5, United States Code.

(f) EFFECT OF ENTITLEMENT TO SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section (except paragraph (3) of this subsection) or section 253, any military service (other than military service covered by military leave with pay from a civilian position) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service on which an annuity payable under this title to such participant or to the participant's spouse, former spouse, previous spouse, or child is based, if such participant, spouse, former spouse, previous spouse, or child is entitled (or would upon proper application be entitled), at the time of such determination, to monthly old-age or survivors' insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402), based on such participant's wages and self-employment income. If the military service is not excluded under the preceding sentence, but upon attaining

age 62, the participant or spouse, former spouse, or previous spouse becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service on which the annuity is based shall be redetermined, effective as of the first day of the month in which the participant or spouse, former spouse, or previous spouse attains age 62, so as to exclude such service.

(2) LIMITATION.—The provisions of paragraph (1) relating to credit for military service do not apply to—

(A) any period of military service of a participant with respect to which the participant has made a deposit with interest, if any, under subsection (h); or

(B) the military service of any participant described in subsection (e)(2)(B).

(3) EFFECT OF ENTITLEMENT BEFORE SEPTEMBER 8, 1982.—(A) The annuity recomputation required by paragraph (1) shall not apply to any participant who was entitled to an annuity under this title on or before September 8, 1982, or who is entitled to a deferred annuity based on separation from the Agency occurring on or before such date. Instead of an annuity recomputation, the annuity of such participant shall be reduced at age 62 by an amount equal to a fraction of the participant's old-age or survivors' insurance benefits under section 202 of the Social Security Act. The reduction shall be determined by multiplying the participant's monthly Social Security benefit by a fraction, the numerator of which is the participant's total military wages and deemed additional wages (within the meaning of section 229 of the Social Security Act (42 U.S.C. 429)) that were subject to Social Security deductions and the denominator of which is the total of all the participant's wages, including military wages, and all self-employment income that were subject to Social Security deductions before the calendar year in which the determination month occurs.

(B) The reduction determined in accordance with subparagraph (A) shall not be greater than the reduction that would be required under paragraph (1) if such paragraph applied to the participant. The new formula shall be applicable to any annuity payment payable after October 1, 1982, including annuity payments to participants who had previously reached age 62 and whose annuities had already been recomputed.

(C) For purposes of this paragraph, the term "determination month" means—

(i) the first month for which the participant is entitled to old-age or survivors' insurance benefits (or would be entitled to such benefits upon application therefor); or

(ii) October 1982, in the case of any participant entitled to such benefits for that month.

(g) DEPOSITS PAID BY SURVIVORS.—For the purpose of survivor annuities, deposits authorized by subsections (b) and (h) may also be made by the survivor of a participant.

(h)(1)(A) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of

military service after December 1956; except, the amount to be paid for military service performed beginning on January 1, 1999, through December 31, 2000, shall be as follows:

7.25 percent of basic pay.	January 1, 1999, to December 31, 1999.
7.4 percent of basic pay.	January 1, 2000, to December 31, 2000.

(B) The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide or, if the Director determines sufficient evidence has not been provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Director under paragraph (4).

(2) Any deposit made under paragraph (1) more than two years after the later of—

(A) October 1, 1983, or

(B) the date on which the participant making the deposit first becomes an employee of the Federal Government, shall include interest on such amount computed and compounded annually beginning on the date of expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e) of title 5, United States Code.

(3) Any payment received by the Director under this subsection shall be deposited in the Treasury of the United States to the credit of the fund.

(4) The provisions of section [221(k)] 221(l) shall apply with respect to such information as the Director determines to be necessary for the administration of this subsection in the same manner that such section applies concerning information described in that section.

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Part H—Retired Participants Recalled, Reinstated, or Reappointed in the Agency or Reemployed in the Government

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SEC. 273. REEMPLOYMENT COMPENSATION.

(a) DEDUCTION FROM BASIC PAY.—An annuitant who has retired under this title and who is reemployed in the Federal Government service in any appointive position (either on a part-time or full-time basis) shall be entitled to receive the annuity payable under this title, but there shall be deducted from the annuitant's basic pay a sum equal to the annuity allocable to the period of actual employment.

(b) PART-TIME REEMPLOYED ANNUITANTS.—*The Director shall have the authority to reemploy an annuitant on a part-time basis in accordance with section 8344(l) of title 5, United States Code.*

[(b)] (c) RECOVERY OF OVERPAYMENTS.—In the event of an overpayment under this section, the amount of the overpayment shall

be recovered by withholding the amount involved from the basic pay payable to such reemployed annuitant or from any other moneys, including the annuitant's annuity, payable in accordance with this title.

[(c)] (d) DEPOSIT IN THE FUND.—Sums deducted from the basic pay of a reemployed annuitant under this section shall be deposited in the Treasury of the United States to the credit of the fund.

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CENTRAL INTELLIGENCE AGENCY ACT OF 1949

* * * * *

GENERAL AUTHORITIES

SEC. 5. (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).,] (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 protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, the protection of current and former Agency personnel and their immediate families, defectors and their immediate families, and other persons in the United States under Agency auspices, and the protection of the Director of National Intelligence and [such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;] *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;*

(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; **[and]**

(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.

* * * * *

RETIREMENT EQUITY FOR SPOUSES OF CERTAIN EMPLOYEES

SEC. 14. (a) The provisions of sections 102, 221(b) (1)–(3), 221(f), 221(g), **[221(h)(2), 221(i), 221(l), 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.

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SEC. 19A. SPECIAL RULES FOR CERTAIN INDIVIDUALS INJURED BY REASON OF WAR, INSURGENCY, HOSTILE ACT, OR TERRORIST ACTIVITIES.

(a) **ADJUSTMENT OF COMPENSATION FOR CERTAIN INJURIES.**—

(1) **INCREASE.**—*The Director of the Central Intelligence Agency 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 title 5, United States Code.*

(b) **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.*

(c) **TREATMENT OF AMOUNTS.**—*For purposes of section 104 of the Internal Revenue Code of 1986, amounts paid pursuant to this section shall be treated as amounts paid under chapter 81 of title 5, United States Code.*

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

(1) **COVERED DEPENDENT.**—*The term “covered dependent” means a family member 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*

- (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 war, insurgency, hostile act, or terrorist activities occurring during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country; and
 - (ii) that was not the result of the willful misconduct of the covered dependent.
 - (B) With respect to a covered employee or a covered individual, an injury incurred—
 - (i) during war, insurgency, hostile act, or terrorist activities occurring during a period of assignment to a duty station in a foreign country; and
 - (ii) that was not the result of the willful misconduct of the covered employee or the covered individual.

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INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

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TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

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SEC. 1016. INFORMATION SHARING.

(a) **DEFINITIONS.**—In this section:

- (1) **HOMELAND SECURITY INFORMATION.**—The term “homeland security information” has the meaning given that term in section 892(f) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)).
- (2) **INFORMATION SHARING COUNCIL.**—The term “Information Sharing Council” means the Information Systems Council established by Executive Order 13356, or any successor body designated by the President, and referred to under subsection (g).
- (3) **INFORMATION SHARING ENVIRONMENT.**—The terms “information sharing environment” and “ISE” mean an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate for carrying out this section.
- (4) **PROGRAM MANAGER.**—The term “program manager” means the program manager designated under subsection (f).
- (5) **TERRORISM INFORMATION.**—The term “terrorism information”—

(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

(i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(iii) communications of or by such groups or individuals; or

(iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and

(B) includes weapons of mass destruction information.

(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term “weapons of mass destruction information” means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including a chemical, biological, radiological, or nuclear weapon) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.

(b) INFORMATION SHARING ENVIRONMENT.—

(1) ESTABLISHMENT.—The **【President】** *Director of National Intelligence* shall—

(A) create an information sharing environment for the sharing of terrorism information in a manner consistent with national security and with applicable legal standards relating to privacy and civil liberties;

(B) designate the organizational and management structures that will be used to operate and manage the ISE; and

(C) determine and enforce the policies, directives, and rules that will govern the content and usage of the ISE.

(2) ATTRIBUTES.—The **【President】** *Director of National Intelligence* shall, through the structures described in subparagraphs (B) and (C) of paragraph (1), ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector through the use of policy guidelines and technologies. The **【President】** *Director of National Intelligence* shall, to the greatest extent practicable, ensure that the ISE provides the functional equivalent of, or otherwise supports, a decentralized, distributed, and coordinated environment that—

(A) connects existing systems, where appropriate, provides no single points of failure, and allows users to share information among agencies, between levels of government, and, as appropriate, with the private sector;

- (B) ensures direct and continuous online electronic access to information;
- (C) facilitates the availability of information in a form and manner that facilitates its use in analysis, investigations and operations;
- (D) builds upon existing systems capabilities currently in use across the Government;
- (E) employs an information access management approach that controls access to data rather than just systems and networks, without sacrificing security;
- (F) facilitates the sharing of information at and across all levels of security;
- (G) provides directory services, or the functional equivalent, for locating people and information;
- (H) incorporates protections for individuals' privacy and civil liberties;
- (I) incorporates strong mechanisms to enhance accountability and facilitate oversight, including audits, authentication, and access controls;
- (J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;
- (K) integrates technologies, including all legacy technologies, through Internet-based services, consistent with appropriate security protocols and safeguards, to enable connectivity among required users at the Federal, State, and local levels;
- (L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;
- (M) permits analysts to collaborate both independently and in a group (commonly known as "collective and non-collective collaboration"), and across multiple levels of national security information and controlled unclassified information;
- (N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and
- (O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.
- (c) PRELIMINARY REPORT.—Not later than 180 days after the date of the enactment of this Act, the program manager shall, in consultation with the Information Sharing Council—
- (1) submit to the President and Congress a description of the technological, legal, and policy issues presented by the creation of the ISE, and the way in which these issues will be addressed;
 - (2) establish an initial capability to provide electronic directory services, or the functional equivalent, to assist in locating in the Federal Government intelligence and terrorism information and people with relevant knowledge about intelligence and terrorism information; and
 - (3) conduct a review of relevant current Federal agency capabilities, databases, and systems for sharing information.

(d) GUIDELINES AND REQUIREMENTS.—As soon as possible, but in no event later than 270 days after the date of the enactment of this Act, the President shall—

(1) leverage all ongoing efforts consistent with establishing the ISE and issue guidelines for acquiring, accessing, sharing, and using information, including guidelines to ensure that information is provided in its most shareable form, such as by using tearlines to separate out data from the sources and methods by which the data are obtained;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, issue guidelines that—

(A) protect privacy and civil liberties in the development and use of the ISE; and

(B) shall be made public, unless nondisclosure is clearly necessary to protect national security; and

(3) require the heads of Federal departments and agencies to promote a culture of information sharing by—

(A) reducing disincentives to information sharing, including over-classification of information and unnecessary requirements for originator approval, consistent with applicable laws and regulations; and

(B) providing affirmative incentives for information sharing.

(e) IMPLEMENTATION PLAN REPORT.—Not later than one year after the date of the enactment of this Act, the President shall, with the assistance of the program manager, submit to Congress a report containing an implementation plan for the ISE. The report shall include the following:

(1) A description of the functions, capabilities, resources, and conceptual design of the ISE, including standards.

(2) A description of the impact on enterprise architectures of participating agencies.

(3) A budget estimate that identifies the incremental costs associated with designing, testing, integrating, deploying, and operating the ISE.

(4) A project plan for designing, testing, integrating, deploying, and operating the ISE.

(5) The policies and directives referred to in subsection (b)(1)(C), as well as the metrics and enforcement mechanisms that will be utilized.

(6) Objective, systemwide performance measures to enable the assessment of progress toward achieving the full implementation of the ISE.

(7) A description of the training requirements needed to ensure that the ISE will be adequately implemented and properly utilized.

(8) A description of the means by which privacy and civil liberties will be protected in the design and operation of the ISE.

(9) The recommendations of the program manager, in consultation with the Information Sharing Council, regarding whether, and under what conditions, the ISE should be expanded to include other intelligence information.

(10) A delineation of the roles of the Federal departments and agencies that will participate in the ISE, including an

identification of the agencies that will deliver the infrastructure needed to operate and manage the ISE (as distinct from individual department or agency components that are part of the ISE), with such delineation of roles to be consistent with—

(A) the authority of the Director of National Intelligence under this title, and the amendments made by this title, to set standards for information sharing throughout the intelligence community; and

(B) the authority of the Secretary of Homeland Security and the Attorney General, and the role of the Department of Homeland Security and the Department of Justice, in coordinating with State, local, and tribal officials and the private sector.

(11) The recommendations of the program manager, in consultation with the Information Sharing Council, for a future management structure for the ISE, including whether the position of program manager should continue to remain in existence.

(f) PROGRAM MANAGER.—

(1) DESIGNATION.—Not later than 120 days after the date of the enactment of this Act, with notification to Congress, the President shall designate an individual as the program manager responsible for information sharing across the Federal Government. [The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President’s sole discretion).] *Beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2018, each individual designated as the program manager shall be appointed by the Director of National Intelligence.* The program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located, except as otherwise expressly provided by law.

(2) DUTIES AND RESPONSIBILITIES.—

(A) IN GENERAL.—The program manager shall, in consultation with the Information Sharing Council—

(i) plan for and oversee the implementation of, and manage, the ISE;

(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

(iii) consistent with the direction and policies issued by the President, the Director of National Intelligence, and the Director of the Office of Management and Budget, issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and

(v) assist, monitor, and assess the implementation of the ISE by Federal departments and agencies to ensure adequate progress, technological consistency and policy compliance; and regularly report the findings to Congress.

(B) CONTENT OF POLICIES, PROCEDURES, GUIDELINES, RULES, AND STANDARDS.—The policies, procedures, guidelines, rules, and standards under subparagraph (A)(ii) shall—

(i) take into account the varying missions and security requirements of agencies participating in the ISE;

(ii) address development, implementation, and oversight of technical standards and requirements;

(iii) take into account ongoing and planned efforts that support development, implementation and management of the ISE;

(iv) address and facilitate information sharing between and among departments and agencies of the intelligence community, the Department of Defense, the homeland security community and the law enforcement community;

(v) address and facilitate information sharing between Federal departments and agencies and State, tribal, and local governments;

(vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;

(vii) address and facilitate, as appropriate, information sharing between Federal departments and agencies with foreign partners and allies; and

(viii) ensure the protection of privacy and civil liberties.

(g) INFORMATION SHARING COUNCIL.—

(1) ESTABLISHMENT.—There is established an Information Sharing Council that shall assist the President and the program manager in their duties under this section. The Information Sharing Council shall serve until removed from service or replaced by the President (at the sole discretion of the President) with a successor body.

(2) SPECIFIC DUTIES.—In assisting the President and the program manager in their duties under this section, the Information Sharing Council shall—

(A) advise the President and the program manager in developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE;

(B) work to ensure coordination among the Federal departments and agencies participating in the ISE in the establishment, implementation, and maintenance of the ISE;

(C) identify and, as appropriate, recommend the consolidation and elimination of current programs, systems, and processes used by Federal departments and agencies to

share information, and recommend, as appropriate, the re-direction of existing resources to support the ISE;

(D) identify gaps, if any, between existing technologies, programs and systems used by Federal departments and agencies to share information and the parameters of the proposed information sharing environment;

(E) recommend solutions to address any gaps identified under subparagraph (D);

(F) recommend means by which the ISE can be extended to allow interchange of information between Federal departments and agencies and appropriate authorities of State and local governments;

(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and

(I) recommend whether or not, and by which means, the ISE should be expanded so as to allow future expansion encompassing other relevant categories of information.

(3) CONSULTATION.—In performing its duties, the Information Sharing Council shall consider input from persons and entities outside the Federal Government having significant experience and expertise in policy, technical matters, and operational matters relating to the ISE.

(4) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Information Sharing Council (including any subsidiary group of the Information Sharing Council) shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).

(h) PERFORMANCE MANAGEMENT REPORTS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, and not later than June 30 of each year thereafter, the President shall submit to Congress a report on the state of the ISE and of information sharing across the Federal Government.

(2) CONTENT.—Each report under this subsection shall include—

(A) a progress report on the extent to which the ISE has been implemented, including how the ISE has fared on the performance measures and whether the performance goals set in the preceding year have been met;

(B) objective system-wide performance goals for the following year;

(C) an accounting of how much was spent on the ISE in the preceding year;

(D) actions taken to ensure that procurement of and investments in systems and technology are consistent with the implementation plan for the ISE;

(E) the extent to which all terrorism watch lists are available for combined searching in real time through the ISE and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;

(F) the extent to which State, tribal, and local officials are participating in the ISE;

(G) the extent to which private sector data, including information from owners and operators of critical infrastructure, is incorporated in the ISE, and the extent to which individuals and entities outside the government are receiving information through the ISE;

(H) the measures taken by the Federal government to ensure the accuracy of information in the ISE, in particular the accuracy of information about individuals;

(I) an assessment of the privacy and civil liberties protections of the ISE, including actions taken in the preceding year to implement or enforce privacy and civil liberties protections; and

(J) an assessment of the security protections used in the ISE.

(i) AGENCY RESPONSIBILITIES.—The head of each department or agency that possesses or uses intelligence or terrorism information, operates a system in the ISE, or otherwise participates (or expects to participate) in the ISE shall—

(1) ensure full department or agency compliance with information sharing policies, procedures, guidelines, rules, and standards established under subsections (b) and (f);

(2) ensure the provision of adequate resources for systems and activities supporting operation of and participation in the ISE;

(3) ensure full department or agency cooperation in the development of the ISE to implement governmentwide information sharing; and

(4) submit, at the request of the President or the program manager, any reports on the implementation of the requirements of the ISE within such department or agency.

(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

(A) eliminating the use of any marking or process (including “Originator Control”) intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, between and among participants in the information sharing environment, unless the President has—

(i) specifically exempted categories of information from such elimination; and

(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, relating to citizens and lawful permanent residents;

(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, for a particular purpose that the Federal Government, through an appropriate process established in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an “authorized use” standard); and

(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, in any cases in which—

(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

(2) DEFINITION.—In this subsection, the term “anonymized data” means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

(1) activities associated with the implementation of the information sharing environment, including—

(A) implementing the requirements under subsection (b)(2); and

(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment; and

(2) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv).

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2008 and 2009.

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TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Deputy Administrator of General Services.
- Associate Administrator of the National Aeronautics and Space Administration.
- Assistant Administrators, Agency for International Development (6).
- Regional Assistant Administrators, Agency for International Development (4).
- Assistant Secretaries of Agriculture (3).
- Assistant Secretaries of Commerce (11).
- Assistant Secretaries of Defense (14).
- Assistant Secretaries of the Air Force (4).
- Assistant Secretaries of the Army (5).
- Assistant Secretaries of the Navy (4).
- Assistant Secretaries of Health and Human Services (6).
- Assistant Secretaries of the Interior (6).
- Assistant Attorneys General (11).
- Assistant Secretaries of Labor (10), one of whom shall be the Assistant Secretary of Labor for Veterans' Employment and Training.
- Administrator, Wage and Hour Division, Department of Labor.

Assistant Secretaries of State (24) and 4 other State Department officials to be appointed by the President, by and with the advice and consent of the Senate.

Assistant Secretaries of the Treasury (10).
 Members, United States International Trade Commission (5).
 Assistant Secretaries of Education (10).
 General Counsel, Department of Education.
 Director of Civil Defense, Department of the Army.
 Deputy Director of the Office of Emergency Planning.
 Deputy Director of the Office of Science and Technology.
 Deputy Director of the Peace Corps.
 Assistant Directors of the Office of Management and Budget (3).

General Counsel of the Department of Agriculture.
 General Counsel of the Department of Commerce.
 General Counsel of the Department of Defense.
 General Counsel of the Department of Health and Human Services.

Solicitor of the Department of the Interior.
 Solicitor of the Department of Labor.
 General Counsel of the National Labor Relations Board.
 General Counsel of the Department of the Treasury.
 First Vice President of the Export-Import Bank of Washington.

Members, Council of Economic Advisers.
 Members, Board of Directors of the Export-Import Bank of Washington.

Members, Federal Communications Commission.
 Member, Board of Directors of the Federal Deposit Insurance Corporation.

Directors, Federal Housing Finance Board.
 Members, Federal Energy Regulatory Commission.
 Members, Federal Trade Commission.
 Members, Surface Transportation Board.
 Members, National Labor Relations Board.
 Members, Securities and Exchange Commission.
 Members, Merit Systems Protection Board.
 Members, Federal Maritime Commission.
 Members, National Mediation Board.
 Members, Railroad Retirement Board.
 Director of Selective Service.

Associate Director of the Federal Bureau of Investigation, Department of Justice.

Members, Equal Employment Opportunity Commission (4).
 Director, Community Relations Service.

Members, National Transportation Safety Board.
 General Counsel, Department of Transportation.
 Deputy Administrator, Federal Aviation Administration.
 Assistant Secretaries of Transportation (5).
 Deputy Federal Highway Administrator.

Administrator of the Saint Lawrence Seaway Development Corporation.

Assistant Secretary for Science, Smithsonian Institution.
 Assistant Secretary for History and Art, Smithsonian Institution.

Deputy Administrator of the Small Business Administration.
Assistant Secretaries of Housing and Urban Development
(8).

General Counsel of the Department of Housing and Urban
Development.

Commissioner of Interama.

Federal Insurance Administrator, Federal Emergency Man-
agement Agency.

Executive Vice President, Overseas Private Investment Cor-
poration.

Members, National Credit Union Administration Board (2).

Members, Postal Regulatory Commission (4).

Members, Occupational Safety and Health Review Commis-
sion.

Deputy Under Secretaries of the Treasury (or Assistant Sec-
retaries of the Treasury) (2).

Members, Consumer Product Safety Commission (4).

Members, Commodity Futures Trading Commission.

Director of Nuclear Reactor Regulation, Nuclear Regulatory
Commission.

Director of Nuclear Material Safety and Safeguards, Nuclear
Regulatory Commission.

Director of Nuclear Regulatory Research, Nuclear Regulatory
Commission.

Executive Director for Operations, Nuclear Regulatory Com-
mission.

President, Government National Mortgage Association, De-
partment of Housing and Urban Development.

Assistant Secretary of Commerce for Oceans and Atmos-
phere, the incumbent of which also serves as Deputy Adminis-
trator of the National Oceanic and Atmospheric Administra-
tion.

Director, Bureau of Prisons, Department of Justice.

Assistant Secretaries of Energy (8).

General Counsel of the Department of Energy.

Administrator, Economic Regulatory Administration, Depart-
ment of Energy.

Administrator, Energy Information Administration, Depart-
ment of Energy.

Director, Office of Indian Energy Policy and Programs, De-
partment of Energy.

Director, Office of Science, Department of Energy.

Assistant Secretary of Labor for Mine Safety and Health.

Members, Federal Mine Safety and Health Review Commis-
sion.

President, National Consumer Cooperative Bank.

Special Counsel of the Merit Systems Protection Board.

Chairman, Federal Labor Relations Authority.

Assistant Secretaries, Department of Homeland Security.

General Counsel, Department of Homeland Security.

Officer for Civil Rights and Civil Liberties, Department of
Homeland Security.

Chief Financial Officer, Department of Homeland Security.

Chief Information Officer, Department of Homeland Secu-
rity.

Deputy Director, Institute for Scientific and Technological Cooperation.

Director of the National Institute of Justice.

Director of the Bureau of Justice Statistics.

Chief Counsel for Advocacy, Small Business Administration.

Assistant Administrator for Toxic Substances, Environmental Protection Agency.

Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

Assistant Administrators, Environmental Protection Agency (8).

Director of Operational Test and Evaluation, Department of Defense.

Director of Cost Assessment and Program Evaluation, Department of Defense.

Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State.

Ambassadors at Large.

Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Assistant Secretaries, Department of Veterans Affairs (7).

General Counsel, Department of Veterans Affairs.

Commissioner of Food and Drugs, Department of Health and Human Services

Chairman, Board of Veterans' Appeals.

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Director, United States Marshals Service.

Chairman, United States Parole Commission.

Director, Bureau of the Census, Department of Commerce.

Director of the Institute of Museum and Library Services.

Chief Financial Officer, Department of Agriculture.

Chief Financial Officer, Department of Commerce.

Chief Financial Officer, Department of Education.

Chief Financial Officer, Department of Energy.

Chief Financial Officer, Department of Health and Human Services.

Chief Financial Officer, Department of Housing and Urban Development.

Chief Financial Officer, Department of the Interior.

Chief Financial Officer, Department of Justice.

Chief Financial Officer, Department of Labor.

Chief Financial Officer, Department of State.

Chief Financial Officer, Department of Transportation.

Chief Financial Officer, Department of the Treasury.

Chief Financial Officer, Department of Veterans Affairs.

Chief Financial Officer, Environmental Protection Agency.

Chief Financial Officer, National Aeronautics and Space Administration.

Commissioner, Office of Navajo and Hopi Indian Relocation.

Deputy Under Secretary of Defense for Research and Engineering.

Deputy Under Secretary of Defense for Acquisition and Sustainment.

Deputy Under Secretary of Defense for Policy.
 Deputy Under Secretary of Defense for Personnel and Readiness.
 Deputy Under Secretary of Defense (Comptroller).
 Deputy Under Secretary of Defense for Intelligence.
 General Counsel of the Department of the Army.
 General Counsel of the Department of the Navy.
 General Counsel of the Department of the Air Force.
 Liaison for Community and Junior Colleges, Department of Education.
 Director of the Office of Educational Technology.
 Director of the International Broadcasting Bureau.
 The Commissioner of Labor Statistics, Department of Labor.
 Administrator, Rural Utilities Service, Department of Agriculture.
 Chief Information Officer, Department of Agriculture.
 Chief Information Officer, Department of Commerce.
 Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).
 Chief Information Officer, Department of Education.
 Chief Information Officer, Department of Energy.
 Chief Information Officer, Department of Health and Human Services.
 Chief Information Officer, Department of Housing and Urban Development.
 Chief Information Officer, Department of the Interior.
 Chief Information Officer, Department of Justice.
 Chief Information Officer, Department of Labor.
 Chief Information Officer, Department of State.
 Chief Information Officer, Department of Transportation.
 Chief Information Officer, Department of the Treasury.
 Chief Information Officer, Department of Veterans Affairs.
 Chief Information Officer, Environmental Protection Agency.
 Chief Information Officer, National Aeronautics and Space Administration.
 Chief Information Officer, Agency for International Development.
 Chief Information Officer, Federal Emergency Management Agency.
 Chief Information Officer, General Services Administration.
 Chief Information Officer, National Science Foundation.
 Chief Information Officer, Nuclear Regulatory Agency.
 Chief Information Officer, Office of Personnel Management.
 Chief Information Officer, Small Business Administration.
 Chief Information Officer of the Intelligence Community.
 General Counsel of the Central Intelligence Agency.
 Principal Deputy Administrator, National Nuclear Security Administration.
 Additional Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

General Counsel of the Office of the Director of National Intelligence.

Chief Medical Officer, Department of Homeland Security.

Director of the National Counterintelligence and Security Center.

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FOREIGN SERVICE ACT OF 1980

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TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

* * * * *

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

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SEC. 502. ASSIGNMENTS TO FOREIGN SERVICE POSITIONS.—(a)(1) The Secretary (with the concurrence of the agency concerned) may assign a member of the Service to any position classified under section 501 in which that member is eligible to serve (other than as chief of mission or ambassador at large), and may assign a member from one such position to another such position as the needs of the Service may require.

(2) In making assignments under paragraph (1), the Secretary shall assure that a member of the Service is not assigned to or prohibited from being assigned to a position at a post in a particular geographic area on the basis of the race, ethnicity, or religion of that member.

(3) *In making assignments under paragraph (1), and in accordance with section 903, and, if applicable, section 503, the Secretary shall assure that a member of the Service may serve at a post for a period of not more than six consecutive years.*

(b) Positions designated as Foreign Service positions normally shall be filled by the assignment of members of the Service to those positions. Subject to that limitation—

(1) Foreign Service positions may be filled by the assignment for specified tours of duty of employees of the Department and, under interagency agreements, employees of other agencies; and

(2) Senior Foreign Service positions may also be filled by other members of the Service.

(c) The President may assign a career member of the Service to serve as chargé d'affaires or otherwise as the head of a mission (or as the head of a United States office abroad which is designated under section 102(a)(3) by the Secretary of State as diplomatic in nature) for such period as the public interest may require.

(d) The Secretary of State, in conjunction with the heads of the other agencies utilizing the Foreign Service personnel system, shall implement policies and procedures to insure that Foreign Service officers and members of the Senior Foreign Service of all agencies

are able to compete for chief of mission positions and have opportunities on an equal basis to compete for assignments outside their areas of specialization.

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CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

* * * * *

SEC. 702. FOREIGN LANGUAGE REQUIREMENTS.—(a) The Secretary shall establish foreign language proficiency requirements for members of the Service who are to be assigned abroad in order that Foreign Service posts abroad will be staffed by individuals having a useful knowledge of the language or dialect common to the country in which the post is located.

(b) The Secretary of State shall arrange for appropriate language training of members of the Service by the institution or otherwise in order to assist in meeting the requirements established under subsection (a).

(c) FOREIGN LANGUAGE DEPLOYMENT REQUIREMENTS.—

(1) IN GENERAL.—*The Secretary of State, with the assistance of other relevant officials, shall require all members of the Service who receive foreign language training in Arabic, Farsi, Chinese (Mandarin or Cantonese), Turkish, Korean, and Japanese by the institution or otherwise in accordance with subsection (b) to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department.*

(2) OVERSEAS DEPLOYMENTS.—*In carrying out paragraph (1), at least one of the three successive tours referred to in such paragraph shall be an overseas deployment.*

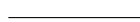
(3) WAIVER.—*The Secretary of State may waive the application of paragraph (1) for medical or family hardship or in the interest of national security.*

(4) CONGRESSIONAL NOTIFICATION.—*The Secretary of State shall notify the Committees on Appropriations and Foreign Affairs of the House of Representatives and Committees on Appropriations and Foreign Relations of the Senate at the end of each fiscal year of any instances during the prior twelve months in which the waiver authority described in paragraph (3) was invoked.*

[(c)] (d) Not later than January 31 of each year, the Director General of the Foreign Service shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—

- (1) became vacant during the previous fiscal year; and
- (2) were filled by individuals having the required foreign language competence.

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NATIONAL SECURITY ACT OF 1947

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

SHORT TITLE

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

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Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.
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TITLE I—COORDINATION FOR NATIONAL SECURITY

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【JOINT INTELLIGENCE COMMUNITY COUNCIL

【SEC. 101A. (a) JOINT INTELLIGENCE COMMUNITY COUNCIL.—There is a Joint Intelligence Community Council.

【(b) MEMBERSHIP.—The Joint Intelligence Community Council shall consist of the following:

【(1) The Director of National Intelligence, who shall chair the Council.

【(2) The Secretary of State.

【(3) The Secretary of the Treasury.

【(4) The Secretary of Defense.

【(5) The Attorney General.

【(6) The Secretary of Energy.

【(7) The Secretary of Homeland Security.

【(8) Such other officers of the United States Government as the President may designate from time to time.

【(c) FUNCTIONS.—The Joint Intelligence Community Council shall assist the Director of National Intelligence in developing and implementing a joint, unified national intelligence effort to protect national security by—

【(1) advising the Director on establishing requirements, developing budgets, financial management, and monitoring and evaluating the performance of the intelligence community, and on such other matters as the Director may request; and

【(2) ensuring the timely execution of programs, policies, and directives established or developed by the Director.

【(d) MEETINGS.—The Director of National Intelligence shall convene regular meetings of the Joint Intelligence Community Council.

【(e) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—(1) A member of the Joint Intelligence Community Council (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Director of National Intelligence to the President or the National Security Council, in the role of the Chairman as Chairman of the Joint Intelligence Community Council. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time the Chairman presents the advice of the Chairman to the President or the National Security Council, as the case may be.

【(2) The Chairman shall establish procedures to ensure that the presentation of the advice of the Chairman to the President or the National Security Council is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Council.

【(f) RECOMMENDATIONS TO CONGRESS.—Any member of the Joint Intelligence Community Council may make such recommendations to Congress relating to the intelligence community as such member considers appropriate.】

* * * * *

RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

(A) to the President;

(B) to the heads of departments and agencies of the executive branch;

(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;

(D) to the Senate and House of Representatives and the committees thereof; and

(E) to such other persons as the Director of National Intelligence determines to be appropriate.

(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.

(b) ACCESS TO INTELLIGENCE.—Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.

(c) BUDGET AUTHORITIES.—(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—

(A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;

(B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and

(C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.

(2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.

(3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budget

for the Military Intelligence Program or any successor program or programs.

(B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.

(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.

(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.

(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which may include audits and evaluations.

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

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

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

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

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

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

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

(A) to another such program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

fully and properly supported with appropriate levels of personnel resources and that the President's yearly budget requests adequately support those needs; and

(C) the President should utilize all legal and administrative discretion to ensure that the Director of National Intelligence and all other elements of the intelligence community have the necessary resources and procedures to respond promptly and effectively to emerging and unforeseen national security challenges.

(f) TASKING AND OTHER AUTHORITIES.—(1)(A) The Director of National Intelligence shall—

(i) establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) and analytic products generated by or within the intelligence community) of national intelligence;

(ii) determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

(I) approving requirements (including those requirements responding to needs provided by consumers) for collection and analysis; and

(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

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

(i) insofar as the President so directs;

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

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

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

(3)(A) The Director of National Intelligence shall prescribe, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective departments, personnel policies and programs applicable to the intelligence community that—

(i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;

(ii) set standards for education, training, and career development of personnel of the intelligence community;

(iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

(iv) ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(v) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify; and

(vi) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters.

(B) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.

(4) The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

(5) The Director of National Intelligence shall ensure the elimination of waste and unnecessary duplication within the intelligence community.

(6) The Director of National Intelligence shall establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for national intelligence purposes, except that the Director shall have no authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order.

(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of

such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.

(8) The Director of National Intelligence shall perform such other functions as the President may direct.

(9) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

(g) INTELLIGENCE INFORMATION SHARING.—(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—

(A) establish uniform security standards and procedures;

(B) establish common information technology standards, protocols, and interfaces;

(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;

(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;

(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program; and

(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.

(2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).

(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having

provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.

(4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.

(h) ANALYSIS.—To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—

(1) implement policies and procedures—

(A) to encourage sound analytic methods and tradecraft throughout the elements of the intelligence community;

(B) to ensure that analysis is based upon all sources available; and

(C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;

(2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;

(3) ensure that differences in analytic judgment are fully considered and brought to the attention of policymakers; and

(4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

(i) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) The Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement guidelines for the intelligence community for the following purposes:

(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

(3) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

(j) UNIFORM PROCEDURES FOR CLASSIFIED INFORMATION.—The Director of National Intelligence, subject to the direction of the President, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies;

(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security;

(5) ensure that the background of each employee or officer of an element of the intelligence community, each contractor to an element of the intelligence community, and each individual employee of such a contractor who has been determined to be eligible for access to classified information is monitored on a continual basis under standards developed by the Director, including with respect to the frequency of evaluation, during the period of eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee to such a contractor to determine whether such employee or officer of an element of the intelligence community, such contractor, and such individual employee of such a contractor continues to meet the requirements for eligibility for access to classified information; and

(6) develop procedures to require information sharing between elements of the intelligence community concerning potentially derogatory security information regarding an employee or officer of an element of the intelligence community, a contractor to an element of the intelligence community, or an individual employee of such a contractor that may impact the eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee of such a contractor for a security clearance.

(k) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the President and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of National Intelligence shall oversee the coordination of the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(1) ENHANCED PERSONNEL MANAGEMENT.—(1)(A) The Director of National Intelligence shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—

- (i) on the staff of the Director of National Intelligence;
 - (ii) on the staff of the national intelligence centers;
 - (iii) on the staff of the National Counterterrorism Center;
- and
- (iv) in other positions in support of the intelligence community management functions of the Director.

(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) to service under the Director of National Intelligence shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

(B) The Director may prescribe regulations to carry out this paragraph.

(3)(A) The Director of National Intelligence shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.

(B) The mechanisms prescribed under subparagraph (A) may include the following:

(i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.

(ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.

(iii) The establishment of requirements for education, training, service, and evaluation for service involving more than one element of the intelligence community.

(C) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10, United States Code, and the other amendments made by title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

(D) The mechanisms prescribed under subparagraph (A) and any other policies of the Director—

(i) may not require an employee of an office of inspector general for an element of the intelligence community, including the Office of the Inspector General of the Intelligence Community, to rotate to a position in an office or organization of such an element over which such office of inspector general exercises jurisdiction; and

(ii) shall be implemented in a manner that exempts employees of an office of inspector general from a rotation that may impact the independence of such office.

(4)(A) Except as provided in subparagraph (B) and subparagraph (D), this subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services.

(B) Mechanisms that establish requirements for education and training pursuant to paragraph (3)(B)(iii) may apply with respect to members of the uniformed services who are assigned to an element of the intelligence community funded through the National Intelligence Program, but such mechanisms shall not be inconsistent with personnel policies and education and training requirements otherwise applicable to members of the uniformed services.

(C) The personnel policies and programs developed and implemented under this subsection with respect to law enforcement officers (as that term is defined in section 5541(3) of title 5, United States Code) shall not affect the ability of law enforcement entities to conduct operations or, through the applicable chain of command, to control the activities of such law enforcement officers.

(D) Assignment to the Office of the Director of National Intelligence of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10, United States Code, and other provisions of that title.

(m) ADDITIONAL AUTHORITY WITH RESPECT TO PERSONNEL.—(1) In addition to the authorities under subsection (f)(3), the Director of National Intelligence may exercise with respect to the personnel of the Office of the Director of National Intelligence any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this subsection to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

(2) Employees and applicants for employment of the Office of the Director of National Intelligence shall have the same rights and protections under the Office of the Director of National Intelligence as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this subsection.

(n) ACQUISITION AND OTHER AUTHORITIES.—(1) In carrying out the responsibilities and authorities under this section, the Director of National Intelligence may exercise the acquisition and appropriations authorities referred to in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) other than the authorities referred to in section 8(b) of that Act (50 U.S.C. 403j(b)).

(2) For the purpose of the exercise of any authority referred to in paragraph (1), a reference to the head of an agency shall be deemed to be a reference to the Director of National Intelligence or the Principal Deputy Director of National Intelligence.

(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

(B) Except as provided in subparagraph (C), the Director of National Intelligence or the Principal Deputy Director of National Intelligence may, in such official's discretion, delegate to any officer or other official of the Office of the Director of National Intelligence any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

(C) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the Director of National Intelligence of an authority referred to in paragraph (1).

(D) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intel-

ligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the Office of the Director of National Intelligence for a period of at least six years following the date of such determination or decision.

(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

(I) a description of such authority requested to be exercised;

(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

(III) a certification that the mission of such element would be—

(aa) impaired if such authority is not exercised; or

(bb) significantly and measurably enhanced if such authority is exercised; and

(ii) the Director of National Intelligence issues a written authorization that includes—

(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

(II) a justification to support the exercise of such authority.

(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

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

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

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

(G) The Director of National Intelligence shall submit—

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

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

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

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

(o) CONSIDERATION OF VIEWS OF ELEMENTS OF INTELLIGENCE COMMUNITY.—In carrying out the duties and responsibilities under this section, the Director of National Intelligence shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.

(p) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PROGRAM BUDGET CONCERNING THE DEPARTMENT OF DEFENSE.—Subject to the direction of the President, the Director of National Intelligence shall, after consultation with the Secretary of Defense, ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands, and wherever such elements are performing Government-wide functions, the needs of other Federal departments and agencies.

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

(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria, except that

with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;

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

(C) periodically—

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

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

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

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

(4) In this subsection:

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

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

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

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

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

(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

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

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

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

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

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

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

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

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

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

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

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

(v) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the

Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

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

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

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

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

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

(x) REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.—The Director of National Intelligence, in consultation with the head of each department of the Federal Government that contains an element of the intelligence community and the Director of the Central Intelligence Agency, shall—

(1) ensure that—

(A) any contractor to an element of the intelligence community with access to a classified network or classified information develops and operates a security plan that is consistent with standards established by the Director of National Intelligence for intelligence community networks; and

(B) each contract awarded by an element of the intelligence community includes provisions requiring the contractor comply with such plan and such standards;

(2) conduct periodic assessments of each security plan required under paragraph (1)(A) to ensure such security plan complies with the requirements of such paragraph; and

(3) ensure that the insider threat detection capabilities and insider threat policies of the intelligence community apply to facilities of contractors with access to a classified network.

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

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

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

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

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

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

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

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

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

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

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CHIEF INFORMATION OFFICER

SEC. 103G. (a) CHIEF INFORMATION OFFICER.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there shall be within the Office of the Director of National In-

telligence a Chief Information Officer of the Intelligence Community who shall be appointed by the President. *The Chief Information Officer shall report directly to the Director of National Intelligence.*

(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Information Officer of the Intelligence Community shall—

(1) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;

(2) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;

(3) direct and manage all information technology-related procurement for the intelligence community; and

(4) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director for such architecture.

(c) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF INFORMATION OFFICER.—An individual serving in the position of Chief Information Officer of the Intelligence Community may not, while so serving, serve as the chief information officer of any other department or agency, or component thereof, of the United States Government.

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CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there is within the Office of the Director of National Intelligence a Chief Financial Officer of the Intelligence Community who shall be appointed by the Director. *The Chief Financial Officer shall report directly to the Director of National Intelligence.*

(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

(2) participate in overseeing a comprehensive and integrated strategic process for resource management within the intelligence community;

(3) ensure that the strategic plan of the Director of National Intelligence—

(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required under section 506G; and

(B) contains specific goals and objectives to support a performance-based budget;

(4) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, receive verification from appropriate authorities that the national requirements for meeting the strategic plan of the Director have been established, and that such requirements are prioritized based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections for such major system required under section 506G;

(5) ensure that the collection architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required under section 506G;

(6) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

(7) participate in key mission requirements, acquisitions, or architectural boards formed within or by the Office of the Director of National Intelligence; and

(8) perform such other duties as may be prescribed by the Director of National Intelligence.

(c) OTHER LAW.—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in chapter 9 of title 31, United States Code.

(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

(e) DEFINITIONS.—In this section:

(1) The term “major system” has the meaning given that term in section 506A(e).

(2) The term “Milestone A” has the meaning given that term in section 506G(f).

(3) The term “Milestone B” has the meaning given that term in section 506C(e).

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DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

SEC. 104A. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) SUPERVISION.—The Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency.

(c) DUTIES.—The Director of the Central Intelligence Agency shall—

(1) serve as the head of the Central Intelligence Agency; and

(2) carry out the responsibilities specified in subsection (d).

(d) RESPONSIBILITIES.—The Director of the Central Intelligence Agency shall—

(1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

(2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

(3) provide overall direction for and coordination of the collection of national intelligence outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other departments, agencies, or elements of the United States Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that appropriate account is taken of the risks to the United States and those involved in such collection; and

(4) perform such other functions and duties related to intelligence affecting the national security as the President or the Director of National Intelligence may direct.

(e) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director deems the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.

(f) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the Director of National Intelligence and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of the Central Intelligence Agency shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

[(g) FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN CENTRAL INTELLIGENCE AGENCY.—(1) Except as provided pursuant to paragraph (2), an individual in the Directorate of Intelligence career service or the National Clandestine Service career service may not be appointed or promoted to a position in the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency unless the Director of the Central Intelligence Agency determines that the individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.

[(2) The Director of the Central Intelligence Agency may, in the discretion of the Director, waive the application of paragraph (1) to any position, category of positions, or occupation otherwise covered by that paragraph if the Director determines that foreign language proficiency is not necessary for the successful performance of the duties and responsibilities of such position, category of positions, or occupation.]

* * * * *

RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO
THE NATIONAL INTELLIGENCE PROGRAM

SEC. 105. (a) IN GENERAL.—Consistent with sections 102 and 102A, the Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) ensure that the budgets of the elements of the intelligence community within the Department of Defense are adequate to satisfy the overall intelligence needs of the Department of Defense, including the needs of the chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands and, wherever such elements are performing governmentwide functions, the needs of other departments and agencies;

(2) ensure appropriate implementation of the policies and resource decisions of the Director by elements of the Department of Defense within the National Intelligence Program;

(3) ensure that the tactical intelligence activities of the Department of Defense complement and are compatible with intelligence activities under the National Intelligence Program;

(4) ensure that the elements of the intelligence community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces;

(5) eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense; and

(6) ensure that intelligence activities of the Department of Defense are conducted jointly where appropriate.

(b) RESPONSIBILITY FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Consistent with sections 102 and 102A of this Act, the Secretary of Defense, *in consultation with the Director of National Intelligence*, shall ensure—

(1) through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients;

(2) through the National Geospatial-Intelligence Agency (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense—

(A) for carrying out tasking of imagery collection;

(B) for the coordination of imagery processing and exploitation activities;

- (C) for ensuring the dissemination of imagery in a timely manner to authorized recipients; and
 - (D) notwithstanding any other provision of law, for—
 - (i) prescribing technical architecture and standards related to imagery intelligence and geospatial information and ensuring compliance with such architecture and standards; and
 - (ii) developing and fielding systems of common concern related to imagery intelligence and geospatial information;
 - (3) through the National Reconnaissance Office (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the research and development, acquisition, and operation of overhead reconnaissance systems necessary to satisfy the requirements of all elements of the intelligence community;
 - (4) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified system within the Department of Defense for the production of timely, objective military and military-related intelligence, based upon all sources available to the intelligence community, and shall ensure the appropriate dissemination of such intelligence to authorized recipients;
 - (5) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence and counterintelligence activities, including defense attaches; and
 - (6) that the military departments maintain sufficient capabilities to collect and produce intelligence to meet—
 - (A) the requirements of the Director of National Intelligence;
 - (B) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;
 - (C) the requirements of the unified and specified combatant commands and of joint operations; and
 - (D) the specialized requirements of the military departments for intelligence necessary to support tactical commanders, military planners, the research and development process, the acquisition of military equipment, and training and doctrine.
- (c) EXPENDITURE OF FUNDS BY THE DEFENSE INTELLIGENCE AGENCY.—(1) Subject to paragraphs (2) and (3), the Director of the Defense Intelligence Agency may expend amounts made available to the Director under the National Intelligence Program for human intelligence and counterintelligence activities for objects of a confidential, extraordinary, or emergency nature, without regard to the provisions of law or regulation relating to the expenditure of Government funds.
- (2) The Director of the Defense Intelligence Agency may not expend more than five percent of the amounts made available to the Director under the National Intelligence Program for human intelligence and counterintelligence activities for a fiscal year for objects

of a confidential, extraordinary, or emergency nature in accordance with paragraph (1) during such fiscal year unless—

(A) the Director notifies the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives of the intent to expend the amounts; and

(B) 30 days have elapsed from the date on which the Director notifies the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives in accordance with subparagraph (A).

(3) For each expenditure referred to in paragraph (1), the Director shall certify that such expenditure was made for an object of a confidential, extraordinary, or emergency nature.

(4) Not later than December 31 of each year, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on any expenditures made during the preceding fiscal year in accordance with paragraph (1).

(d) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense, in carrying out the functions described in this section, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements identified in this section.

* * * * *

APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

SEC. 106 (a) RECOMMENDATION OF DNI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of National Intelligence shall recommend to the President an individual for nomination to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Principal Deputy Director of National Intelligence.

(B) The Director of the Central Intelligence Agency.

(b) CONCURRENCE OF DNI IN APPOINTMENTS TO POSITIONS IN THE INTELLIGENCE COMMUNITY.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(D) The Assistant Secretary of State for Intelligence and Research.

(E) The Director of the Office of Intelligence *and Counterintelligence* of the Department of Energy.

【(F) The Director of the Office of Counterintelligence of the Department of Energy.】

【(G) (F) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

【(H) (G) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or any successor to that position.

【(I) (H) The Under Secretary of Homeland Security for Intelligence and Analysis.

(c) CONSULTATION WITH DNI IN CERTAIN POSITIONS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the Defense Intelligence Agency.

(B) The Assistant Commandant of the Coast Guard for Intelligence.

(C) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code.

SEC. 106A. DIRECTOR OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—There is a Director of the National Reconnaissance Office.

(b) APPOINTMENT.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS AND DUTIES.—The Director of the National Reconnaissance Office shall be the head of the National Reconnaissance Office and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.

(d) ADVISORY BOARD.—

(1) ESTABLISHMENT.—*There is established in the National Reconnaissance Office an advisory board (in this section referred to as the “Board”).*

(2) DUTIES.—*The Board shall—*

(A) *study matters relating to the mission of the National Reconnaissance Office, including with respect to space, overhead reconnaissance, acquisition, and other matters; and*

(B) *advise and report directly the Director with respect to such matters.*

(3) MEMBERS.—

(A) NUMBER AND APPOINTMENT.—*The Board shall be composed of 5 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.*

(B) *TERMS.*—Each member shall be appointed for a term of 2 years. Except as provided by subparagraph (C), a member may not serve more than 3 terms.

(C) *VACANCY.*—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(D) *CHAIR.*—The Board shall have a Chair, who shall be appointed by the Director from among the members.

(E) *TRAVEL EXPENSES.*—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(F) *EXECUTIVE SECRETARY.*—The Director may appoint an executive secretary, who shall be an employee of the National Reconnaissance Office, to support the Board.

(4) *MEETINGS.*—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

(5) *REPORTS.*—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees a report on the activities of the Board during the preceding year.

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

【NATIONAL SECURITY RESOURCES BOARD

【SEC. 107. (a) The Director of the Office of Defense Mobilization, subject to the direction of the President, is authorized, subject to the civil-service laws and the Classification Act of 1949, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

【(b) It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

【(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war.

【(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

【(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

【(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

【(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

[(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security.

[(c) In performing his functions, the Director of the Office of Defense Mobilization shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.]

ANNUAL NATIONAL SECURITY STRATEGY REPORT

SEC. 108. (a)(1) The President shall transmit to Congress each year a comprehensive report on the national security strategy of the United States (hereinafter in this section referred to as a national security strategy report").

(2) The national security strategy report for any year shall be transmitted on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.

(3) Not later than 150 days after the date on which a new President takes office, the President shall transmit to Congress a national security strategy report under this section. That report shall be in addition to the report for that year transmitted at the time specified in paragraph (2).

(b) Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.

(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.

(5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.

(c) Each national security strategy report shall be transmitted [in both a classified and an unclassified form] to Congress in classified form, but may include an unclassified summary.

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RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS

SEC. 112. (a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affli-

ated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of National Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

(b) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

(c) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

(1) impair or otherwise affect the authority of the Director of National Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to [section 103(c)(7)] *section 102A(i)* of this Act; or

(2) supersede or otherwise affect the provisions of title V of this Act.

(d) DEFINITION.—As used in this section, the term “appropriate committees of Congress” means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

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SEC. 113B. SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS.

[(a) AUTHORITY TO SET SPECIAL RATES OF PAY.—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may establish higher minimum rates of pay for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics (STEM).]

(a) *SPECIAL RATES OF PAY FOR POSITIONS REQUIRING EXPERTISE IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.*—

(1) *IN GENERAL.*—*Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may, for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics—*

(A) *establish higher minimum rates of pay; and*

(B) *make corresponding increases in all rates of pay of the pay range for each grade or level, subject to subsection (b) or (c), as applicable.*

(2) *TREATMENT.*—*The special rate supplements resulting from the establishment of higher rates under paragraph (1) shall be basic pay for the same or similar purposes as those specified in section 5305(j) of title 5, United States Code.*

(b) *SPECIAL RATES OF PAY FOR CYBER POSITIONS.*—

(1) *IN GENERAL.*—Notwithstanding subsection (c), the Director of the National Security Agency may establish a special rate of pay—

(A) not to exceed the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, if the Director certifies to the Under Secretary of Defense for Intelligence, in consultation with the Under Secretary of Defense for Personnel and Readiness, that the rate of pay is for positions that perform functions that execute the cyber mission of the Agency; or

(B) not to exceed the rate of basic pay payable for the Vice President of the United States under section 104 of title 3, United States Code, if the Director certifies to the Secretary of Defense, by name, individuals that have advanced skills and competencies and that perform critical functions that execute the cyber mission of the Agency.

(2) *PAY LIMITATION.*—Employees receiving a special rate under paragraph (1) shall be subject to an aggregate pay limitation that parallels the limitation established in section 5307 of title 5, United States Code, except that—

(A) any allowance, differential, bonus, award, or other similar cash payment in addition to basic pay that is authorized under title 10, United States Code, (or any other applicable law in addition to title 5 of such Code, excluding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)) shall also be counted as part of aggregate compensation; and

(B) aggregate compensation may not exceed the rate established for the Vice President of the United States under section 104 of title 3, United States Code.

(3) *LIMITATION ON NUMBER OF RECIPIENTS.*—The number of individuals who receive basic pay established under paragraph (1)(B) may not exceed 100 at any time.

(4) *LIMITATION ON USE AS COMPARATIVE REFERENCE.*—Notwithstanding any other provision of law, special rates of pay and the limitation established under paragraph (1)(B) may not be used as comparative references for the purpose of fixing the rates of basic pay or maximum pay limitations of qualified positions under section 1599f of title 10, United States Code, or section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147).

[(b)] (c) MAXIMUM SPECIAL RATE OF PAY.—**[A minimum]** Except as provided in subsection (b), a minimum rate of pay established for a category of positions under subsection (a) may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 of title 5, United States Code, or similar provision of law) for the position in that category of positions without the authority of subsection (a) by more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

[(c)] (d) NOTIFICATION OF REMOVAL FROM SPECIAL RATE OF PAY.—If the head of an element of the intelligence community removes a category of positions from coverage under a rate of pay authorized by subsection (a) or (b) after that rate of pay takes effect—

(1) the head of such element shall provide notice of the loss of coverage of the special rate of pay to each individual in such category; and

(2) the loss of coverage will take effect on the first day of the first pay period after the date of the notice.

[(d)] (e) REVISION OF SPECIAL RATES OF PAY.—Subject to the limitations in this section, rates of pay established under this section by the head of the element of the intelligence community may be revised from time to time by the head of such element and the revisions have the force and effect of statute.

[(e)] (f) REGULATIONS.—The head of each element of the intelligence community shall promulgate regulations to carry out this section with respect to such element, which shall, to the extent practicable, be comparable to the regulations promulgated to carry out section 5305 of title 5, United States Code.

[(f)] (g) REPORTS.—

(1) **REQUIREMENT FOR REPORTS.**—**[Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017]** *Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2019*, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report on any rates of pay established for such element under this section.

(2) **CONTENTS.**—Each report required by paragraph (1) shall contain for each element of the intelligence community—

(A) a description of any rates of pay established under subsection (a) *or* (b); and

(B) the number of positions in such element that will be subject to such rates of pay.

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TITLE II—THE DEPARTMENT OF DEFENSE

[SEC. 201.

[(d)] Except to the extent inconsistent with the provisions of this Act, the provisions of title IV of the Revised Statutes as now of hereafter amended shall be applicable to the Department of Defense.]

SEC. 201. DEPARTMENT OF DEFENSE.

Except to the extent inconsistent with the provisions of this Act or other provisions of law, the provisions of title 5, United States Code, shall be applicable to the Department of Defense.

DEPARTMENT OF THE ARMY

SEC. 205. [(b)] (a) All laws, orders, regulations, and other actions relating to the Department of War or to any officer or activity whose title is changed under this section shall, insofar as they are not inconsistent with the provisions of this Act, be deemed to relate to the Department of the Army within the Department of Defense or to such officer or activity designated by his or its new title.

[(c)] (b) the term “Department of the Army” as used in this Act shall be construed to mean the Department of the Army at the seat of government and all field headquarters, forces, reserve compo-

nents, installations, activities, and functions under the control or supervision of the Department of the Army.

DEPARTMENT OF THE NAVY

SEC. 206. [(a)] The term “Department of the Navy” as used in this Act shall be construed to mean the Department of the Navy at the seat of government; the headquarters, United States Marine Corps; the entire operating forces of the United States Navy, including naval aviation, and of the United States Marine Corps, including the reserve components of such forces; all field activities, headquarters, forces, bases, installations, activities and functions under the control or supervision of the Department of the Navy; and the United States Coast Guard when operating as a part of the Navy pursuant to law.

DEPARTMENT OF THE AIR FORCE

SEC. 207. [(c)] The term “Department of the Air Force” as used in this Act shall be construed to mean the Department of the Air Force at the seat of government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Air Force.

TITLE III—MISCELLANEOUS

* * * * *

DEFINITIONS

SEC. 308. (a) As used in [this Act] sections 2, 101, 102, 103, and 303 of this Act, the term “function” includes functions, powers, and duties.

(b) As used in this Act, the term, “Department of Defense” shall be deemed to include the military departments of the Army, the Navy, and the Air Force, and all agencies created under title II of this Act.

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REPEALING AND SAVING PROVISIONS

SEC. [411.] 312. All laws, orders, and regulations inconsistent with the provisions of this title are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby: *Provided*, That the powers, duties, and responsibilities of the Secretary of Defense under this title shall be administered in conformance with the policy and requirements for administration of budgetary and fiscal matters in the Government generally, including accounting and financial reporting, and that nothing in this title shall be construed as eliminating or modifying the powers, duties, and responsibilities of any other department, agency, or officer of the Government in connection with such matters, but no such department, agency, or officer shall exercise any such powers, duties, or responsibilities in a manner that will render ineffective the provisions of this title.

TITLE V—ACCOUNTABILITY FOR INTELLIGENCE
ACTIVITIES

* * * * *

PRESIDENTIAL APPROVAL AND REPORTING OF COVERT ACTIONS

SEC. 503. (a) The President may not authorize the conduct of a covert action by departments, agencies, or entities of the United States Government unless the President determines such an action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

- (1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than 48 hours after the decision is made.
- (2) Except as permitted by paragraph (1), a finding may not authorize or sanction a covert action, or any aspect of any such action, which already has occurred.
- (3) Each finding shall specify each department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such action. Any employee, contractor, or contract agent of a department, agency, or entity of the United States Government other than the Central Intelligence Agency directed to participate in any way in a covert action shall be subject either to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency, or entity, to govern such participation.
- (4) Each finding shall specify whether it is contemplated that any third party which is not an element of, or a contractor or contract agent of, the United States Government, or is not otherwise subject to United States Government policies and regulations, will be used to fund or otherwise participate in any significant way in the covert action concerned, or be used to undertake the covert action concerned on behalf of the United States.
- (5) A finding may not authorize any action that would violate the Constitution or any statute of the United States.

(b) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of National Intelligence and the heads of all departments, agencies, and entities of the United States Government involved in a covert action—

- (1) shall keep the congressional intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and
- (2) shall furnish to the congressional intelligence committees any information or material concerning covert actions (including the

legal basis under which the covert action is being or was conducted) which is in the possession, custody, or control of any department, agency, or entity of the United States Government and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.

(c)(1) The President shall ensure that any finding approved pursuant to subsection (a) shall be reported in writing to the congressional intelligence committees as soon as possible after such approval and before the initiation of the covert action authorized by the finding, except as otherwise provided in paragraph (2) and paragraph (3).

(2) If the President determines that it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States, the finding may be reported to the chairmen and ranking minority members of the congressional intelligence committees, the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, and such other member or members of the congressional leadership as may be included by the President.

(3) Whenever a finding is not reported pursuant to paragraph (1) or (2) of this section, the President shall fully inform the congressional intelligence committees in a timely fashion and shall provide a statement of the reasons for not giving prior notice.

(4) In a case under paragraph (1), (2), or (3), a copy of the finding, signed by the President, shall be provided to the chairman of each congressional intelligence committee.

(5)(A) When access to a finding, or a notification provided under subsection (d)(1), is limited to the Members of Congress specified in paragraph (2), a written statement of the reasons for limiting such access shall also be provided.

(B) Not later than 180 days after a statement of reasons is submitted in accordance with subparagraph (A) or this subparagraph, the President shall ensure that—

- (i) all members of the congressional intelligence committees are provided access to the finding or notification; or
- (ii) a statement of reasons that it is essential to continue to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States is submitted to the Members of Congress specified in paragraph (2).

(d)(1) The President shall ensure that the congressional intelligence committees, or, if applicable, the Members of Congress specified in subsection (c)(2), are notified in writing of any significant change in a previously approved covert action, or any significant undertaking pursuant to a previously approved finding, in the same manner as findings are reported pursuant to subsection (c).

(2) In determining whether an activity constitutes a significant undertaking for purposes of paragraph (1), the President shall consider whether the activity—

- (A) involves significant risk of loss of life;
- (B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;
- (C) results in the expenditure of significant funds or other resources;
- (D) requires notification under section 504;

(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

(F) presents a reasonably foreseeable risk of serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.

(e) As used in this title, the term “covert action” means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include—

(1) activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;

(2) traditional diplomatic or military activities or routine support to such activities;

(3) traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

(4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

(f) No covert action may be conducted which is intended to influence United States political processes, public opinion, policies, or media.

(g)(1) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall notify all members of such committee that such finding or such notification has been provided only to the members specified in subsection (c)(2).

(2) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide to all members of such committee a general description regarding the finding or notification, as applicable, consistent with the reasons for not yet fully informing all members of such committee.

(3) The President shall maintain—

(A) a record of the members of Congress to whom a finding is reported under subsection (c) or notification is provided under subsection (d)(1) and the date on which each member of Congress receives such finding or notification; and

(B) each written statement provided under subsection (c)(5).

(h) For each type of activity undertaken as part of a covert action, the President shall establish in writing a plan to respond to the unauthorized public disclosure of that type of activity.

FUNDING OF INTELLIGENCE ACTIVITIES

SEC. 504. (a) Appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

(1) those funds were specifically authorized by the Congress for use for such activities; or

(2) in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 503 of this Act concerning any significant anticipated intelligence activity, the Director of the Central Intelligence Agency has notified the appropriate congressional committees of the intent to make such funds available for such activity; or

(3) in the case of funds specifically authorized by the Congress for a different activity—

(A) the activity to be funded is a higher priority intelligence or intelligence-related activity;

(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and

(C) the Director of National Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity;

(4) nothing in this subsection prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31, United States Code.

(b) Funds available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

(c) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government may be expended, or may be directed to be expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by subsection (a) of section 503 has been signed or otherwise issued in accordance with that subsection.

(d)(1) Except as otherwise specifically provided by law, funds available to an intelligence agency that are not appropriated funds may be obligated or expended for an intelligence or intelligence-related activity only if those funds are used for activities reported to the appropriate congressional committees pursuant to procedures which identify—

(A) the types of activities for which nonappropriated funds may be expended; and

(B) the circumstances under which an activity must be reported as a significant anticipated intelligence activity before such funds can be expended.

(2) Procedures for purposes of paragraph (1) shall be jointly agreed upon by the congressional intelligence committees and, as appropriate, the Director of National Intelligence or the Secretary of Defense.

(e) As used in this section—

(1) the term “intelligence agency” means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

(2) the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and

the Select Committee on Intelligence and the Committee on Appropriations of the Senate; and

(3) the term “specifically authorized by the Congress” means that—

(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

(B) although the funds were not formally requested, the Congress both specifically authorized the appropriation of the funds for the activity and appropriated the funds for the activity.

* * * * *

REPORTS ON SECURITY CLEARANCES

SEC. 506H. (a) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

(A) the number of employees of the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year; *and*

(B) the number of contractors to the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year【; and】.

【(C) for each element of the intelligence community—

【(i) the total amount of time it took to process the security clearance determination for such level that—

【(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

【(II) took the longest amount of time to complete;

【(ii) the total amount of time it took to process the security clearance determination for such level that—

【(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

【(II) took the longest amount of time to complete;

【(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

【(I) 4 months or less;

【(II) between 4 months and 8 months;

【(III) between 8 months and one year; and

【(IV) more than one year;

[(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

[(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

[(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

[(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

[(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

[(II) the number of security clearance determinations for contractors that required more than one year to complete;

[(III) the agencies that investigated and adjudicated such determinations; and

[(IV) the cause of significant delays in such determinations.]

(2) For purposes of paragraph (1), the President may consider—

(A) security clearances at the level of confidential and secret as one security clearance level; and

(B) security clearances at the level of top secret or higher as one security clearance level.

(b) INTELLIGENCE COMMUNITY REPORTS.—(1) Not later than March 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the security clearances processed by each element of the intelligence community during the preceding fiscal year. Each such report shall separately identify security clearances processed for Federal employees and contractor employees sponsored by each such element.

(2) Each report submitted under paragraph (1) shall include each of the following for each element of the intelligence community for the fiscal year covered by the report:

(A) The total number of initial security clearance background investigations sponsored for new applicants.

(B) The total number of security clearance periodic reinvestigations sponsored for existing employees.

(C) The total number of initial security clearance background investigations for new applicants that were adjudicated with notice of a determination provided to the prospective applicant, including—

(i) the total number that were adjudicated favorably and granted access to classified information; and

(ii) the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

(D) *The total number of security clearance periodic background investigations that were adjudicated with notice of a determination provided to the existing employee, including—*

- (i) *the total number that were adjudicated favorably; and*
- (ii) *the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.*

(E) *The total number of pending security clearance background investigations, including initial applicant investigations and periodic reinvestigations, that were not adjudicated as of the last day of such year and that remained pending as follows:*

- (i) *For 180 days or less.*
- (ii) *For 180 days or longer, but less than 12 months.*
- (iii) *For 12 months or longer, but less than 18 months.*
- (iv) *For 18 months or longer, but less than 24 months.*
- (v) *For 24 months or longer.*

(F) *In the case of security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—*

- (i) *an explanation of the causes for the delays incurred during the period covered by the report; and*
- (ii) *the number of such delays involving a polygraph requirement.*

(G) *The percentage of security clearance investigations, including initial and periodic reinvestigations, that resulted in a denial or revocation of a security clearance.*

(H) *The percentage of security clearance investigations that resulted in incomplete information.*

(I) *The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.*

(3) *The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.*

[(b)] (c) **FORM.**—*The reports required under [subsection (a)(1)] subsections (a)(1) and (b) shall be submitted in unclassified form, but may include a classified annex.*

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TITLE XI—ADDITIONAL MISCELLANEOUS PROVISIONS

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SEC. 1105. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) **INTELLIGENCE COMMUNITY REPORTING.**—

(1) **IN GENERAL.**—*Not less frequently than once every 6 months, each covered official shall submit to the congressional intelligence committees a report on investigations of unauthorized public disclosures of classified information.*

(2) **ELEMENTS.**—*Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:*

- (A) *The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.*

(B) *The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.*

(C) *Of the number of such completed investigations identified under subparagraph (B), the number referred to the Attorney General for criminal investigation.*

(b) *DEPARTMENT OF JUSTICE REPORTING.—*

(1) *IN GENERAL.—Not less frequently than once every 6 months, the Assistant Attorney General for National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.*

(2) *CONTENTS.—Each report submitted under paragraph (1) shall include, for each referral covered by the report, at a minimum, the following:*

(A) *The date the referral was received.*

(B) *A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.*

(C) *A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.*

(D) *A statement indicating whether an open criminal investigation related to the referral is active.*

(E) *A statement indicating whether any criminal charges have been filed related to the referral.*

(F) *A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.*

(c) *FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.*

(d) *DEFINITIONS.—In this section:*

(1) *COVERED OFFICIAL.—The term “covered official” means—*

(A) *the heads of each element of the intelligence community; and*

(B) *the inspectors general with oversight responsibility for an element of the intelligence community.*

(2) *INVESTIGATION.—The term “investigation” means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.*

(3) *UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.—The term “unauthorized disclosure of classified information” means any unauthorized disclosure of classified information to any recipient.*

(4) *UNAUTHORIZED PUBLIC DISCLOSURE OF CLASSIFIED INFORMATION.—The term “unauthorized public disclosure of classified*

information” means the unauthorized disclosure of classified information to a journalist or media organization.

NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT

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**TITLE XXXII—NATIONAL NUCLEAR SECURITY
ADMINISTRATION**

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Subtitle A—Establishment and Organization

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SEC. 3212. ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) IN GENERAL.—(1) There is at the head of the Administration an Administrator for Nuclear Security (in this title referred to as the “Administrator”).

(2) Pursuant to subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), the Under Secretary for Nuclear Security of the Department of Energy serves as the Administrator.

(b) FUNCTIONS.—The Administrator has authority over, and is responsible for, all programs and activities of the Administration (except for the functions of the Deputy Administrator for Naval Reactors specified in the Executive order referred to in section 3216(b)), including the following:

- (1) Strategic management.
- (2) Policy development and guidance.
- (3) Budget formulation, guidance, and execution, and other financial matters.
- (4) Resource requirements determination and allocation.
- (5) Program management and direction.
- (6) Safeguards and security.
- (7) Emergency management.
- (8) Integrated safety management.
- (9) Environment, safety, and health operations.
- (10) Administration of contracts, including the management and operations of the nuclear weapons production facilities and the national security laboratories.
- [(11) Intelligence.
- [(12) Counterintelligence.]
- [(13)] (11) Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel in accordance with subtitle C of this title.
- [(14)] (12) Procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code.
- [(15)] (13) Legal matters.
- [(16)] (14) Legislative affairs.
- [(17)] (15) Public affairs.
- [(18)] (16) Eliminating inventories of surplus fissile materials usable for nuclear weapons.

[(19)] (17) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

(c) PROCUREMENT AUTHORITY.—The Administrator is the senior procurement executive for the Administration for the purposes of section 1702(c) of title 41, United States Code.

(d) POLICY AUTHORITY.—The Administrator may establish Administration-specific policies, unless disapproved by the Secretary of Energy.

(e) MEMBERSHIP ON JOINT NUCLEAR WEAPONS COUNCIL.—The Administrator serves as a member of the Joint Nuclear Weapons Council under section 179 of title 10, United States Code.

(f) REORGANIZATION AUTHORITY.—Except as provided by subsections (b) and (c) of section 3291:

(1) The Administrator may establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the Administration, or transfer any function of the Administration.

(2) Such authority does not apply to the abolition of organizational units or components established by law or the transfer of functions vested by law in any organizational unit or component.

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Subtitle B—Matters Relating to Security

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SEC. 3233. COUNTERINTELLIGENCE PROGRAMS.

(a) NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.—The Secretary of Energy shall, at each national security laboratory and nuclear weapons production facility, establish and maintain a counterintelligence program adequate to protect national security information at that laboratory or production facility.

(b) OTHER FACILITIES.—The Secretary of Energy shall, at each [Administration] *Department* facility not described in subsection (a) at which Restricted Data is located, assign an employee of the Office of *Intelligence and Counterintelligence* of the Department of Energy who shall be responsible for and assess counterintelligence matters at that facility.

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ATOMIC ENERGY DEFENSE ACT

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DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS

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TITLE XLV—SAFEGUARDS AND SECURITY MATTERS

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Subtitle B—Classified Information

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SEC. 4524. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) **PROVISION OF TRAINING.**—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) **COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.**—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of *Intelligence and Counterintelligence* of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012

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TITLE III

GENERAL PROVISIONS

* * * * *

SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) **DEFINITIONS.**—In this section:

(1) **COVERED AGENCY.**—The term “covered agency” means any element of the intelligence community other than an element within the Department of Defense.

(2) **COVERED ITEM OF SUPPLY.**—The term “covered item of supply” means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of

integrity of which could result in a supply chain risk for a covered system.

(3) COVERED PROCUREMENT.—The term “covered procurement” means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3306(a)(3)(B) of title 41, United States Code, or an evaluation factor, as provided in section 3306(b)(1) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 4106(d)(3) of title 41, United States Code, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) COVERED PROCUREMENT ACTION.—The term “covered procurement action” means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualifications standards established in accordance with the requirements of section 3311 of title 41, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(5) COVERED SYSTEM.—The term “covered system” means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) SUPPLY CHAIN RISK.—The term “supply chain risk” means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(b) AUTHORITY.—Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(c) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (b) only after—

(1) any appropriate consultation with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, which may be in classified form, that—

(A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

(3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

(4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(d) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

(e) SAVINGS.—The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

(f) EFFECTIVE DATE.—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to contracts that are awarded on or after such date.

[(g) SUNSET.—The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2304 note) expires.]

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**INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
2005**

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TITLE VI—EDUCATION

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Subtitle B—Improvement in Intelligence Community Foreign Language Skills

SEC. 611. FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 104A of the National Security Act of 1947, amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, is further amended by adding at the end the following new subsection:

“(g) FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN CENTRAL INTELLIGENCE AGENCY.—(1) Except as provided pursuant to paragraph (2), an individual may not be appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency unless the Director of the Central Intelligence Agency determines that the individual—

“(A) has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate; and

“(B) is able to effectively communicate the priorities of the United States and exercise influence in that foreign language.

“(2) The Director of the Central Intelligence Agency may, in the discretion of the Director, waive the application of paragraph (1) to any position or category of positions otherwise covered by that paragraph if the Director determines that foreign language proficiency is not necessary for the successful performance of the duties and responsibilities of such position or category of positions.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to appointments made on or after the date that is one year after the date of the enactment of this Act.

[(c) REPORT ON WAIVERS.—The Director of the Central Intelligence Agency shall submit to Congress a report that identifies positions within the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency that are determined by the Director to require waiver from the requirements of section 104A(g) of the National Security Act of 1947, as added by subsection (a). The report shall include a rationale for any waiver granted under section 104A(g)(2), as so added, for each position or category of positions so identified.]

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DEPARTMENT OF ENERGY ORGANIZATION ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Department of Energy Organization Act”.

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215. *Office of Intelligence and Counterintelligence.*

Sec. 217. Office of Indian Energy Policy and Programs.

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TITLE II—ESTABLISHMENT OF THE DEPARTMENT

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ESTABLISHMENT OF SECURITY, COUNTERINTELLIGENCE, AND INTELLIGENCE POLICIES

SEC. 214. (a) The Secretary shall be responsible for developing and promulgating the security, counterintelligence, and intelligence policies of the Department. The Secretary may use the immediate staff of the Secretary to assist in developing and promulgating those policies.

【(b)(1) There is within the Department an Intelligence Executive Committee. The Committee shall consist of the Deputy Secretary of Energy, who shall chair the Committee, and each Under Secretary of Energy.

【(2) The Committee shall be staffed by the Director of the Office of Intelligence and the Director of the Office of Counterintelligence.

【(3) The Secretary shall use the Committee to assist in developing and promulgating the counterintelligence and intelligence policies, requirements, and priorities of the Department.

【(c) In the budget justification materials submitted to Congress in support of each budget submitted by the President to Congress under title 31, United States Code, the amounts requested for the Department for intelligence functions and the amounts requested for the Department for counterintelligence functions shall each be specified in appropriately classified individual, dedicated program elements. Within the amounts requested for counterintelligence functions, the amounts requested for the National Nuclear Security Administration shall be specified separately from the amounts requested for other elements of the Department.】

【OFFICE OF COUNTERINTELLIGENCE

【SEC. 215. (a) There is within the Department an Office of Counterintelligence.

【(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

[(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to counterintelligence.

[(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

[(c)(1) The Director of the Office shall be responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

[(2) The Director of the Office shall be responsible for establishing policy for the personnel assurance programs of the Department.

[(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the counterintelligence programs and activities at Department facilities.

[(d)(1) Not later than March 1 each year, the Director of the Office shall submit a report on the status and effectiveness of the counterintelligence programs and activities at each Department facility during the preceding year. Each such report shall be submitted to the following:

[(A) The Secretary.

[(B) The Director of Central Intelligence.

[(C) The Director of the Federal Bureau of Investigation.

[(D) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

[(E) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

[(2) Each such report shall include for the year covered by the report the following:

[(A) A description of the status and effectiveness of the counterintelligence programs and activities at Department facilities.

[(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

[(i) the number of violations that were investigated; and

[(ii) the number of violations that remain unresolved.

[(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

[(D) The adequacy of the Department's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

[(E) A determination of whether each Department of Energy national laboratory is in full compliance with all departmental security requirements and, in the case of any such laboratory that is not, what measures are being taken to bring that laboratory into compliance.

[(3) Not less than 30 days before the date that the report required by paragraph (1) is submitted, the director of each Department of Energy national laboratory shall certify in writing to the Director of the Office whether that laboratory is in full compliance with all departmental security requirements and, if not, what measures are being taken to bring that laboratory into compliance and a schedule for implementing those measures.

[(4) Each report under this subsection as submitted to the committees referred to in subparagraphs (D) and (E) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.]

OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE

SEC. 215.

(a) *IN GENERAL.*—*There is in the Department an Office of Intelligence and Counterintelligence. Such office shall be under the National Intelligence Program.*

(b) *DIRECTOR.*—(1) *The head of the Office shall be the Director of the Office of Intelligence and Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.*

(2) *The Secretary shall select an individual to serve as the Director from among individuals who have substantial expertise in matters relating to the intelligence community, including foreign intelligence and counterintelligence.*

(c) *DUTIES.*—(1) *Subject to the authority, direction, and control of the Secretary, the Director shall perform such duties and exercise such powers as the Secretary may prescribe.*

(2) *The Director shall be responsible for establishing policy for intelligence and counterintelligence programs and activities at the Department.*

(d) *ENERGY INFRASTRUCTURE SECURITY CENTER.*—(1)(A) *The President shall establish an Energy Infrastructure Security Center, taking into account all appropriate government tools to analyze and disseminate intelligence relating to the security of the energy infrastructure of the United States.*

(B) *The Secretary shall appoint the head of the Energy Infrastructure Security Center.*

(C) *The Energy Infrastructure Security Center shall be located within the Office of Intelligence and Counterintelligence.*

(2) *In establishing the Energy Infrastructure Security Center, the Director of the Office of Intelligence and Counterintelligence shall address the following missions and objectives to coordinate and disseminate intelligence relating to the security of the energy infrastructure of the United States:*

(A) *Establishing a primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to the security of the energy infrastructure of the United States.*

(B) *Ensuring that appropriate departments and agencies have full access to and receive intelligence support needed to execute*

the plans or activities of the agencies, and perform independent, alternative analyses.

(C) Establishing a central repository on known and suspected foreign threats to the energy infrastructure of the United States, including with respect to any individuals, groups, or entities engaged in activities targeting such infrastructure, and the goals, strategies, capabilities, and networks of such individuals, groups, or entities.

(D) Disseminating intelligence information relating to the security of the energy infrastructure of the United States, including threats and analyses, to the President, to the appropriate departments and agencies, and to the appropriate committees of Congress.

(3) The President may waive the requirements of this subsection, and any parts thereof, if the President determines that such requirements do not materially improve the ability of the United States Government to prevent and halt attacks against the energy infrastructure of the United States. Such waiver shall be made in writing to Congress and shall include a description of how the missions and objectives in paragraph (2) are being met.

(4) If the President decides not to exercise the waiver authority granted by paragraph (3), the President shall submit to Congress from time to time updates and plans regarding the establishment of an Energy Infrastructure Security Center.

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

【OFFICE OF INTELLIGENCE

【SEC. 216. (a) There is within the Department an Office of Intelligence.

【(b)(1) The head of the Office shall be the Director of the Office of Intelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

【(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to foreign intelligence.

【(c) Subject to the authority, direction, and control of the Secretary, the Director of the Office shall perform such duties and exercise such powers as the Secretary may prescribe.】

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PUBLIC INTEREST DECLASSIFICATION ACT OF 2000

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TITLE VII—DECLASSIFICATION OF INFORMATION

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SEC. 710. EFFECTIVE DATE; SUNSET.

(a) **EFFECTIVE DATE.**—This title shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) **SUNSET.**—The provisions of this title shall expire on December 31, ~~2018~~ 2028.

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

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TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

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Subtitle E—Other Matters

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SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term “covered element of the intelligence community” means—

- (A)** the Central Intelligence Agency;
- (B)** the Defense Intelligence Agency;
- (C)** the National Geospatial-Intelligence Agency;
- (D)** the National Reconnaissance Office; or
- (E)** the National Security Agency.

(2) INDEPENDENT AUDITOR.—The term “independent auditor” means an individual who—

- (A)(i)** is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or
- (ii)** is a public accountant who meets such independence standards; and
- (B)** is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) INDEPENDENT REVIEW.—The term “independent review” means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term “long-standing, correctable material weakness” means a material weakness—

[(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

[(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

[(5) MATERIAL WEAKNESS.—The term “material weakness” has the meaning given that term under the Office of Management and Budget Circular A-123, entitled “Management’s Responsibility for Internal Control,” revised December 21, 2004.

[(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term “senior intelligence management official” means an official within a covered element of the intelligence community who is—

[(A)(i) compensated under the Senior Intelligence Service pay scale; or

[(ii) the head of a covered element of the intelligence community; and

[(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

[(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

[(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be responsible for correcting each long-standing, correctable material weakness of such element.

[(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

[(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

[(c) NOTIFICATION.—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such designation to the Director of National Intelligence and to such senior intelligence management official.

[(d) CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.—

[(1) DETERMINATION OF CORRECTION OF DEFICIENCY.—If a long-standing, correctable material weakness is corrected, the senior intelligence management official who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

[(2) BASIS FOR DETERMINATION.—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

[(3) NOTIFICATION AND SUBMISSION OF FINDINGS.—A senior intelligence management official who makes a determination under paragraph (1) shall—

[(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

[(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

[(e) CONGRESSIONAL OVERSIGHT.—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

[(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

[(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).]

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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

DIVISION N—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

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TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

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SEC. 308. GUIDANCE AND REPORTING REQUIREMENT REGARDING THE INTERACTIONS BETWEEN THE INTELLIGENCE COMMUNITY AND ENTERTAINMENT INDUSTRY.

(a) DEFINITIONS.—In this section:

(1) ENGAGEMENT.—The term “engagement”—

(A) means any significant interaction between an element of the intelligence community and an entertainment industry entity for the purposes of contributing to an entertainment product intended to be heard, read, viewed, or otherwise experienced by the public; and

(B) does not include routine inquiries made by the press or news media to the public affairs office of an intelligence community.

(2) ENTERTAINMENT INDUSTRY ENTITY.—The term “entertainment industry entity” means an entity that creates, produces, promotes, or distributes a work of entertainment intended to be heard, read, viewed, or otherwise experienced by an audience, including—

(A) theater productions, motion pictures, radio broadcasts, television broadcasts, podcasts, webcasts, other sound or visual recording, music, or dance;

(B) books and other published material; and

(C) such other entertainment activity, as determined by the Director of National Intelligence.

(b) DIRECTOR OF NATIONAL INTELLIGENCE GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue, and release to the public, guidance regarding engagements by elements of the intelligence community with entertainment industry entities.

(2) CRITERIA.—The guidance required by paragraph (1) shall—

(A) permit an element of the intelligence community to conduct engagements, if the head of the element, or a designee of such head, provides prior approval; and

(B) require an unclassified annual report to the congressional intelligence committees regarding engagements.

[(c) ANNUAL REPORT.—Each report required by subsection (b)(2)(B) shall include the following:

[(1) A description of the nature and duration of each engagement included in the review.

[(2) The cost incurred by the United States Government for each such engagement.

[(3) A description of the benefits to the United States Government for each such engagement.

[(4) A determination of whether any information was declassified, and whether any classified information was improperly disclosed, or each such engagement.

[(5) A description of the work produced through each such engagement.]

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TITLE VI—REPORTS AND OTHER MATTERS

[SEC. 601. DECLASSIFICATION REVIEW WITH RESPECT TO DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

[(a) IN GENERAL.—For each individual detained at United States Naval Station, Guantanamo Bay, Cuba, who was transferred or released from United States Naval Station, Guantanamo Bay, Cuba, the Director of National Intelligence shall—

[(1)(A) complete a declassification review of intelligence reports regarding past terrorist activities of that individual prepared by the National Counterterrorism Center for the individual’s Periodic Review Board sessions, transfer, or release; or

[(B) if the individual's transfer or release occurred prior to the date on which the National Counterterrorism Center first began to prepare such reports regarding detainees, such other intelligence report or reports that contain the same or similar information regarding the individual's past terrorist activities;

[(2) make available to the public—

[(A) any intelligence reports declassified as a result of the declassification review; and

[(B) with respect to each individual transferred or released, for whom intelligence reports are declassified as a result of the declassification review, an unclassified summary which shall be prepared by the President of measures being taken by the country to which the individual was transferred or released to monitor the individual and to prevent the individual from carrying out future terrorist activities; and

[(3) submit to the congressional intelligence committees a report setting out the results of the declassification review, including a description of intelligence reports covered by the review that were not declassified.

[(b) SCHEDULE.—

[(1) TRANSFER OR RELEASE PRIOR TO ENACTMENT.—Not later than 210 days after the date of the enactment of this Act, the Director of National Intelligence shall submit the report required by subsection (a)(3), which shall include the results of the declassification review completed for each individual detained at United States Naval Station, Guantanamo Bay, Cuba, who was transferred or released from United States Naval Station, Guantanamo Bay, prior to the date of the enactment of this Act.

[(2) TRANSFER OR RELEASE AFTER ENACTMENT.—Not later than 120 days after the date an individual detained at United States Naval Station, Guantanamo Bay, on or after the date of the enactment of this Act is transferred or released from United States Naval Station, Guantanamo Bay, the Director shall submit the report required by subsection (a)(3) for such individual.

[(c) PAST TERRORIST ACTIVITIES.—For purposes of this section, the past terrorist activities of an individual shall include all terrorist activities conducted by the individual before the individual's transfer to the detention facility at United States Naval Station, Guantanamo Bay, including, at a minimum, the following:

[(1) The terrorist organization, if any, with which affiliated.

[(2) The terrorist training, if any, received.

[(3) The role in past terrorist attacks against United States interests or allies.

[(4) The direct responsibility, if any, for the death of United States citizens or members of the Armed Forces.

[(5) Any admission of any matter specified in paragraphs (1) through (4).

[(6) A description of the intelligence supporting any matter specified in paragraphs (1) through (5), including the extent to which such intelligence was corroborated, the level of con-

fidence held by the intelligence community, and any dissent or reassessment by an element of the intelligence community.】

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HOMELAND SECURITY ACT OF 2002

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TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

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SEC. 210D. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) IN GENERAL.—To improve the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) with State, local, tribal, and private sector officials, the Director of National Intelligence, through the program manager for the information sharing environment, in coordination with the Secretary, shall coordinate and oversee the creation of an Interagency Threat Assessment and Coordination Group (referred to in this section as the “ITACG”).

(b) COMPOSITION OF ITACG.—The ITACG shall consist of—

(1) an ITACG Advisory Council to set policy and develop processes for the integration, analysis, and dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

(2) an ITACG Detail comprised of State, local, and tribal homeland security and law enforcement officers and intelligence analysts detailed to work in the National Counterterrorism Center with Federal intelligence analysts for the purpose of integrating, analyzing, and assisting in the dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, through appropriate channels identified by the ITACG Advisory Council.

【(c) RESPONSIBILITIES OF PROGRAM MANAGER.—The program manager shall—

【(1) monitor and assess the efficacy of the ITACG;

【(2) not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and at least annually thereafter, submit to the Secretary, the Attorney General, the Director of National Intelligence, the Committee on Homeland Security and Govern-

mental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the ITACG; and

[(3) in each report required by paragraph (2) submitted after the date of the enactment of the Reducing Over-Classification Act, include an assessment of whether the detailees under subsection (d)(5) have appropriate access to all relevant information, as required by subsection (g)(2)(C).]

[(d)] (c) RESPONSIBILITIES OF SECRETARY.—The Secretary, or the Secretary's designee, in coordination with the Director of the National Counterterrorism Center and the ITACG Advisory Council, shall—

(1) create policies and standards for the creation of information products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are suitable for dissemination to State, local, and tribal governments and the private sector;

(2) evaluate and develop processes for the timely dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal governments and the private sector;

(3) establish criteria and a methodology for indicating to State, local, and tribal governments and the private sector the reliability of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, disseminated to them;

(4) educate the intelligence community about the requirements of the State, local, and tribal homeland security, law enforcement, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

(5) establish and maintain the ITACG Detail, which shall assign an appropriate number of State, local, and tribal homeland security and law enforcement officers and intelligence analysts to work in the National Counterterrorism Center who shall—

(A) educate and advise National Counterterrorism Center intelligence analysts about the requirements of the State, local, and tribal homeland security and law enforcement officers, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

(B) assist National Counterterrorism Center intelligence analysts in integrating, analyzing, and otherwise preparing versions of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information that

are unclassified or classified at the lowest possible level and suitable for dissemination to State, local, and tribal homeland security and law enforcement agencies in order to help deter and prevent terrorist attacks;

(C) implement, in coordination with National Counterterrorism Center intelligence analysts, the policies, processes, procedures, standards, and guidelines developed by the ITACG Advisory Council;

(D) assist in the dissemination of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal jurisdictions only through appropriate channels identified by the ITACG Advisory Council;

(E) make recommendations, as appropriate, to the Secretary or the Secretary's designee, for the further dissemination of intelligence products that could likely inform or improve the security of a State, local, or tribal government, (including a State, local, or tribal law enforcement agency) or a private sector entity; and

(F) report directly to the senior intelligence official from the Department under paragraph (6);

(6) detail a senior intelligence official from the Department of Homeland Security to the National Counterterrorism Center, who shall—

(A) manage the day-to-day operations of the ITACG Detail;

(B) report directly to the Director of the National Counterterrorism Center or the Director's designee; and

(C) in coordination with the Director of the Federal Bureau of Investigation, and subject to the approval of the Director of the National Counterterrorism Center, select a deputy from the pool of available detailees from the Federal Bureau of Investigation in the National Counterterrorism Center;

(7) establish, within the ITACG Advisory Council, a mechanism to select law enforcement officers and intelligence analysts for placement in the National Counterterrorism Center consistent with paragraph (5), using criteria developed by the ITACG Advisory Council that shall encourage participation from a broadly representative group of State, local, and tribal homeland security and law enforcement agencies; and

(8) compile an annual assessment of the ITACG Detail's performance, including summaries of customer feedback, in preparing, disseminating, and requesting the dissemination of intelligence products intended for State, local and tribal government (including State, local, and tribal law enforcement agencies) and private sector entities[; and].

[(9) provide the assessment developed pursuant to paragraph (8) to the program manager for use in the annual reports required by subsection (c)(2).]

[(e)] (d) MEMBERSHIP.—The Secretary, or the Secretary's designee, shall serve as the chair of the ITACG Advisory Council, which shall include—

- (1) representatives of—
 - (A) the Department;
 - (B) the Federal Bureau of Investigation;
 - (C) the National Counterterrorism Center;
 - (D) the Department of Defense;
 - (E) the Department of Energy;
 - (F) the Department of State; and
 - (G) other Federal entities as appropriate;
- (2) the program manager of the information sharing environment, designated under section 1016(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)), or the program manager's designee; and
- (3) executive level law enforcement and intelligence officials from State, local, and tribal governments.

[(f)] (e) CRITERIA.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), shall—

- (1) establish procedures for selecting members of the ITACG Advisory Council and for the proper handling and safeguarding of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by those members; and
- (2) ensure that at least 50 percent of the members of the ITACG Advisory Council are from State, local, and tribal governments.

[(g)] (f) OPERATIONS.—

(1) **IN GENERAL.**—Beginning not later than 90 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the ITACG Advisory Council shall meet regularly, but not less than quarterly, at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

(2) **MANAGEMENT.**—Pursuant to section 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 404o(f)(E)), the Director of the National Counterterrorism Center, acting through the senior intelligence official from the Department of Homeland Security detailed pursuant to subsection (d)(6), shall ensure that—

(A) the products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, prepared by the National Counterterrorism Center and the ITACG Detail for distribution to State, local, and tribal homeland security and law enforcement agencies reflect the requirements of such agencies and are produced consistently with the policies, processes, procedures, standards, and guidelines established by the ITACG Advisory Council;

(B) in consultation with the ITACG Advisory Council and consistent with sections 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), all products described in subparagraph (A) are dis-

seminated through existing channels of the Department and the Department of Justice and other appropriate channels to State, local, and tribal government officials and other entities;

(C) all detailees under subsection (d)(5) have appropriate access to all relevant information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, available at the National Counterterrorism Center in order to accomplish the objectives under that paragraph;

(D) all detailees under subsection (d)(5) have the appropriate security clearances and are trained in the procedures for handling, processing, storing, and disseminating classified products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

(E) all detailees under subsection (d)(5) complete appropriate privacy and civil liberties training.

[(h)] (g) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the ITACG or any subsidiary groups thereof.

[(i)] (h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section, including to obtain security clearances for the State, local, and tribal participants in the ITACG.

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INSPECTOR GENERAL ACT OF 1978

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SEC. 8H. (a)(1)(A) An employee of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, or the National Security Agency, or of a contractor of any of those Agencies, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Defense (or designee).

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

(C) An employee of the Federal Bureau of Investigation, or of a contractor of the Bureau, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Justice (or designee).

(D) Any other employee of, or contractor to, an executive agency, or element or unit thereof, determined by the President under sec-

tion 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counter-intelligence activities, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the appropriate Inspector General (or designee) under this Act, section 17 of the Central Intelligence Agency Act of 1949, or section 103H(k) of the National Security Act of 1947 (50 U.S.C. 3033(k)).

(2) If a designee of an Inspector General under this section receives a complaint or information of an employee with respect to an urgent concern, that designee shall report the complaint or information to the Inspector General within 7 calendar days of receipt.

(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.

(b)(1) Not later than the end of the 14-calendar day period beginning on the date of receipt of an employee complaint or information under subsection (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 head of the establishment notice of that determination, together with the complaint or information.

(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment 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 and, if the establishment is within the Department of Defense, to the Secretary of Defense. In such a case, the requirements of this section for the head of the establishment apply to each recipient of the Inspector General's transmission.

(c) Upon receipt of a transmittal from the Inspector General under subsection (b), the head of the establishment shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the head of the establishment considers appropriate.

(d)(1) If the Inspector General does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (b), the employee (subject to paragraph (2)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(2) The employee may contact the intelligence committees directly as described in paragraph (1) only if the employee—

(A) before making such a contact, furnishes to the head of the establishment, 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

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

(3) A member or employee of one of the intelligence committees who receives a complaint or information under paragraph (1) 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 under this section of each action taken under this section 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 head of an establishment or an Inspector General under subsections (a) through (e) shall not be subject to judicial review.

[(g)(1) The Inspector General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall each submit to the congressional intelligence committees each year a report that sets forth the following:

[(A) The personnel and funds requested by such Inspector General for the fiscal year beginning in such year for the activities of the office of such Inspector General in such fiscal year.

[(B) The plan of such Inspector General for such activities, including the programs and activities scheduled for review by the office of such Inspector General during such fiscal year.

[(C) An assessment of the current ability of such Inspector General to hire and retain qualified personnel for the office of such Inspector General.

[(D) Any matters that such Inspector General considers appropriate regarding the independence and effectiveness of the office of such Inspector General.

[(2) The submittal date for a report under paragraph (1) each year shall be the date provided in section 507 of the National Security Act of 1947.

[(3) In this subsection, the term "congressional intelligence committees" shall have the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).]

[(h)] (g) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.

[(i)] (h) In this section:

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

(A) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(B) 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.

(C) 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 section 7(c) in response to an employee's reporting an urgent concern in accordance with this section.

(2) 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.

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DISCLOSURE OF DIRECTED RULE MAKING

H.R. 6237 does not specifically direct any rule makings within the meaning of 5 U.S.C. 551.

DUPLICATION OF FEDERAL PROGRAMS

H.R. 6237 does not duplicate or reauthorize an established program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

MINORITY VIEWS

The House Intelligence Committee's Minority Members support the Matthew Young Pollard Intelligence Authorization Act (IAA) for Fiscal Years 2018 and 2019, a bipartisan measure that the Committee approved by unanimous voice vote on June 28, 2018.

This year's IAA authorizes intelligence funding in the base budget at roughly 1.9% above the President's FY19 budget request and funds Overseas Contingency Operations at roughly the President's request.

The annual IAA ensures that the programs and activities of the U.S. Intelligence Community (IC), including Department of Defense (DoD) intelligence elements, are congressionally authorized and appropriately resourced to protect the nation from threats at home and abroad. This critical piece of legislation is also the primary tool by which Congress exercises oversight of the National and Military Intelligence Programs. The IAA helps ensure that Executive Branch decisions about our most closely held programs and secret activities operate within the law and are consistent with our national values and commitment to individual liberty, a responsibility vital to the healthy functioning of our democracy.

In conducting oversight of the IC and DoD, the Minority remains committed to holding the Administration accountable in maintaining several efforts championed by Committee Democrats over many years: (1) ensuring that the work of IC elements meets constitutional and statutory requirements; (2) addressing all global threats; (3) improving public transparency; (4) investing in the workforce and strengthening diversity; and (5) responding to current and future challenges.

ENSURING LEGITIMACY & EFFECTIVENESS

IC elements operate largely in secret and sometimes must take aggressive action to protect national security. This arrangement confers operational advantages but entails considerable risk of abuse and excess if not held in check by the appropriate congressional entities. A central goal of congressional oversight is to guarantee the fullest measure of legitimacy and effectiveness of IC and DoD activities, despite the need for secrecy—for example, through the requirement to notify the congressional intelligence committees of covert action findings authorized by the President.

The FY19 IAA addresses legitimacy through several Minority-authored provisions that direct the IC to undertake, or not undertake, certain covert action activities. The bill also requires that the IC report to the congressional intelligence committees about certain Executive Branch processes to ensure that covert action findings support broader U.S. foreign policy objectives. The Minority believes that Congress has a significant role to play in oversight of

the most sensitive national security policies, and this year's bill exercises that role in meaningful ways.

ADDRESSING ALL GLOBAL THREATS

Nearly two decades of war have seized the attention of the IC, DoD, policymakers and the public—sometimes at the expense of attention to hard target countries such as China, Russia, North Korea and Iran. While counterterrorism appropriately remains a cornerstone of IC and DoD activity, we must also allocate significant resources to respond to hard targets, as well as vulnerable and fractured states, and supply chain and technical risks. Although there is recognition within the IC and DoD of the need to realign resources to more fully respond to the myriad threats we face, we can and should do more to rebalance spending and better prioritize all global threats.

As such, the FY18 and FY19 combined IAA seeks to better prepare the IC and DoD not only to respond to but to preempt these threats. A provision in the bill requires that the IC report to the intelligence committees regarding the roles, responsibilities and resources necessary to respond to malign foreign influence operations, and funding increases support counterterrorism and efforts to counter Russia, China and North Korea. Additionally, the bill makes permanent an expiring, enhanced authority for the IC to guard against risks to its supply chain from state and non-state actors.

EXPANDING TRANSPARENCY

A healthy democracy demands a sufficient level of government transparency about the actions, intentions and effectiveness of its intelligence apparatus—not only in real time, but retrospectively, so that the country might continue the positive efforts of the IC and DoD and, where relevant, reflect on any negatives.

The declassification of IC records of historical significance is one mechanism to achieve this. The Public Interest Declassification Review Board (PIDB) advises the President and agencies on the review and declassification of such records. This year's IAA reauthorizes the PIDB for 10 years, allowing the Board to continue its vital work to responsibly release to the public historical information about IC elements' activities.

In addition, the bill includes a Minority-authored provision requiring a briefing to certain congressional leaders and committees if the United States faces a significant foreign cyber intrusion or active measures campaign directed at a federal election. This measure maximizes transparency and enables Congress to determine whether, and in what form, to provide the public with information about such a campaign or intrusion.

INVESTING IN THE WORKFORCE & STRENGTHENING DIVERSITY

To attract the best talent to the IC and DoD, agencies and departments must provide a work environment and benefits that are commensurate with the challenging but essential role of public servants. Some IC entities have explored non-traditional ways to recruit, clear and retain employees, such as one-time signing bo-

nuses and flexible work arrangements. However, there is still much work to be done. This bill takes needed steps, including by bolstering the authority of heads of IC elements to appropriately compensate IC professionals with science, technology, engineering or mathematics (STEM) backgrounds and by authorizing the Director of the National Security Agency to set special pay rates for cyber professionals.

Attracting the best talent to the IC and DoD also means providing opportunities for historically under-represented groups to enter the workforce through formal and informal pipelines. Although women, minorities, and those with disabilities have joined the IC and DoD in increasing numbers, these groups often remain in junior positions rather than rising to the highest levels of leadership. For years, congressional direction, funding and legislation have sought to increase entry opportunities for under-represented groups. However, IC and DoD elements have not adopted all conduits for the entrance, promotion and retention of new talent.

To improve the pipeline for under-represented groups to join IC elements, the FY19 IAA increases funding for, and includes direction regarding the Centers of Academic Excellence, an internship program established in 2004 to educate highly qualified students of diverse backgrounds and encourage them to pursue careers in the IC. As the IC and DoD meet increasingly complex global challenges, we must summon diverse perspectives able to collect intelligence about, analyze and respond to such challenges in the most effective and thoughtful ways possible.

RESPONDING TO CURRENT & FUTURE CHALLENGES

Even as we address the threats of today, the IC and DoD must invest in and be prepared to anticipate and respond to the challenges of the future. Investments in U.S. government innovation and modernization have not kept pace with some of our most aggressive adversaries, threatening to create a future in which the United States falls behind. Rather than face that fate, the IC and DoD must invest resources wisely, while also leveraging the power and innovation resident in our National Labs, U.S. commercial entities, and among our allies and partners around the world.

The combined FY18 and FY19 IAA increases funding for artificial intelligence and cutting-edge technologies so that the IC and DoD continue to work smarter in defense of the nation. It also creates an external board to advise the Director of the National Reconnaissance Office on key policy issues, providing a resource for the Office as it pushes U.S. space capabilities beyond what was previously possible. The bill also supports partners in Europe, often on the frontlines of malign activity perpetrated by our most capable and aggressive adversaries.

The annual IAA is but one tool Congress uses to exercise oversight of IC and DoD intelligence elements. The Minority supports this year's combined FY18 and FY19 IAA, which will help Congress play that critical role, while also ensuring that the women and men of the IC and DoD are supported as they endeavor to protect the United States.

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