

## Calendar No. 477

116TH CONGRESS  
2D SESSION**S. 3905**

To authorize appropriations for fiscal year 2021 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 8, 2020

Mr. RUBIO, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2021 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Intelligence Authorization Act for Fiscal Year 2021”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

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

#### TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.  
 Sec. 102. Classified Schedule of Authorizations.  
 Sec. 103. Intelligence Community Management Account.

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

Sec. 201. Authorization of appropriations.

#### TITLE III—INTELLIGENCE COMMUNITY MATTERS

##### Subtitle A—General Intelligence Community Matters

Sec. 301. Restriction on conduct of intelligence activities.  
 Sec. 302. Increase in employee compensation and benefits authorized by law.  
 Sec. 303. Clarification of authorities and responsibilities of National Manager  
                     for National Security Telecommunications and Information  
                     Systems Security.  
 Sec. 304. Continuity of operations plans for certain elements of the intelligence  
                     community in the case of a national emergency.  
 Sec. 305. Application of Executive Schedule level III to positions of Director of  
                     National Security Agency and Director of National Reconnaissance  
                     Office.  
 Sec. 306. National Intelligence University.  
 Sec. 307. Requiring facilitation of establishment of Social Media Data and  
                     Threat Analysis Center.  
 Sec. 308. Data collection on attrition in intelligence community.  
 Sec. 309. Limitation on delegation of responsibility for program management of  
                     information-sharing environment.  
 Sec. 310. Improvements to provisions relating to intelligence community infor-  
                     mation technology environment.  
 Sec. 311. Requirements and authorities for Director of the Central Intelligence  
                     Agency to improve education in science, technology, engineer-  
                     ing, arts, and mathematics.

##### Subtitle B—Inspector General of the Intelligence Community

Sec. 321. Prohibition against disclosure of whistleblower identity as reprisal  
                     against whistleblower disclosure by employees and contractors  
                     in intelligence community.  
 Sec. 322. Clarification of standards regarding whistleblower complaints and in-  
                     formation of urgent concern received by Inspector General of  
                     the Intelligence Community.  
 Sec. 323. Clarification regarding submittal of complaints and information by  
                     whistleblowers in the intelligence community to Congress.  
 Sec. 324. Limitation on sharing of intelligence community whistleblower com-  
                     plaints with persons named in such complaints.

Subtitle C—Reports and Assessments Pertaining to Intelligence Community

- Sec. 331. Assessment by the Comptroller General of the United States on efforts of the intelligence community and the Department of Defense to identify and mitigate risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.
- Sec. 332. Report on use by intelligence community of hiring flexibilities and expedited human resources practices to assure quality and diversity in the workforce of the intelligence community.
- Sec. 333. Report on signals intelligence priorities and requirements.
- Sec. 334. Assessment of demand for student loan repayment program benefit.
- Sec. 335. Assessment of intelligence community demand for child care.
- Sec. 336. Open source intelligence strategies and plans for the intelligence community.
- Sec. 337. Plan for establishing an element of the intelligence community within the United States Space Force.

TITLE IV—SECURITY CLEARANCES AND TRUSTED WORKFORCE

- Sec. 401. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.
- Sec. 402. Establishing process parity for security clearance revocations.
- Sec. 403. Federal policy on sharing of derogatory information pertaining to contractor employees in the trusted workforce.

TITLE V—REPORTS AND OTHER MATTERS

- Sec. 501. Secure and trusted technology.
- Sec. 502. Report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, certain allies of the United States.
- Sec. 503. Report on threats posed by use by foreign governments and entities of commercially available cyber intrusion and surveillance technology.
- Sec. 504. Reports on recommendations of the Cyberspace Solarium Commission.
- Sec. 505. Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.
- Sec. 506. Duty to report couterintelligence threats to campaigns.
- Sec. 507. Combating Chinese influence operations in the United States and strengthening civil liberties protections.
- Sec. 508. Annual report on corrupt activities of senior officials of the Chinese Communist Party.
- Sec. 509. Report on corrupt activities of Russian and other Eastern European oligarchs.
- Sec. 510. Report on biosecurity risk and disinformation by the Chinese Communist Party and the Government of the People's Republic of China.
- Sec. 511. Report on effect of lifting of United Nations arms embargo on Islamic Republic of Iran.
- Sec. 512. Report on Iranian activities relating to nuclear nonproliferation.
- Sec. 513. Sense of Congress on Third Option Foundation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-  
4 TEES.—The term “congressional intelligence com-  
5 mittees” has the meaning given such term in section  
6 3 of the National Security Act of 1947 (50 U.S.C.  
7 3003).

8 (2) INTELLIGENCE COMMUNITY.—The term  
9 “intelligence community” has the meaning given  
10 such term in such section.

11 **TITLE I—INTELLIGENCE**  
12 **ACTIVITIES**

13 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2021 for the conduct of the intelligence and  
16 intelligence-related activities of the following elements of  
17 the United States Government:

18 (1) The Office of the Director of National Intel-  
19 ligence.

20 (2) The Central Intelligence Agency.

21 (3) The Department of Defense.

22 (4) The Defense Intelligence Agency.

23 (5) The National Security Agency.

24 (6) The Department of the Army, the Depart-  
25 ment of the Navy, and the Department of the Air  
26 Force.

1 (7) The Coast Guard.

2 (8) The Department of State.

3 (9) The Department of the Treasury.

4 (10) The Department of Energy.

5 (11) The Department of Justice.

6 (12) The Federal Bureau of Investigation.

7 (13) The Drug Enforcement Administration.

8 (14) The National Reconnaissance Office.

9 (15) The National Geospatial-Intelligence Agen-  
10 cy.

11 (16) The Department of Homeland Security.

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

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

19 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
20 THORIZATIONS.—

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

1           (2) DISTRIBUTION BY THE PRESIDENT.—Sub-  
 2       ject to paragraph (3), the President shall provide for  
 3       suitable distribution of the classified Schedule of Au-  
 4       thorizations referred to in subsection (a), or of ap-  
 5       propriate portions of such Schedule, within the exec-  
 6       utive branch of the Federal Government.

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

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

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

16                   (C) as otherwise required by law.

17 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
 18 **COUNT.**

19       (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
 20       authorized to be appropriated for the Intelligence Commu-  
 21       nity Management Account of the Director of National In-  
 22       telligence for fiscal year 2021 the sum of \$731,200,000.

23       (b) CLASSIFIED AUTHORIZATION OF APPROPRIA-  
 24       TIONS.—In addition to amounts authorized to be appro-  
 25       priated for the Intelligence Community Management Ac-

1 count by subsection (a), there are authorized to be appro-  
 2 priated for the Intelligence Community Management Ac-  
 3 count for fiscal year 2021 such additional amounts as are  
 4 specified in the classified Schedule of Authorizations re-  
 5 ferred to in section 102(a).

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

10 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated for the Cen-  
 12 tral Intelligence Agency Retirement and Disability Fund  
 13 \$514,000,000 for fiscal year 2021.

14 **TITLE III—INTELLIGENCE**  
 15 **COMMUNITY MATTERS**

16 **Subtitle A—General Intelligence**  
 17 **Community Matters**

18 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
 19 **ACTIVITIES.**

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

1 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**  
2 **BENEFITS AUTHORIZED BY LAW.**

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

8 **SEC. 303. CLARIFICATION OF AUTHORITIES AND RESPON-**  
9 **SIBILITIES OF NATIONAL MANAGER FOR NA-**  
10 **TIONAL SECURITY TELECOMMUNICATIONS**  
11 **AND INFORMATION SYSTEMS SECURITY.**

12 (a) DELEGATION OF AUTHORITIES AND RESPON-  
13 SIBILITIES.—

14 (1) IN GENERAL.—The National Manager for  
15 National Security Telecommunications and Informa-  
16 tion Systems Security, as designated by National Se-  
17 curity Directive 42 (signed by the President on July  
18 5, 1990), may delegate the authorities and respon-  
19 sibilities assigned the National Manager under such  
20 Directive to a Deputy National Manager for Na-  
21 tional Security Telecommunications and Information  
22 Systems Security.

23 (2) LIMITATION.—The authority to delegate  
24 under paragraph (1) may not be further delegated  
25 below the Deputy National Manager.

26 (b) SCOPE OF RESPONSIBILITIES.—



1 (1) NATIONAL MANAGER.—

2 (A) IN GENERAL.—In carrying out the au-  
3 thorities and responsibilities of the National  
4 Manager under National Security Directive 42,  
5 the National Manager may supervise, oversee,  
6 or execute, either directly or indirectly, the In-  
7 formation Systems Security Program.

8 (B) LIMITATION.—In carrying out the au-  
9 thorities and responsibilities of the National  
10 Manager under National Security Directive 42,  
11 the National Manager shall not supervise, over-  
12 see, or execute, either directly or indirectly, any  
13 aspect of the National Intelligence Program or  
14 the Military Intelligence Program, except to the  
15 degree that doing so is necessary to supervise,  
16 oversee, or execute the Information Systems Se-  
17 curity Program as described in subparagraph  
18 (A).

19 (2) DEPUTY NATIONAL MANAGER.—

20 (A) IN GENERAL.—In a case in which the  
21 National Manager delegates authorities and re-  
22 sponsibilities to a Deputy National Manager  
23 under subsection (a)(1), the Deputy National  
24 Manager may supervise, oversee, or execute, ei-

ther directly or indirectly, the Information Systems Security Program.

(B) LIMITATION.—In a case described in subparagraph (A), the Deputy National Manager shall not supervise, oversee, or execute, either directly or indirectly, any aspect of the National Intelligence Program or the Military Intelligence Program, except to the degree that doing so is necessary to supervise, oversee, or execute the Information Systems Security Program as described in subparagraph (A).

**SEC. 304. CONTINUITY OF OPERATIONS PLANS FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY IN THE CASE OF A NATIONAL EMERGENCY.**

(a) DEFINITION OF COVERED NATIONAL EMERGENCY.—In this section, the term “covered national emergency” means the following:

(1) A major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) An emergency declared by the President under section 501 of the Robert T. Stafford Disaster

1 Relief and Emergency Assistance Act (42 U.S.C.  
2 5191).

3 (3) A national emergency declared by the Presi-  
4 dent under the National Emergencies Act (50  
5 U.S.C. 1601 et seq.).

6 (4) A public health emergency declared under  
7 section 319 of the Public Health Service Act (42  
8 U.S.C. 247d).

9 (b) IN GENERAL.—The Director of National Intel-  
10 ligence, the Director of the Central Intelligence Agency,  
11 the Director of the National Reconnaissance Office, the  
12 Director of the Defense Intelligence Agency, the Director  
13 of the National Security Agency, and the Director of the  
14 National Geospatial-Intelligence Agency shall each estab-  
15 lish continuity of operations plans for use in the case of  
16 covered national emergencies for the element of the intel-  
17 ligence community concerned.

18 (c) SUBMISSION TO CONGRESS.—

19 (1) DIRECTOR OF NATIONAL INTELLIGENCE  
20 AND DIRECTOR OF THE CENTRAL INTELLIGENCE  
21 AGENCY.—Not later than 7 days after the date on  
22 which a covered national emergency is declared, the  
23 Director of National Intelligence and the Director of  
24 the Central Intelligence Agency shall each submit to  
25 the congressional intelligence committees the plan

1 established under subsection (b) for that emergency  
2 for the element of the intelligence community con-  
3 cerned.

4 (2) DIRECTOR OF NATIONAL RECONNAISSANCE  
5 OFFICE, DIRECTOR OF DEFENSE INTELLIGENCE  
6 AGENCY, DIRECTOR OF NATIONAL SECURITY AGEN-  
7 CY, AND DIRECTOR OF NATIONAL GEOSPATIAL-IN-  
8 TELLIGENCE AGENCY.—Not later than 7 days after  
9 the date on which a covered national emergency is  
10 declared, the Director of the National Reconnaissance  
11 Office, the Director of the Defense Intelligence  
12 Agency, the Director of the National Security Agen-  
13 cy, and the Director of the National Geospatial-In-  
14 telligence Agency shall each submit the plan estab-  
15 lished under subsection (b) for that emergency for  
16 the element of the intelligence community concerned  
17 to the following:

18 (A) The congressional intelligence commit-

19 tees.

20 (B) The Committee on Armed Services of  
21 the Senate.

22 (C) The Committee on Armed Services of  
23 the House of Representatives.

24 (d) UPDATES.—During a covered national emer-  
25 gency, the Director of National Intelligence, the Director

1 of the Central Intelligence Agency, the Director of the Na-  
 2 tional Reconnaissance Office, the Director of the Defense  
 3 Intelligence Agency, the Director of the National Security  
 4 Agency, and the Director of the National Geospatial-Intel-  
 5 ligence Agency shall each submit any updates to the plans  
 6 submitted under subsection (c)—

7 (1) in accordance with that subsection; and

8 (2) in a timely manner consistent with section  
 9 501 of the National Security Act of 1947 (50 U.S.C.  
 10 3091).

11 **SEC. 305. APPLICATION OF EXECUTIVE SCHEDULE LEVEL**  
 12 **III TO POSITIONS OF DIRECTOR OF NA-**  
 13 **TIONAL SECURITY AGENCY AND DIRECTOR**  
 14 **OF NATIONAL RECONNAISSANCE OFFICE.**

15 Section 5314 of title 5, United States Code, is  
 16 amended by adding at the end the following:

17 “Director of the National Security Agency/Cen-  
 18 tral Security Service.

19 “Director of the National Reconnaissance Of-  
 20 fice.”.

21 **SEC. 306. NATIONAL INTELLIGENCE UNIVERSITY.**

22 (a) IN GENERAL.—Title X of the National Security  
 23 Act of 1947 (50 U.S.C. 3191 et seq.) is amended by add-  
 24 ing at the end the following:

1   **“Subtitle D—National Intelligence**  
2                           **University**

3   **“SEC. 1031. TRANSFER DATE.**

4           “‘In this subtitle, the term ‘transfer date’ means the  
5   date on which the National Intelligence University is  
6   transferred from the Defense Intelligence Agency to the  
7   Director of National Intelligence under section 5324(a) of  
8   the National Defense Authorization Act for Fiscal Year  
9   2020 (Public Law 116–92).

10   **“SEC. 1032. DEGREE-GRANTING AUTHORITY.**

11           “(a) IN GENERAL.—Beginning on the transfer date,  
12   under regulations prescribed by the Director of National  
13   Intelligence, the President of the National Intelligence  
14   University may, upon the recommendation of the faculty  
15   of the University, confer appropriate degrees upon grad-  
16   uates who meet the degree requirements.

17           “(b) LIMITATION.—A degree may not be conferred  
18   under this section unless—

19                   “(1) the Secretary of Education has rec-  
20           ommended approval of the degree in accordance with  
21           the Federal Policy Governing Granting of Academic  
22           Degrees by Federal Agencies; and

23                   “(2) the University is accredited by the appro-  
24           priate academic accrediting agency or organization

1 to award the degree, as determined by the Secretary  
2 of Education.

3 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-  
4 MENTS.—

5 “(1) ACTIONS ON NONACCREDITATION.—Begin-  
6 ning on the transfer date, the Director shall prompt-  
7 ly—

8 “(A) notify the congressional intelligence  
9 committees of any action by the Middle States  
10 Commission on Higher Education, or other ap-  
11 propriate academic accrediting agency or orga-  
12 nization, to not accredit the University to award  
13 any new or existing degree; and

14 “(B) submit to such committees a report  
15 containing an explanation of any such action.

16 “(2) MODIFICATION OR REDESIGNATION OF DE-  
17 GREE-GRANTING AUTHORITY.—Beginning on the  
18 transfer date, upon any modification or redesigna-  
19 tion of existing degree-granting authority, the Direc-  
20 tor shall submit to the congressional intelligence  
21 committees a report containing—

22 “(A) the rationale for the proposed modi-  
23 fication or redesignation; and

1                   “(B) any subsequent recommendation of  
2                   the Secretary of Education with respect to the  
3                   proposed modification or redesignation.

4   **“SEC. 1033. FACULTY MEMBERS; EMPLOYMENT AND COM-**  
5                   **PENSATION.**

6           “(a) AUTHORITY OF DIRECTOR.—Beginning on the  
7   transfer date, the Director of National Intelligence may  
8   employ as many professors, instructors, and lecturers at  
9   the National Intelligence University as the Director con-  
10   siders necessary.

11          “(b) COMPENSATION OF FACULTY MEMBERS.—The  
12   compensation of persons employed under this section shall  
13   be as prescribed by the Director.

14          “(c) COMPENSATION PLAN.—The Director shall pro-  
15   vide each person employed as a professor, instructor, or  
16   lecturer at the University on the transfer date an oppor-  
17   tunity to elect to be paid under the compensation plan in  
18   effect on the day before the transfer date (with no reduc-  
19   tion in pay) or under the authority of this section.

20   **“SEC. 1034. ACCEPTANCE OF FACULTY RESEARCH GRANTS.**

21          “‘The Director of National Intelligence may authorize  
22   the President of the National Intelligence University to  
23   accept qualifying research grants in the same manner and  
24   to the same degree as the President of the National De-



1 fense University under section 2165(e) of title 10, United  
2 States Code.

3 **“SEC. 1035. CONTINUED APPLICABILITY OF THE FEDERAL**  
4 **ADVISORY COMMITTEE ACT TO THE BOARD**  
5 **OF VISITORS.**

6 “The Federal Advisory Committee Act (5 U.S.C.  
7 App.) shall continue to apply to the Board of Visitors of  
8 the National Intelligence University on and after the  
9 transfer date.”.

10 (b) CONFORMING AMENDMENTS.—Section 5324 of  
11 the National Defense Authorization Act for Fiscal Year  
12 2020 (Public Law 116–92) is amended—

13 (1) in subsection (b)(1)(C), by striking “sub-  
14 section (e)(2)” and inserting “section 1032(b) of the  
15 National Security Act of 1947”;

16 (2) by striking subsections (e) and (f); and

17 (3) by redesignating subsections (g) and (h) as  
18 subsections (e) and (f), respectively.

19 (c) CLERICAL AMENDMENT.—The table of contents  
20 of the National Security Act of 1947 is amended by insert-  
21 ing after the item relating to section 1024 the following:

“Subtitle D—National Intelligence University

“Sec. 1031. Transfer date.

“Sec. 1032. Degree-granting authority.

“Sec. 1033. Faculty members; employment and compensation.

“Sec. 1034. Acceptance of faculty research grants.

“Sec. 1035. Continued applicability of the Federal Advisory Committee Act to  
the Board of Visitors.”.

1 **SEC. 307. REQUIRING FACILITATION OF ESTABLISHMENT**  
 2 **OF SOCIAL MEDIA DATA AND THREAT ANAL-**  
 3 **YSIS CENTER.**

4 (a) REQUIREMENT TO FACILITATE ESTABLISH-  
 5 MENT.—Subsection (c)(1) of section 5323 of the National  
 6 Defense Authorization Act for Fiscal Year 2020 (Public  
 7 Law 116–92) is amended, by striking “may” and inserting  
 8 “shall”.

9 (b) DEADLINE TO FACILITATE ESTABLISHMENT.—  
 10 Such subsection is further amended by striking “The Di-  
 11 rector” and inserting “Not later than 180 days after the  
 12 date of the enactment of the Intelligence Authorization  
 13 Act for Fiscal Year 2021, the Director”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) REPORTING.—Subsection (d) of such sec-  
 16 tion is amended—

17 (A) in the matter before paragraph (1), by  
 18 striking “If the Director” and all that follows  
 19 through “the Center, the” and inserting “The”;  
 20 and

21 (B) in paragraph (1), by striking “180  
 22 days after the date of the enactment of this  
 23 Act” and inserting “180 days after the date of  
 24 the enactment of the Intelligence Authorization  
 25 Act for Fiscal Year 2021”.

1           (2) FUNDING.—Subsection (f) of such section is  
 2           amended by striking “fiscal year 2020 and 2021”  
 3           and inserting “fiscal year 2021 and 2022”.

4           (3) CLERICAL.—Subsection (c) of such section  
 5           is amended—

6                   (A) in the subsection heading, by striking  
 7                   “AUTHORITY” and inserting “REQUIREMENT”;  
 8                   and

9                   (B) in paragraph (1), in the paragraph  
 10                  heading, by striking “AUTHORITY” and insert-  
 11                  ing “REQUIREMENT”.

12 **SEC. 308. DATA COLLECTION ON ATTRITION IN INTEL-**  
 13 **LIGENCE COMMUNITY.**

14           (a) STANDARDS FOR DATA COLLECTION.—

15                   (1) IN GENERAL.—Not later than 90 days after  
 16                  the date of the enactment of this Act, the Director  
 17                  of National Intelligence shall establish standards for  
 18                  collecting data relating to attrition in the intelligence  
 19                  community workforce across demographics, speciali-  
 20                  ties, and length of service.

21                   (2) INCLUSION OF CERTAIN CANDIDATES.—The  
 22                  Director shall include, in the standards established  
 23                  under paragraph (1), standards for collecting data  
 24                  from candidates who accepted conditional offers of  
 25                  employment but chose to withdraw from the hiring

1 process before entering into service, including data  
2 with respect to the reasons such candidates chose to  
3 withdraw.

4 (b) COLLECTION OF DATA.—Not later than 120 days  
5 after the date of the enactment of this Act, each element  
6 of the intelligence community shall begin collecting data  
7 on workforce and candidate attrition in accordance with  
8 the standards established under subsection (a).

9 (c) ANNUAL REPORT.—Not later than 1 year after  
10 the date of the enactment of this Act, and annually there-  
11 after, the Director shall submit to the congressional intel-  
12 ligence committees a report on workforce and candidate  
13 attrition in the intelligence community that includes—

14 (1) the findings of the Director based on the  
15 data collected under subsection (b);

16 (2) recommendations for addressing any issues  
17 identified in those findings; and

18 (3) an assessment of timeliness in processing  
19 hiring applications of individuals previously em-  
20 ployed by an element of the intelligence community,  
21 consistent with the Trusted Workforce 2.0 initiative  
22 sponsored by the Security Clearance, Suitability, and  
23 Credentialing Performance Accountability Council.

1 **SEC. 309. LIMITATION ON DELEGATION OF RESPONSIBILITY FOR PROGRAM MANAGEMENT OF INFORMATION-SHARING ENVIRONMENT.**

2  
3  
4 (a) IN GENERAL.—Section 1016(b) of the Intel-  
5 ligence Reform and Terrorism Prevention Act of 2004 (6  
6 U.S.C. 485(b)), as amended by section 6402(a) of the Na-  
7 tional Defense Authorization Act for Fiscal Year 2020  
8 (Public Law 116–92), is further amended—

9 (1) in paragraph (1), in the matter before sub-  
10 paragraph (A), by striking “Director of National In-  
11 telligence” and inserting “President”;

12 (2) in paragraph (2), by striking “Director of  
13 National Intelligence” both places it appears and in-  
14 serting “President”; and

15 (3) by adding at the end the following:

16 “(3) DELEGATION.—

17 “(A) IN GENERAL.—Subject to subpara-  
18 graph (B), the President may delegate responsi-  
19 bility for carrying out this subsection.

20 “(B) LIMITATION.—The President may  
21 not delegate responsibility for carrying out this  
22 subsection to the Director of National Intel-  
23 ligence.”.

24 (b) EFFECTIVE DATE.—The amendments made by  
25 subsection (a) shall take effect on October 1, 2020.

1 **SEC. 310. IMPROVEMENTS TO PROVISIONS RELATING TO**  
2 **INTELLIGENCE COMMUNITY INFORMATION**  
3 **TECHNOLOGY ENVIRONMENT.**

4 Section 6312 of the National Defense Authorization  
5 Act for Fiscal Year 2020 (Public Law 116–92) is amended  
6 by striking subsections (e) through (i) and inserting the  
7 following:

8 “(e) LONG-TERM ROADMAP.—Not later than 180  
9 days after the date of the enactment of the Intelligence  
10 Authorization Act for Fiscal Year 2021, the Director of  
11 National Intelligence shall develop and maintain a long-  
12 term roadmap for the intelligence community information  
13 technology environment.

14 “(f) BUSINESS PLAN.—Not later than 180 days after  
15 the date of the enactment of the Intelligence Authorization  
16 Act for Fiscal Year 2021, the Director of National Intel-  
17 ligence shall develop and maintain a business plan to im-  
18 plement the long-term roadmap required by subsection  
19 (e).”.

20 **SEC. 311. REQUIREMENTS AND AUTHORITIES FOR DIREC-**  
21 **TOR OF THE CENTRAL INTELLIGENCE AGEN-**  
22 **CY TO IMPROVE EDUCATION IN SCIENCE,**  
23 **TECHNOLOGY, ENGINEERING, ARTS, AND**  
24 **MATHEMATICS.**

25 The Central Intelligence Agency Act of 1949 (50  
26 U.S.C. 3501 et seq.) is amended by adding the following:

1 **“SEC. 24. IMPROVEMENT OF EDUCATION IN SCIENCE,**  
2 **TECHNOLOGY, ENGINEERING, ARTS, AND**  
3 **MATHEMATICS.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
6 tity’ includes a department or agency of the Federal  
7 Government, a State, a political subdivision of a  
8 State, an individual, and a not-for-profit or other or-  
9 ganization in the private sector.

10 “(2) EDUCATIONAL INSTITUTION.—The term  
11 ‘educational institution’ includes any public or pri-  
12 vate elementary school or secondary school, institu-  
13 tion of higher education, college, university, or any  
14 other profit or nonprofit institution that is dedicated  
15 to improving science, technology, engineering, the  
16 arts, mathematics, business, law, medicine, or other  
17 fields that promote development and education relat-  
18 ing to science, technology, engineering, the arts, or  
19 mathematics.

20 “(3) STATE.—The term ‘State’ means each of  
21 the several States, the District of Columbia, the  
22 Commonwealth of Puerto Rico, the Commonwealth  
23 of the Northern Mariana Islands, and any other ter-  
24 ritory or possession of the United States.

25 “(b) REQUIREMENTS.—The Director shall, on a con-  
26 tinuing basis—

1           “(1) identify actions that the Director may take  
 2           to improve education in the scientific, technology,  
 3           engineering, arts, and mathematics (known as  
 4           ‘STEAM’) skills necessary to meet the long-term na-  
 5           tional security needs of the United States for per-  
 6           sonnel proficient in such skills; and

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

9           “(c) AUTHORITIES.—

10           “(1) IN GENERAL.—The Director, in support of  
 11           educational programs in science, technology, engi-  
 12           neering, the arts, and mathematics, may—

13                   “(A) award grants to eligible entities;

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

16                   “(C) accept voluntary services from eligible  
 17           entities;

18                   “(D) support national competition judging,  
 19           other educational event activities, and associ-  
 20           ated award ceremonies in connection with such  
 21           educational programs; and

22                   “(E) enter into one or more education  
 23           partnership agreements with educational insti-  
 24           tutions in the United States for the purpose of  
 25           encouraging and enhancing study in science,



1 technology, engineering, the arts, and mathe-  
2 matics disciplines at all levels of education.

3 “(2) EDUCATION PARTNERSHIP AGREE-  
4 MENTS.—

5 “(A) NATURE OF ASSISTANCE PRO-  
6 VIDED.—Under an education partnership agree-  
7 ment entered into with an educational institu-  
8 tion under paragraph (1)(E), the Director may  
9 provide assistance to the educational institution  
10 by—

11 “(i) loaning equipment to the edu-  
12 cational institution for any purpose and  
13 duration in support of such agreement that  
14 the Director considers appropriate;

15 “(ii) making personnel available to  
16 teach science courses or to assist in the de-  
17 velopment of science courses and materials  
18 for the educational institution;

19 “(iii) providing sabbatical opportuni-  
20 ties for faculty and internship opportuni-  
21 ties for students;

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

1 “(v) cooperating with the educational  
2 institution in developing a program under  
3 which students may be given academic  
4 credit for work on Agency projects, includ-  
5 ing research and technology transfer for  
6 transition projects; and

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

10 “(B) PRIORITIES.—In entering into edu-  
11 cation partnership agreements under paragraph  
12 (1)(E), the Director shall prioritize entering  
13 into education partnership agreements with the  
14 following:

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

20 “(ii) Educational institutions serving  
21 women, members of minority groups, and  
22 other groups of individuals who tradition-  
23 ally are involved in the science, technology,  
24 engineering, arts, and mathematics profes-  
25 sions in disproportionately low numbers.

1 “(d) DESIGNATION OF ADVISOR.—The Director shall  
 2 designate one or more individuals within the Agency to  
 3 advise and assist the Director regarding matters relating  
 4 to science, technology, engineering, the arts, and mathe-  
 5 matics education and training.”.

## 6 **Subtitle B—Inspector General of** 7 **the Intelligence Community**

### 8 **SEC. 321. PROHIBITION AGAINST DISCLOSURE OF WHIS-** 9 **TLEBLOWER IDENTITY AS REPRISAL** 10 **AGAINST WHISTLEBLOWER DISCLOSURE BY** 11 **EMPLOYEES AND CONTRACTORS IN INTEL-** 12 **LIGENCE COMMUNITY.**

13 (a) IN GENERAL.—Paragraph (3) of subsection (a)  
 14 of section 1104 of the National Security Act of 1947 (50  
 15 U.S.C. 3234) is amended—

16 (1) in subparagraph (I), by striking “; or” and  
 17 inserting a semicolon;

18 (2) by redesignating subparagraph (J) as sub-  
 19 paragraph (K); and

20 (3) by inserting after subparagraph (I) the fol-  
 21 lowing:

22 “(J) a knowing and willful or negligent  
 23 disclosure revealing the identity or other per-  
 24 sonally identifiable information of an employee  
 25 or contractor employee without the express

1           written consent of the employee or contractor  
 2           employee or if the Inspector General determines  
 3           it is necessary for the exclusive purpose of in-  
 4           vestigating a complaint or information received  
 5           under section 8H of the Inspector General Act  
 6           of 1978 (5 U.S.C. App. 8H); or”.

7           (b) APPLICABILITY TO DETAILEES.—Such subsection  
 8 is amended by adding at the end the following:

9           “(5) EMPLOYEE.—The term ‘employee’, with  
 10          respect to an agency or a covered intelligence com-  
 11          munity element, includes an individual who has been  
 12          detailed to such agency or covered intelligence com-  
 13          munity element.”.

14          (c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DIS-  
 15 CLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection  
 16 (d) of such section is amended to read as follows:

17          “(d) ENFORCEMENT.—

18               “(1) IN GENERAL.—Except as otherwise pro-  
 19          vided in this subsection, the President shall provide  
 20          for the enforcement of this section.

21               “(2) PRIVATE RIGHT OF ACTION FOR UNLAW-  
 22          FUL, WILLFUL DISCLOSURE OF WHISTLEBLOWER  
 23          IDENTITY.—In a case in which an employee of an  
 24          agency takes a personnel action described in sub-  
 25          section (a)(3)(J) against an employee of a covered

1 intelligence community element as a reprisal in vio-  
 2 lation of subsection (b) or in a case in which a con-  
 3 tractor employee takes a personnel action described  
 4 in such subsection against another contractor em-  
 5 ployee as a reprisal in violation of subsection (c), the  
 6 employee or contractor employee against whom the  
 7 personnel action was taken may bring a private ac-  
 8 tion for all appropriate remedies, including injunc-  
 9 tive relief and compensatory and punitive damages,  
 10 against the employee or contractor employee who  
 11 took the personnel action, in a Federal district court  
 12 of competent jurisdiction within 180 days of when  
 13 the employee or contractor employee first learned of  
 14 or should have learned of the violation.”.

15 **SEC. 322. CLARIFICATION OF STANDARDS REGARDING**  
 16 **WHISTLEBLOWER COMPLAINTS AND INFOR-**  
 17 **MATION OF URGENT CONCERN RECEIVED BY**  
 18 **INSPECTOR GENERAL OF THE INTELLIGENCE**  
 19 **COMMUNITY.**

20 (a) CLARIFICATION REGARDING DEFINITIONS OF  
 21 URGENT CONCERN.—Clause (i) of section 103H(k)(5)(G)  
 22 of the National Security Act of 1947 (50 U.S.C.  
 23 3033(k)(5)(G)) is amended to read as follows:

24 “(i) A serious or flagrant—

25 “(I) problem;

1 “(II) abuse;  
 2 “(III) violation of law;  
 3 “(IV) violation of an Executive order; or  
 4 “(V) deficiency—  
 5 “(aa) relating to the funding, admin-  
 6 istration, or operation of the Federal Gov-  
 7 ernment; and  
 8 “(bb) that is a matter of national se-  
 9 curity and not a difference of opinion con-  
 10 cerning public policy matters.”.

11 (b) AUTHORITY TO DETERMINE MATTERS OF UR-  
 12 GENT CONCERN.—Section 103H(k)(5)(G) of such Act (50  
 13 U.S.C. 3033(k)(5)(G)) is amended—

14 (1) in clause (i), as amended by subsection  
 15 (a)—

16 (A) in subclause (V), by redesignating  
 17 items (aa) and (bb) as subitems (AA) and  
 18 (BB), respectively; and

19 (B) by redesignating subclauses (I)  
 20 through (V) as items (aa) through (ee), respec-  
 21 tively;

22 (2) by redesignating clauses (i) through (iii) as  
 23 subclauses (I) through (III), respectively;

1           (3) in the matter before subclause (I), as rededesignated by paragraph (2), by inserting “(i)” before “In this”; and

4           (4) by adding at the end the following:

5           “(ii) The Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.”.

9           (c) SCOPE OF AUTHORITY OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended by adding at the end the following:

13           “(J) The Inspector General shall have authority over any complaint or information submitted to the Inspector General from an employee, detailee, or contractor of the intelligence community.”.

17           (d) REQUIREMENTS RELATING TO BASIS AND DERIVATION OF COMPLAINTS AND INFORMATION REPORTED.—

20           (1) IN REPORT TO INSPECTOR GENERAL.—Subparagraph (A) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

23           (A) by inserting “(i)” before “An employee”; and

25           (B) by adding at the end the following:

1 “(ii) An employee who reports a complaint or infor-  
 2 mation under clause (i) shall include in such report a  
 3 statement of the following:

4 “(I) The basis upon which such complaint or  
 5 information is derived.

6 “(II) How such complaint or information was  
 7 discovered.”.

8 (2) TRANSMITTAL TO DIRECTOR.—Subpara-  
 9 graph (B) of such section is amended by inserting  
 10 before the period the following: “and the statement  
 11 included under subparagraph (A)(ii), except that the  
 12 Inspector General shall modify such statement as  
 13 the Inspector General considers appropriate and in  
 14 accordance with applicable provisions of law to pro-  
 15 tect the anonymity of the employee if the employee  
 16 chooses to maintain the employee’s anonymity”.

17 **SEC. 323. CLARIFICATION REGARDING SUBMITTAL OF COM-**  
 18 **PLAINTS AND INFORMATION BY WHISTLE-**  
 19 **BLOWERS IN THE INTELLIGENCE COMMU-**  
 20 **NITY TO CONGRESS.**

21 (a) CLARIFICATION OF RIGHT TO REPORT DIRECTLY  
 22 TO CONGRESS.—Subsection (a) of section 8H of the In-  
 23 spector General Act of 1978 (5 U.S.C. App. 8H) is  
 24 amended by adding at the end the following:



1       “(4)(A) Subject to subparagraph (C), an employee of  
2 an element of the intelligence community, an employee as-  
3 signed or detailed to an element of the intelligence commu-  
4 nity, or an employee of a contractor to the intelligence  
5 community who intends to report to Congress a complaint  
6 or information may report such complaint or information  
7 directly to Congress, regardless of whether the complaint  
8 or information is with respect to an urgent concern, by  
9 contacting directly—

10           “(i) the Chairman and Vice Chairman of the  
11 Select Committee on Intelligence of the Senate, or a  
12 nonpartisan member of the staff of such Committee  
13 who has been designated by the Committee for pur-  
14 poses of receiving complaints or information under  
15 this paragraph; or

16           “(ii) the Chairman and Ranking Member of the  
17 Permanent Select Committee on Intelligence of the  
18 House of Representatives, or a nonpartisan member  
19 of the staff of such Committee who has been des-  
20 ignated by the Committee for purposes of receiving  
21 complaints or information under this paragraph; and

22       “(B) In the case of a complaint or information that  
23 is with respect to an urgent concern, the employee may  
24 report such complaint or information directly to Congress  
25 as described in subparagraph (A)—

1           “(i) in lieu of reporting such complaint or infor-  
2           mation under paragraph (1); or

3           “(ii) in addition to reporting such complaint or  
4           information under paragraph (1).

5           “(C)(i) In the case of a complaint or information con-  
6           taining classified information, an employee may contact  
7           Congress directly as described in subparagraph (A) of this  
8           paragraph only if the employee contacts designated non-  
9           partisan staff of an intelligence committee and obtains and  
10          follows from the Director of National Intelligence, through  
11          the Inspector General, or from a security officer appointed  
12          under section 103H(j)(5) of the National Security Act of  
13          1947 (50 U.S.C. 3033(j)(5)) guidance and direction on  
14          how to report to Congress under subparagraph (A) of this  
15          paragraph in accordance with appropriate security prac-  
16          tices.

17          “(ii) If an employee contacts designated nonpartisan  
18          staff and seeks guidance and direction under clause (i)  
19          and does not receive the guidance and direction sought  
20          within 30 calendar days or fewer, the employee may con-  
21          tact Congress directly as described in subparagraph (A)  
22          without obtaining and following guidance and direction  
23          under clause (i) of this subparagraph.

24          “(D) If an employee described in subparagraph (A)  
25          reports a complaint or information to Congress as de-

1 scribed in such subparagraph, such employee shall provide  
2 testimony or an interview to an intelligence committee if—

3 “(i) such testimony or interview is requested by  
4 the Chairman, Vice Chairman, or Ranking Member  
5 of such intelligence committee;

6 “(ii) not later than 48 hours after making the  
7 request described in clause (i) and not fewer than 7  
8 days before the testimony or interview is provided,  
9 the Chairman, Vice Chairman, or Ranking Member  
10 who made the request notifies the Chairman, Vice  
11 Chairman, or Ranking Member of such committee  
12 who did not make the request; and

13 “(iii) such testimony or interview is held in a  
14 closed session in accordance with appropriate classi-  
15 fication guidelines and requisite protections for indi-  
16 vidual safety.”.

17 (b) APPOINTMENT OF PERMANENT SECURITY OFFI-  
18 CERS.—Section 103H(j) of the National Security Act of  
19 1947 (50 U.S.C. 3033(j)) is amended by adding at the  
20 end the following:

21 “(5) The Inspector General shall appoint within the  
22 office of the Inspector General security officers to provide,  
23 on a permanent basis, confidential, security-related guid-  
24 ance and direction to an employee of an element of the  
25 intelligence community, an employee assigned or detailed

1 to an element of the intelligence community, or an em-  
 2 ployee of a contractor of an element of the intelligence  
 3 community who intends to report to Congress a complaint  
 4 or information so that such employee can obtain direction  
 5 on how to report to Congress in accordance with appro-  
 6 priate security practices.”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) NATIONAL SECURITY ACT OF 1947.—Section  
 9 103H(k)(5)(D) of the National Security Act of 1947  
 10 (50 U.S.C. 3033(k)(5)(D)) is amended—

11 (A) in clause (i), by striking “by con-  
 12 tacting” and all that follows and inserting the  
 13 following: “by contacting, directly—

14 “(I) the Chairman and Vice Chairman of the  
 15 Select Committee on Intelligence of the Senate, or a  
 16 nonpartisan member of the staff of such Committee  
 17 who has been designated by the Committee for pur-  
 18 poses of receiving complaints or information under  
 19 this subparagraph; or

20 “(II) the Chairman and Ranking Member of  
 21 the Permanent Select Committee on Intelligence of  
 22 the House of Representatives, or a nonpartisan  
 23 member of the staff of such Committee who has  
 24 been designated by the Committee for purposes of

1 receiving complaints or information under this sub-  
2 paragraph.”;

3 (B) by amending clause (ii) to read as fol-  
4 lows:

5 “(ii)(I) In the case of a complaint or information con-  
6 taining classified information, an employee may contact  
7 Congress as described in clause (i) of this paragraph only  
8 if the employee contacts designated nonpartisan staff of  
9 a congressional intelligence committee and obtains and fol-  
10 lows from the Director of National Intelligence, through  
11 the Inspector General, or from a security officer appointed  
12 under subsection (j)(5) guidance and direction on how to  
13 report to Congress under clause (i) of this subparagraph  
14 in accordance with appropriate security practices.

15 “(II) If an employee contacts designated nonpartisan  
16 staff and seeks guidance and direction under subclause (I)  
17 and does not receive the guidance and direction sought  
18 within 30 calendar days or fewer, the employee may con-  
19 tact Congress directly as described in clause (i) without  
20 obtaining and following guidance and direction under sub-  
21 clause (I) of this clause.”; and

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

23 “(iv) If an employee described in clause (i) reports  
24 a complaint or information to Congress as described in

1 such clause, such employee shall provide testimony or an  
 2 interview to a congressional intelligence committee if—

3 “(I) such testimony or interview is requested by  
 4 the Chairman, Vice Chairman, or Ranking Member  
 5 of such congressional intelligence committee;

6 “(II) not later than 48 hours after making the  
 7 request described in subclause (I) and not fewer  
 8 than 7 days before the testimony or interview is pro-  
 9 vided, the Chairman, Vice Chairman, or Ranking  
 10 Member who made the request notifies the Chair-  
 11 man, Vice Chairman, or Ranking Member of such  
 12 committee who did not make the request; and

13 “(III) such testimony or interview is held in a  
 14 closed session in accordance with appropriate classi-  
 15 fication guidelines and requisite protections for indi-  
 16 vidual safety.”.

17 (2) CENTRAL INTELLIGENCE AGENCY ACT OF  
 18 1949.—Section 17(d)(5)(D) of the Central Intel-  
 19 ligence Agency Act of 1949 (50 U.S.C.  
 20 3517(d)(5)(D)) is amended—

21 (A) in clause (i), by striking “by con-  
 22 tacting” and all that follows and inserting the  
 23 following: “by contacting, directly—

24 “(I) the Chairman and Vice Chairman of the  
 25 Select Committee on Intelligence of the Senate, or a

1       nonpartisan member of the staff of such Committee  
2       who has been designated by the Committee for pur-  
3       poses of receiving complaints or information under  
4       this subparagraph; or

5               “(II) the Chairman and Ranking Member of  
6       the Permanent Select Committee on Intelligence of  
7       the House of Representatives, or a nonpartisan  
8       member of the staff of such Committee who has  
9       been designated by the Committee for purposes of  
10      receiving complaints or information under this sub-  
11      paragraph.”;

12               (B) by amending clause (ii) to read as fol-  
13      lows:

14      “(ii)(I) In the case of a complaint or information con-  
15      taining classified information, the employee may contact  
16      Congress as described in clause (i) of this paragraph only  
17      if the employee contacts designated nonpartisan staff of  
18      an intelligence committee and obtains and follows from the  
19      Director, through the Inspector General, or from a secu-  
20      rity officer appointed under section 103H(j)(5) of the Na-  
21      tional Security Act of 1947 (50 U.S.C. 3033(j)(5)) guid-  
22      ance and direction on how to report to Congress under  
23      clause (i) of this subparagraph in accordance with appro-  
24      priate security practices.

1       “(II) If an employee contacts designated nonpartisan  
2 staff and seeks guidance and direction under subclause (I)  
3 and does not receive the guidance and direction sought  
4 within 30 calendar days or fewer, the employee may con-  
5 tact Congress directly as described in clause (i) without  
6 obtaining and following guidance and direction under sub-  
7 clause (I) of this clause.”; and

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

9       “(iv) If an employee described in clause (i) reports  
10 a complaint or information to Congress as described in  
11 such clause, such employee shall provide testimony or an  
12 interview to an intelligence committee if—

13           “(I) such testimony or interview is requested by  
14 the Chairman, Vice Chairman, or Ranking Member  
15 of such intelligence committee;

16           “(II) not later than 48 hours after making the  
17 request described in subclause (I) and not fewer  
18 than 7 days before the testimony or interview is pro-  
19 vided, the Chairman, Vice Chairman, or Ranking  
20 Member who made the request notifies the Chair-  
21 man, Vice Chairman, or Ranking Member of such  
22 committee who did not make the request; and

23           “(III) such testimony or interview is held in a  
24 closed session in accordance with appropriate classi-



1       fication guidelines and requisite protections for indi-  
2       vidual safety.”.

3               (3) INSPECTOR GENERAL ACT OF 1978.—Sec-  
4       tion 8H(d) of the Inspector General Act of 1978 (5  
5       U.S.C. App. 8H(d)) is amended—

6               (A) in paragraph (1), by striking “by con-  
7       tacting” and all that follows and inserting the  
8       following: “by contacting, directly—

9       “(A) the Chairman and Vice Chairman of the  
10      Select Committee on Intelligence of the Senate, or a  
11      nonpartisan member of the staff of such Committee  
12      who has been designated by the Committee for pur-  
13      poses of receiving complaints or information under  
14      this paragraph; or

15      “(B) the Chairman and Ranking Member of the  
16      Permanent Select Committee on Intelligence of the  
17      House of Representatives, or a nonpartisan member  
18      of the staff of such Committee who has been des-  
19      ignated by the Committee for purposes of receiving  
20      complaints or information under this paragraph.”;

21              (B) by amending paragraph (2) to read as  
22      follows:

23      “(2)(A) Subject to subparagraph (B), the employee  
24      may contact Congress directly as described in paragraph  
25      (1) of this subsection only if the employee contacts des-

1   ignated nonpartisan staff of an intelligence committee and  
2   obtains and follows from the head of the establishment,  
3   through the Inspector General, or from a security officer  
4   appointed under section 103H(j)(5) of the National Secu-  
5   rity Act of 1947 (50 U.S.C. 3033(j)(5)) guidance and di-  
6   rection on how to report to Congress in accordance with  
7   appropriate security practices.

8       “(B) If an employee contacts designated nonpartisan  
9   staff and seeks guidance and direction under subpara-  
10   graph (A) and does not receive the guidance and direction  
11   sought within 30 days or fewer, the employee may contact  
12   Congress directly as described in paragraph (1) without  
13   obtaining and following guidance and direction under sub-  
14   paragraph (A) of this paragraph.”; and

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

16       “(4) If an employee described in paragraph (1) re-  
17   ports a complaint or information to Congress as described  
18   in such paragraph, such employee shall provide testimony  
19   or an interview to an intelligence committee if—

20               “(A) such testimony or interview is requested  
21   by the Chairman, Vice Chairman, or Ranking Mem-  
22   ber of such intelligence committee;

23               “(B) not later than 48 hours after making the  
24   request described in subparagraph (A) and not fewer  
25   than 7 days before the testimony or interview is pro-

1 vided, the Chairman, Vice Chairman, or Ranking  
 2 Member who made the request notifies the Chair-  
 3 man, Vice Chairman, or Ranking Member of such  
 4 committee who did not make the request; and

5 “(C) such testimony or interview is held in a  
 6 closed session in accordance with appropriate classi-  
 7 fication guidelines and requisite protections for indi-  
 8 vidual safety.”.

9 **SEC. 324. LIMITATION ON SHARING OF INTELLIGENCE**  
 10 **COMMUNITY WHISTLEBLOWER COMPLAINTS**  
 11 **WITH PERSONS NAMED IN SUCH COM-**  
 12 **PLAINTS.**

13 Section 8H of the Inspector General Act of 1978 (5  
 14 U.S.C. App. 8H) is amended—

15 (1) by redesignating subsection (h) as sub-  
 16 section (i); and

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

19 “(h)(1) It shall be unlawful for an employee or agent  
 20 of the Federal Government to share any complaint or in-  
 21 formation submitted to an Inspector General under this  
 22 section with any person named as a subject of the com-  
 23 plaint or information, unless—

1           “(A) the person who submitted the complaint or  
2           information consents, in writing, to such sharing;  
3           and

4           “(B) such sharing is part of an investigation of  
5           an alleged violation of section 1104 of the National  
6           Security Act of 1947 (50 U.S.C. 3234) that involves  
7           a personnel action described in subsection (a)(3)(J)  
8           of such section.

9           “(2) Any person who violates paragraph (1) shall be  
10          fined in accordance with title 18, United States Code, im-  
11          prisoned for not more than 2 years, or both.

12          “(3) In any case in which an Inspector General under  
13          this section learns of a violation of paragraph (1), such  
14          Inspector General shall notify the congressional intel-  
15          ligence committees of such violation.”.

1 **Subtitle C—Reports and Assess-**  
 2 **ments Pertaining to Intelligence**  
 3 **Community**

4 **SEC. 331. ASSESSMENT BY THE COMPTROLLER GENERAL**  
 5 **OF THE UNITED STATES ON EFFORTS OF THE**  
 6 **INTELLIGENCE COMMUNITY AND THE DE-**  
 7 **PARTMENT OF DEFENSE TO IDENTIFY AND**  
 8 **MITIGATE RISKS POSED TO THE INTEL-**  
 9 **LIGENCE COMMUNITY AND THE DEPART-**  
 10 **MENT BY THE USE OF DIRECT-TO-CONSUMER**  
 11 **GENETIC TESTING BY THE GOVERNMENT OF**  
 12 **THE PEOPLE’S REPUBLIC OF CHINA.**

13 (a) **ASSESSMENT REQUIRED.**—The Comptroller Gen-  
 14 eral of the United States shall assess the efforts of the  
 15 intelligence community and the Department of Defense to  
 16 identify and mitigate the risks posed to the intelligence  
 17 community and the Department by the use of direct-to-  
 18 consumer genetic testing by the Government of the Peo-  
 19 ple’s Republic of China.

20 (b) **REPORT REQUIRED.**—

21 (1) **DEFINITION OF UNITED STATES DIRECT-**  
 22 **TO-CONSUMER GENETIC TESTING COMPANY.**—In this  
 23 subsection, the term “United States direct-to-con-  
 24 sumer genetic testing company” means a private en-  
 25 tity that—

1 (A) carries out direct-to-consumer genetic  
2 testing; and

3 (B) is organized under the laws of the  
4 United States or any jurisdiction within the  
5 United States.

6 (2) IN GENERAL.—Not later than 180 days  
7 after the date of the enactment of this Act, the  
8 Comptroller General shall submit to Congress a re-  
9 port on the assessment required by subsection (a).

10 (3) ELEMENTS.—The report required by para-  
11 graph (2) shall include the following:

12 (A) A description of key national security  
13 risks and vulnerabilities associated with direct-  
14 to-consumer genetic testing, including—

15 (i) how the Government of the Peo-  
16 ple's Republic of China may be using data  
17 provided by personnel of the intelligence  
18 community and the Department through  
19 direct-to-consumer genetic tests; and

20 (ii) how ubiquitous technical surveil-  
21 lance may amplify those risks.

22 (B) An assessment of the extent to which  
23 the intelligence community and the Department  
24 have identified risks and vulnerabilities posed  
25 by direct-to-consumer genetic testing and have

1           sought to mitigate such risks and  
2           vulnerabilities, or have plans for such mitiga-  
3           tion, including the extent to which the intel-  
4           ligence community has determined—

5                   (i) in which United States direct-to-  
6           consumer genetic testing companies the  
7           Government of the People’s Republic of  
8           China or entities owned or controlled by  
9           the Government of the People’s Republic of  
10          China have an ownership interest; and

11                   (ii) which United States direct-to-con-  
12          sumer genetic testing companies may have  
13          sold data to the Government of the Peo-  
14          ple’s Republic of China or entities owned  
15          or controlled by the Government of the  
16          People’s Republic of China.

17           (C) Such recommendations as the Comp-  
18          troller General may have for action by the intel-  
19          ligence community and the Department to im-  
20          prove the identification and mitigation of risks  
21          and vulnerabilities posed by the use of direct-to-  
22          consumer genetic testing by the Government of  
23          the People’s Republic of China.

1           (4) FORM.—The report required by paragraph  
 2           (2) shall be submitted in unclassified form, but may  
 3           include a classified annex.

4           (c) COOPERATION.—The heads of relevant elements  
 5 of the intelligence community and components of the De-  
 6 partment shall—

7           (1) fully cooperate with the Comptroller Gen-  
 8           eral in conducting the assessment required by sub-  
 9           section (a); and

10          (2) provide any information and data required  
 11 by the Comptroller General to conduct the assess-  
 12 ment.

13 **SEC. 332. REPORT ON USE BY INTELLIGENCE COMMUNITY**  
 14 **OF HIRING FLEXIBILITIES AND EXPEDITED**  
 15 **HUMAN RESOURCES PRACTICES TO ASSURE**  
 16 **QUALITY AND DIVERSITY IN THE WORK-**  
 17 **FORCE OF THE INTELLIGENCE COMMUNITY.**

18          (a) IN GENERAL.—Not later than 180 days after the  
 19 date of the enactment of this Act, the Director of National  
 20 Intelligence shall submit to the congressional intelligence  
 21 committees a report on how elements of the intelligence  
 22 community are exercising hiring flexibilities and expedited  
 23 human resources practices afforded under section 3326 of  
 24 title 5, United States Code, and subpart D of part 315  
 25 of title 5, Code of Federal Regulations, or successor regu-



1 lation, to assure quality and diversity in the workforce of  
2 the intelligence community.

3 (b) OBSTACLES.—The report submitted under sub-  
4 section (a) shall include identification of any obstacles en-  
5 countered by the intelligence community in exercising the  
6 authorities described in such subsection.

7 **SEC. 333. REPORT ON SIGNALS INTELLIGENCE PRIORITIES**  
8 **AND REQUIREMENTS.**

9 (a) REPORT REQUIRED.—Not later than 30 days  
10 after the date of the enactment of this Act, the Director  
11 of National Intelligence shall submit to the congressional  
12 intelligence committees a report on signals intelligence pri-  
13 orities and requirements subject to Presidential Policy Di-  
14 rective 28.

15 (b) ELEMENTS.—The report required by subsection  
16 (a) shall cover the following:

17 (1) The implementation of the annual process  
18 for advising the Director on signals intelligence pri-  
19 orities and requirements described in section 3 of  
20 Presidential Policy Directive 28.

21 (2) The signals intelligence priorities and re-  
22 quirements as of the most recent annual process.

23 (3) The application of such priorities and re-  
24 quirements to the signals intelligence collection ef-  
25 forts of the intelligence community.

1           (4) The contents of the classified annex ref-  
2           erenced in section 3 of Presidential Policy Directive  
3           28.

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

7   **SEC. 334. ASSESSMENT OF DEMAND FOR STUDENT LOAN**  
8                           **REPAYMENT PROGRAM BENEFIT.**

9           (a) IN GENERAL.—Not later than 90 days after the  
10          date of the enactment of this Act, the head of each ele-  
11          ment of the intelligence community shall—

12               (1) calculate the number of personnel of that  
13               element who qualify for a student loan repayment  
14               program benefit;

15               (2) compare the number calculated under para-  
16               graph (1) to the number of personnel who apply for  
17               such a benefit;

18               (3) provide recommendations for how to struc-  
19               ture such a program to optimize participation and  
20               enhance the effectiveness of the benefit as a reten-  
21               tion tool, including with respect to the amount of the  
22               benefit offered and the length of time an employee  
23               receiving a benefit is required to serve under a con-  
24               tinuing service agreement; and

1           (4) identify any shortfall in funds or authorities  
2       needed to provide such a benefit.

3       (b) INCLUSION IN FISCAL YEAR 2022 BUDGET SUB-  
4 MISSION.—The Director of National Intelligence shall in-  
5 clude in the budget justification materials submitted to  
6 Congress in support of the budget for the intelligence com-  
7 munity for fiscal year 2022 (as submitted with the budget  
8 of the President under section 1105(a) of title 31, United  
9 States Code) a report on the findings of the elements of  
10 the intelligence community under subsection (a).

11 **SEC. 335. ASSESSMENT OF INTELLIGENCE COMMUNITY DE-**  
12 **MAND FOR CHILD CARE.**

13       (a) IN GENERAL.—Not later than 180 days after the  
14 date of the enactment of this Act, the Director of National  
15 Intelligence, in coordination with the heads of the elements  
16 of the intelligence community specified in subsection (b),  
17 shall submit to the congressional intelligence committees  
18 a report that includes—

19           (1) a calculation of the total annual demand for  
20 child care by employees of such elements, at or near  
21 the workplaces of such employees, including a cal-  
22 culation of the demand for early morning and  
23 evening child care;

24           (2) an identification of any shortfall between  
25 the demand calculated under paragraph (1) and the

1 child care supported by such elements as of the date  
2 of the report;

3 (3) an assessment of options for addressing any  
4 such shortfall, including options for providing child  
5 care at or near the workplaces of employees of such  
6 elements;

7 (4) an identification of the advantages, dis-  
8 advantages, security requirements, and costs associ-  
9 ated with each such option;

10 (5) a plan to meet, by the date that is 5 years  
11 after the date of the report—

12 (A) the demand calculated under para-  
13 graph (1); or

14 (B) an alternative standard established by  
15 the Director for child care available to employ-  
16 ees of such elements; and

17 (6) an assessment of needs of specific elements  
18 of the intelligence community, including any Govern-  
19 ment-provided child care that could be collocated  
20 with a workplace of employees of such an element  
21 and any available child care providers in the prox-  
22 imity of such a workplace.

23 (b) ELEMENTS SPECIFIED.—The elements of the in-  
24 telligence community specified in this subsection are the  
25 following:

- 1 (1) The Central Intelligence Agency.
- 2 (2) The National Security Agency.
- 3 (3) The Defense Intelligence Agency.
- 4 (4) The National Geospatial-Intelligence Agen-
- 5 cy.
- 6 (5) The National Reconnaissance Office.
- 7 (6) The Office of the Director of National Intel-
- 8 ligence.

9 **SEC. 336. OPEN SOURCE INTELLIGENCE STRATEGIES AND**  
 10 **PLANS FOR THE INTELLIGENCE COMMUNITY.**

11 (a) REQUIREMENT FOR SURVEY AND EVALUATION  
 12 OF CUSTOMER FEEDBACK.—Not later than 90 days after  
 13 the date of the enactment of this Act, the Director of Na-  
 14 tional Intelligence, in coordination with the head of each  
 15 element of the intelligence community, shall—

16 (1) conduct a survey of the open source intel-  
 17 ligence requirements, goals, monetary and property  
 18 investments, and capabilities for each element of the  
 19 intelligence community; and

20 (2) evaluate the usability and utility of the  
 21 Open Source Enterprise by soliciting customer feed-  
 22 back and evaluating such feedback.

23 (b) REQUIREMENT FOR OVERALL STRATEGY AND  
 24 FOR INTELLIGENCE COMMUNITY, PLAN FOR IMPROVING  
 25 USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK

1 ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not  
 2 later than 180 days after the date of the enactment of  
 3 this Act, the Director, in coordination with the head of  
 4 each element of the intelligence community and using the  
 5 findings of the Director with respect to the survey con-  
 6 ducted under subsection (a), shall—

7           (1) develop a strategy for open source intel-  
 8           ligence collection, analysis, and production that de-  
 9           fines the overarching goals, roles, responsibilities,  
 10          and processes for such collection, analysis, and pro-  
 11          duction for the intelligence community;

12          (2) develop a plan for improving usability and  
 13          utility of the Open Source Enterprise based on the  
 14          customer feedback solicited under subsection (a)(2);  
 15          and

16          (3) conduct a risk and benefit analysis of cre-  
 17          ating an open source center independent of any cur-  
 18          rent intelligence community element.

19       (c) REQUIREMENT FOR PLAN FOR CENTRALIZED  
 20 DATA REPOSITORY.—Not later than 270 days after the  
 21 date of the enactment of this Act and using the findings  
 22 of the Director with respect to the survey and evaluation  
 23 conducted under subsection (a), the strategy and plan de-  
 24 veloped under subsection (b), and the risk and benefit  
 25 analysis conducted under such subsection, the Director

1 shall develop a plan for a centralized data repository of  
2 open source intelligence that enables all elements of the  
3 intelligence community—

4           (1) to use such repository for their specific re-  
5           quirements; and

6           (2) to derive open source intelligence advan-  
7           tages.

8           (d) REQUIREMENT FOR COST-SHARING MODEL.—

9 Not later than 1 year after the date of the enactment of  
10 this Act and using the findings of the Director with re-  
11 spect to the survey and evaluation conducted under sub-  
12 section (a), the strategy and plan developed under sub-  
13 section (b), the risk and benefit analysis conducted under  
14 such subsection, and the plan developed under subsection  
15 (c), the Director shall develop a cost-sharing model that  
16 leverages the open source intelligence investments of each  
17 element of the intelligence community for the beneficial  
18 use of the entire intelligence community.

19           (e) CONGRESSIONAL BRIEFING.—Not later than 1  
20 year after the date of the enactment of this Act, the Direc-  
21 tor of National Intelligence, the Director of the Central  
22 Intelligence Agency, the Director of the Defense Intel-  
23 ligence Agency, the Director of the National Geospatial-  
24 Intelligence Agency, and the Director of the National Se-

1 curity Agency shall jointly brief the congressional intel-  
2 ligence committees on—

3 (1) the strategy developed under paragraph (1)  
4 of subsection (b);

5 (2) the plan developed under paragraph (2) of  
6 such subsection;

7 (3) the plan developed under subsection (c);  
8 and

9 (4) the cost-sharing model developed under sub-  
10 section (d).

11 **SEC. 337. PLAN FOR ESTABLISHING AN ELEMENT OF THE**  
12 **INTELLIGENCE COMMUNITY WITHIN THE**  
13 **UNITED STATES SPACE FORCE.**

14 Not later than 180 days after the date of the enact-  
15 ment of this Act, the Director of National Intelligence and  
16 the Under Secretary of Defense for Intelligence and Secu-  
17 rity, in coordination with the Secretary of the Air Force  
18 and the Chief of Space Operations, shall submit to the  
19 congressional intelligence committees, the Committee on  
20 Armed Services of the Senate, and the Committee on  
21 Armed Services of the House of Representatives a plan  
22 for establishing an element of the intelligence community  
23 within the United States Space Force.



1 **TITLE IV—SECURITY CLEAR-**  
 2 **ANCES AND TRUSTED WORK-**  
 3 **FORCE**

4 **SEC. 401. EXCLUSIVITY, CONSISTENCY, AND TRANS-**  
 5 **PARENCY IN SECURITY CLEARANCE PROCE-**  
 6 **DURES, AND RIGHT TO APPEAL.**

7 (a) EXCLUSIVITY OF PROCEDURES.—Section 801 of  
 8 the National Security Act of 1947 (50 U.S.C. 3161) is  
 9 amended by adding at the end the following:

10 “(c) EXCLUSIVITY.—Except as provided in sub-  
 11 section (b) and subject to sections 801A and 801B, the  
 12 procedures established pursuant to subsection (a) and pro-  
 13 mulgated and set forth under subpart A of title 32, Code  
 14 of Federal Regulations, or successor regulations, shall be  
 15 the exclusive procedures by which decisions about eligi-  
 16 bility for access to classified information are governed.”.

17 (b) TRANSPARENCY.—Such section is further amend-  
 18 ed by adding at the end the following:

19 “(d) PUBLICATION.—

20 “(1) IN GENERAL.—Not later than 180 days  
 21 after the date of the enactment of this subsection,  
 22 the President shall—

23 “(A) publish in the Federal Register the  
 24 procedures established pursuant to subsection  
 25 (a); or

1           “(B) submit to Congress a certification  
 2           that the procedures currently in effect that gov-  
 3           ern access to classified information as described  
 4           in subsection (a)—

5                   “(i) are published in the Federal Reg-  
 6                   ister; and

7                   “(ii) comply with the requirements of  
 8                   subsection (a).

9           “(2) UPDATES.—Whenever the President  
 10          makes a revision to a procedure established pursuant  
 11          to subsection (a), the President shall publish such  
 12          revision in the Federal Register not later than 30  
 13          days before the date on which the revision becomes  
 14          effective.”.

15          (c) CONSISTENCY.—

16               (1) IN GENERAL.—Title VIII of the National  
 17          Security Act of 1947 (50 U.S.C. 3161 et seq.) is  
 18          amended by inserting after section 801 the fol-  
 19          lowing:

20      **“SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSI-**  
 21                   **FIED INFORMATION.**

22               “(a) DEFINITIONS.—In this section:

23                   “(1) AGENCY.—The term ‘agency’ has the  
 24                   meaning given the term ‘Executive agency’ in section  
 25                   105 of title 5, United States Code.

1           “(2) CLASSIFIED INFORMATION.—The term  
 2           ‘classified information’ includes sensitive compart-  
 3           mented information, restricted data, restricted han-  
 4           dling information, and other compartmented infor-  
 5           mation.

6           “(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED  
 7           INFORMATION.—The term ‘eligibility for access to  
 8           classified information’ has the meaning given such  
 9           term in the procedures established pursuant to sec-  
 10          tion 801(a).

11          “(b) IN GENERAL.—Each head of an agency that  
 12          makes a determination regarding eligibility for access to  
 13          classified information shall ensure that in making the de-  
 14          termination, the head of the agency or any person acting  
 15          on behalf of the head of the agency—

16               “(1) does not violate any right or protection en-  
 17               shrined in the Constitution of the United States, in-  
 18               cluding rights articulated in the First, Fifth, and  
 19               Fourteenth Amendments;

20               “(2) does not discriminate for or against an in-  
 21               dividual on the basis of race, ethnicity, color, reli-  
 22               gion, sex, national origin, age, or handicap;

23               “(3) is not carrying out—

24                       “(A) retaliation for political activities or  
 25                       beliefs; or

1 “(B) a coercion or reprisal described in  
 2 section 2302(b)(3) of title 5, United States  
 3 Code; and

4 “(4) does not violate section 3001(j)(1) of the  
 5 Intelligence Reform and Terrorism Prevention Act  
 6 of 2004 (50 U.S.C. 3341(j)(1)).”.

7 (2) CLERICAL AMENDMENT.—The table of con-  
 8 tents in the matter preceding section 2 of the Na-  
 9 tional Security Act of 1947 (50 U.S.C. 3002) is  
 10 amended by inserting after the item relating to sec-  
 11 tion 801 the following:

“Sec. 801A. Decisions relating to access to classified information.”.

12 (d) RIGHT TO APPEAL.—

13 (1) IN GENERAL.—Such title, as amended by  
 14 subsection (c), is further amended by inserting after  
 15 section 801A the following:

16 **“SEC. 801B. RIGHT TO APPEAL.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) AGENCY.—The term ‘agency’ has the  
 19 meaning given the term ‘Executive agency’ in section  
 20 105 of title 5, United States Code.

21 “(2) COVERED PERSON.—The term ‘covered  
 22 person’ means a person, other than the President  
 23 and Vice President, currently or formerly employed  
 24 in, detailed to, assigned to, or issued an authorized  
 25 conditional offer of employment for a position that

1 requires access to classified information by an agen-  
2 cy, including the following:

3 “(A) A member of the Armed Forces.

4 “(B) A civilian.

5 “(C) An expert or consultant with a con-  
6 tractual or personnel obligation to an agency.

7 “(D) Any other category of person who  
8 acts for or on behalf of an agency as deter-  
9 mined by the head of the agency.

10 “(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED  
11 INFORMATION.—The term ‘eligibility for access to  
12 classified information’ has the meaning given such  
13 term in the procedures established pursuant to sec-  
14 tion 801(a).

15 “(4) NEED FOR ACCESS.—The term ‘need for  
16 access’ has such meaning as the President may de-  
17 fine in the procedures established pursuant to sec-  
18 tion 801(a).

19 “(5) RECIPROCITY OF CLEARANCE.—The term  
20 ‘reciprocity of clearance’, with respect to a denial by  
21 an agency, means that the agency, with respect to  
22 a covered person—

23 “(A) failed to accept a security clearance  
24 background investigation as required by para-  
25 graph (1) of section 3001(d) of the Intelligence

1           Reform and Terrorism Prevention Act of 2004  
2           (50 U.S.C. 3341(d));

3           “(B) failed to accept a transferred security  
4           clearance background investigation required by  
5           paragraph (2) of such section;

6           “(C) subjected the covered person to an  
7           additional investigative or adjudicative require-  
8           ment in violation of paragraph (3) of such sec-  
9           tion; or

10          “(D) conducted an investigation in viola-  
11          tion of paragraph (4) of such section.

12          “(6) SECURITY EXECUTIVE AGENT.—The term  
13          ‘Security Executive Agent’ means the officer serving  
14          as the Security Executive Agent pursuant to section  
15          803.

16          “(b) AGENCY REVIEW.—

17          “(1) IN GENERAL.—Not later than 180 days  
18          after the date of the enactment of the Intelligence  
19          Authorization Act for Fiscal Year 2021, each head  
20          of an agency shall, consistent with the interest of  
21          national security, establish and publish in the Fed-  
22          eral Register a process by which a covered person to  
23          whom eligibility for access to classified information  
24          was denied or revoked by the agency or for whom  
25          reciprocity of clearance was denied by the agency

1       can appeal that denial or revocation within the agen-  
2       cy.

3               “(2) ELEMENTS.—The process required by  
4       paragraph (1) shall include the following:

5               “(A) In the case of a covered person to  
6       whom eligibility for access to classified informa-  
7       tion or reciprocity of clearance is denied or re-  
8       voked by an agency, the following:

9               “(i) The head of the agency shall pro-  
10      vide the covered person with a written—

11              “(I) detailed explanation of the  
12      basis for the denial or revocation as  
13      the head of the agency determines is  
14      consistent with the interests of na-  
15      tional security and as permitted by  
16      other applicable provisions of law; and

17              “(II) notice of the right of the  
18      covered person to a hearing and ap-  
19      peal under this subsection.

20              “(ii) Not later than 30 days after re-  
21      ceiving a request from the covered person  
22      for copies of the documents that formed  
23      the basis of the agency’s decision to revoke  
24      or deny, including the investigative file, the

1 head of the agency shall provide to the cov-  
2 ered person copies of such documents as—

3 “(I) the head of the agency de-  
4 termines is consistent with the inter-  
5 ests of national security; and

6 “(II) permitted by other applica-  
7 ble provisions of law, including—

8 “(aa) section 552 of title 5,  
9 United States Code (commonly  
10 known as the ‘Freedom of Infor-  
11 mation Act’);

12 “(bb) section 552a of such  
13 title (commonly known as the  
14 ‘Privacy Act of 1974’); and

15 “(cc) such other provisions  
16 of law relating to the protection  
17 of confidential sources and pri-  
18 vacy of individuals.

19 “(iii)(I) The covered person shall have  
20 the opportunity to retain counsel or other  
21 representation at the covered person’s ex-  
22 pense.

23 “(II) Upon the request of the covered  
24 person, and a showing that the ability to  
25 review classified information is essential to



1 the resolution of an appeal under this sub-  
2 section, counsel or other representation re-  
3 tained under this clause shall be considered  
4 for access to classified information for the  
5 limited purposes of such appeal.

6 “(iv)(I) The head of the agency shall  
7 provide the covered person an opportunity,  
8 at a point in the process determined by the  
9 agency head—

10 “(aa) to appear personally before  
11 an adjudicative or other authority,  
12 other than the investigating entity,  
13 and to present to such authority rel-  
14 evant documents, materials, and infor-  
15 mation, including evidence that past  
16 problems relating to the denial or rev-  
17 ocation have been overcome or suffi-  
18 ciently mitigated; and

19 “(bb) to call and cross-examine  
20 witnesses before such authority, un-  
21 less the head of the agency determines  
22 that calling and cross-examining wit-  
23 nesses is not consistent with the inter-  
24 ests of national security.

1           “(II) The head of the agency shall  
2           make, as part of the security record of the  
3           covered person, a written summary, tran-  
4           script, or recording of any appearance  
5           under item (aa) of subclause (I) or of any  
6           calling or cross-examining of witnesses  
7           under item (bb) of such subclause.

8           “(v) On or before the date that is 30  
9           days after the date on which the covered  
10          person receives copies of documents under  
11          clause (ii), the covered person may request  
12          a hearing of the decision to deny or revoke  
13          by filing a written appeal with the head of  
14          the agency.

15          “(B) A requirement that each review of a  
16          decision under this subsection is completed on  
17          average not later than 180 days after the date  
18          on which a hearing is requested under subpara-  
19          graph (A)(v).

20          “(3) AGENCY REVIEW PANELS.—

21                 “(A) IN GENERAL.—Each head of an  
22                 agency shall establish a panel to hear and re-  
23                 view appeals under this subsection.

24                 “(B) MEMBERSHIP.—

1           “(i) COMPOSITION.—Each panel es-  
2           tablished by the head of an agency under  
3           subparagraph (A) shall be composed of at  
4           least three employees of the agency se-  
5           lected by the agency head, two of whom  
6           shall not be members of the security field.

7           “(ii) TERMS.—A term of service on a  
8           panel established by the head of an agency  
9           under subparagraph (A) shall not exceed 2  
10          years.

11          “(C) DECISIONS.—

12           “(i) WRITTEN.—Each decision of a  
13           panel established under subparagraph (A)  
14           shall be in writing and contain a justifica-  
15           tion of the decision.

16           “(ii) CONSISTENCY.—Each head of an  
17           agency that establishes a panel under sub-  
18           paragraph (A) shall ensure that each deci-  
19           sion of the panel is consistent with the in-  
20           terests of national security and applicable  
21           provisions of law.

22           “(iii) OVERTURN.—The head of an  
23           agency may overturn a decision of the  
24           panel if, not later than 30 days after the  
25           date on which the panel issues the deci-

1           sion, the agency head personally exercises  
 2           the authority granted by this clause to  
 3           overturn such decision.

4           “(iv) FINALITY.—Each decision of a  
 5           panel established under subparagraph (A)  
 6           or overturned pursuant to clause (iii) of  
 7           this subparagraph shall be final but sub-  
 8           ject to appeal and review under subsection  
 9           (c).

10          “(D) ACCESS TO CLASSIFIED INFORMA-  
 11          TION.—The head of an agency that establishes  
 12          a panel under subparagraph (A) shall afford ac-  
 13          cess to classified information to the members of  
 14          the panel as the agency head determines—

15               “(i) necessary for the panel to hear  
 16               and review an appeal under this sub-  
 17               section; and

18               “(ii) consistent with the interests of  
 19               national security.

20          “(4) REPRESENTATION BY COUNSEL.—

21               “(A) IN GENERAL.—Each head of an  
 22               agency shall ensure that, under this subsection,  
 23               a covered person appealing a decision of the  
 24               head’s agency under this subsection has an op-

portunity to retain counsel or other representation at the covered person's expense.

“(B) ACCESS TO CLASSIFIED INFORMATION.—

“(i) IN GENERAL.—Upon the request of a covered person appealing a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall sponsor an application by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

“(ii) EXTENT OF ACCESS.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

“(5) CORRECTIVE ACTION.—

“(A) IN GENERAL.—If, in the course of proceedings under this subsection, the head of an agency or a panel established by the agency

1 head under paragraph (3) decides that a cov-  
2 ered person's eligibility for access to classified  
3 information was improperly denied or revoked  
4 by the agency, the agency shall take corrective  
5 action to return the covered person, as nearly  
6 as practicable and reasonable, to the position  
7 such covered person would have held had the  
8 improper denial or revocation not occurred.

9 “(B) COMPENSATION.—Corrective action  
10 under subparagraph (A) may include compensa-  
11 tion, in an amount not to exceed \$300,000, for  
12 any loss of wages or benefits suffered, or ex-  
13 penses otherwise incurred, by reason of such  
14 improper denial or revocation.

15 “(6) PUBLICATION OF DECISIONS.—

16 “(A) IN GENERAL.—Each head of an  
17 agency shall publish each final decision on an  
18 appeal under this subsection.

19 “(B) REQUIREMENTS.—In order to ensure  
20 transparency, oversight by Congress, and mean-  
21 ingful information for those who need to under-  
22 stand how the clearance process works, each  
23 publication under subparagraph (A) shall be—

24 “(i) made in a manner that is con-  
25 sistent with section 552 of title 5, United

1 States Code, as amended by the Electronic  
2 Freedom of Information Act Amendments  
3 of 1996 (Public Law 104–231);

4 “(ii) published to explain the facts of  
5 the case, redacting personally identifiable  
6 information and sensitive program infor-  
7 mation; and

8 “(iii) made available on a website that  
9 is searchable by members of the public.

10 “(c) HIGHER LEVEL REVIEW.—

11 “(1) PANEL.—

12 “(A) ESTABLISHMENT.—Not later than  
13 180 days after the date of the enactment of the  
14 Intelligence Authorization Act for Fiscal Year  
15 2021, the Security Executive Agent shall estab-  
16 lish a panel to review decisions made on appeals  
17 pursuant to the processes established under  
18 subsection (b).

19 “(B) SCOPE OF REVIEW AND JURISDIC-  
20 TION.—After the initial review to verify grounds  
21 for appeal, the panel established under subpara-  
22 graph (A) shall review such decisions only—

23 “(i) as they relate to violations of sec-  
24 tion 801A(b); or

1 “(ii) to the extent to which an agency  
2 properly conducted a review of an appeal  
3 under subsection (b).

4 “(C) COMPOSITION.—The panel estab-  
5 lished pursuant to subparagraph (A) shall be  
6 composed of three individuals selected by the  
7 Security Executive Agent for purposes of the  
8 panel, of whom at least one shall be an attor-  
9 ney.

10 “(2) APPEALS AND TIMELINESS.—

11 “(A) APPEALS.—

12 “(i) INITIATION.—On or before the  
13 date that is 30 days after the date on  
14 which a covered person receives a written  
15 decision on an appeal under subsection (b),  
16 the covered person may initiate oversight  
17 of that decision by filing a written appeal  
18 with the Security Executive Agent.

19 “(ii) FILING.—A written appeal filed  
20 under clause (i) relating to a decision of an  
21 agency shall be filed in such form, in such  
22 manner, and containing such information  
23 as the Security Executive Agent may re-  
24 quire, including—

25 “(I) a description of—



1                   “(aa) any alleged violations  
2                   of section 801A(b) relating to the  
3                   denial or revocation of the cov-  
4                   ered person’s eligibility for access  
5                   to classified information; and

6                   “(bb) any allegations of how  
7                   the decision may have been the  
8                   result of the agency failing to  
9                   properly conduct a review under  
10                  subsection (b); and

11                  “(II) supporting materials and  
12                  information for the allegations de-  
13                  scribed under subclause (I).

14                  “(B) TIMELINESS.—The Security Execu-  
15                  tive Agent shall ensure that, on average, review  
16                  of each appeal filed under this subsection is  
17                  completed not later than 180 days after the  
18                  date on which the appeal is filed.

19                  “(3) DECISIONS AND REMANDS.—

20                  “(A) IN GENERAL.—If, in the course of re-  
21                  viewing under this subsection a decision of an  
22                  agency under subsection (b), the panel estab-  
23                  lished under paragraph (1) decides that there is  
24                  sufficient evidence of a violation of section  
25                  801A(b) to merit a new hearing or decides that

1 the decision of the agency was the result of an  
2 improperly conducted review under subsection  
3 (b), the panel shall vacate the decision made  
4 under subsection (b) and remand to the agency  
5 by which the covered person shall be eligible for  
6 a new appeal under subsection (b).

7 “(B) WRITTEN DECISIONS.—Each decision  
8 of the panel established under paragraph (1)  
9 shall be in writing and contain a justification of  
10 the decision.

11 “(C) CONSISTENCY.—The panel under  
12 paragraph (1) shall ensure that each decision of  
13 the panel is consistent with the interests of na-  
14 tional security and applicable provisions of law.

15 “(D) FINALITY.—

16 “(i) IN GENERAL.—Except as pro-  
17 vided in clause (ii), each decision of the  
18 panel established under paragraph (1)  
19 shall be final.

20 “(ii) OVERTURN.—The Security Exec-  
21 utive Agent may overturn a decision of the  
22 panel if, not later than 30 days after the  
23 date on which the panel issues the deci-  
24 sion, the Security Executive Agent person-

1           ally exercises the authority granted by this  
2           clause to overturn such decision.

3           “(E) NATURE OF REMANDS.—In remand-  
4           ing a decision under subparagraph (A), the  
5           panel established under paragraph (1) may not  
6           direct the outcome of any further appeal under  
7           subsection (b).

8           “(F) NOTICE OF DECISIONS.—For each  
9           decision of the panel established under para-  
10          graph (1) regarding a covered person, the Secu-  
11          rity Executive Agent shall provide the covered  
12          person with a written notice of the decision that  
13          includes a detailed description of the reasons  
14          for the decision, consistent with the interests of  
15          national security and applicable provisions of  
16          law.

17          “(4) REPRESENTATION BY COUNSEL.—

18               “(A) IN GENERAL.—The Security Execu-  
19               tive Agent shall ensure that, under this sub-  
20               section, a covered person appealing a decision  
21               under subsection (b) has an opportunity to re-  
22               tain counsel or other representation at the cov-  
23               ered person’s expense.

24               “(B) ACCESS TO CLASSIFIED INFORMA-  
25               TION.—

1                   “(i) IN GENERAL.—Upon the request  
2                   of the covered person and a showing that  
3                   the ability to review classified information  
4                   is essential to the resolution of an appeal  
5                   under this subsection, the Security Execu-  
6                   tive Agent shall sponsor an application by  
7                   the counsel or other representation re-  
8                   tained under this paragraph for access to  
9                   classified information for the limited pur-  
10                  poses of such appeal.

11                  “(ii) EXTENT OF ACCESS.—Counsel  
12                  or another representative who is cleared  
13                  for access under this subparagraph may be  
14                  afforded access to relevant classified mate-  
15                  rials to the extent consistent with the in-  
16                  terests of national security.

17                  “(5) ACCESS TO DOCUMENTS AND EMPLOY-  
18                  EES.—

19                  “(A) AFFORDING ACCESS TO MEMBERS OF  
20                  PANEL.—The Security Executive Agent shall  
21                  afford access to classified information to the  
22                  members of the panel established under para-  
23                  graph (1)(A) as the Security Executive Agent  
24                  determines—

1 “(i) necessary for the panel to review  
2 a decision described in such paragraph;  
3 and

4 “(ii) consistent with the interests of  
5 national security.

6 “(B) AGENCY COMPLIANCE WITH RE-  
7 QUESTS OF PANEL.—Each head of an agency  
8 shall comply with each request by the panel for  
9 a document and each request by the panel for  
10 access to employees of the agency necessary for  
11 the review of an appeal under this subsection,  
12 to the degree that doing so is, as determined by  
13 the head of the agency and permitted by appli-  
14 cable provisions of law, consistent with the in-  
15 terests of national security.

16 “(6) PUBLICATION OF DECISIONS.—

17 “(A) IN GENERAL.—For each final deci-  
18 sion on an appeal under this subsection, the  
19 head of the agency with respect to which the  
20 appeal pertains and the Security Executive  
21 Agent shall each publish the decision, consistent  
22 with the interests of national security.

23 “(B) REQUIREMENTS.—In order to ensure  
24 transparency, oversight by Congress, and mean-  
25 ingful information for those who need to under-

1 stand how the clearance process works, each  
2 publication under subparagraph (A) shall be—

3 “(i) made in a manner that is con-  
4 sistent with section 552 of title 5, United  
5 States Code, as amended by the Electronic  
6 Freedom of Information Act Amendments  
7 of 1996 (Public Law 104–231);

8 “(ii) published to explain the facts of  
9 the case, redacting personally identifiable  
10 information and sensitive program infor-  
11 mation; and

12 “(iii) made available on a website that  
13 is searchable by members of the public.

14 “(d) PERIOD OF TIME FOR THE RIGHT TO AP-  
15 PEAL.—

16 “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), any covered person who has been the sub-  
18 ject of a decision made by the head of an agency to  
19 deny or revoke eligibility for access to classified in-  
20 formation shall retain all rights to appeal under this  
21 section until the conclusion of the appeals process  
22 under this section.

23 “(2) WAIVER OF RIGHTS.—

24 “(A) PERSONS.—Any covered person may  
25 voluntarily waive the covered person’s right to

1           appeal under this section and such waiver shall  
2           be conclusive.

3           “(B) AGENCIES.—The head of an agency  
4           may not require a covered person to waive the  
5           covered person’s right to appeal under this sec-  
6           tion for any reason.

7           “(e) WAIVER OF AVAILABILITY OF PROCEDURES FOR  
8           NATIONAL SECURITY INTEREST.—

9           “(1) IN GENERAL.—If the head of an agency  
10          determines that a procedure established under sub-  
11          section (b) cannot be made available to a covered  
12          person in an exceptional case without damaging a  
13          national security interest of the United States by re-  
14          vealing classified information, such procedure shall  
15          not be made available to such covered person.

16          “(2) FINALITY.—A determination under para-  
17          graph (1) shall be final and conclusive and may not  
18          be reviewed by any other official or by any court.

19          “(3) REPORTING.—

20                 “(A) CASE-BY-CASE.—

21                         “(i) IN GENERAL.—In each case in  
22                         which the head of an agency determines  
23                         under paragraph (1) that a procedure es-  
24                         tablished under subsection (b) cannot be  
25                         made available to a covered person, the

1 agency head shall, not later than 30 days  
2 after the date on which the agency head  
3 makes such determination, submit to the  
4 Security Executive Agent and to the con-  
5 gressional intelligence committees a report  
6 stating the reasons for the determination.

7 “(ii) FORM.—A report submitted  
8 under clause (i) may be submitted in clas-  
9 sified form as necessary.

10 “(B) ANNUAL REPORTS.—

11 “(i) IN GENERAL.—Not less fre-  
12 quently than once each fiscal year, the Se-  
13 curity Executive Agent shall submit to the  
14 congressional intelligence committees a re-  
15 port on the determinations made under  
16 paragraph (1) during the previous fiscal  
17 year.

18 “(ii) CONTENTS.—Each report sub-  
19 mitted under clause (i) shall include, for  
20 the period covered by the report, the fol-  
21 lowing:

22 “(I) The number of cases and  
23 reasons for determinations made  
24 under paragraph (1), disaggregated  
25 by agency.



1                   “(II) Such other matters as the  
2                   Security Executive Agent considers  
3                   appropriate.

4           “(f) DENIALS AND REVOCATIONS UNDER OTHER  
5 PROVISIONS OF LAW.—

6           “(1) RULE OF CONSTRUCTION.—Nothing in  
7           this section shall be construed to limit or affect the  
8           responsibility and power of the head of an agency to  
9           deny or revoke eligibility for access to classified in-  
10          formation or to deny reciprocity of clearance in the  
11          interest of national security.

12          “(2) DENIALS AND REVOCATION.—The power  
13          and responsibility to deny or revoke eligibility for ac-  
14          cess to classified information or to deny reciprocity  
15          of clearance pursuant to any other provision of law  
16          or Executive order may be exercised only when the  
17          head of an agency determines that an applicable  
18          process established under this section cannot be in-  
19          voked in a manner that is consistent with national  
20          security.

21          “(3) FINALITY.—A determination under para-  
22          graph (2) shall be final and conclusive and may not  
23          be reviewed by any other official or by any court.

24          “(4) REPORTING.—

25                 “(A) CASE-BY-CASE.—

1           “(i) IN GENERAL.—In each case in  
2           which the head of an agency determines  
3           under paragraph (2) that a determination  
4           relating to a denial or revocation of eligi-  
5           bility for access to classified information or  
6           denial of reciprocity of clearance could not  
7           be made pursuant to a process established  
8           under this section, the agency head shall,  
9           not later than 30 days after the date on  
10          which the agency head makes such a deter-  
11          mination under paragraph (2), submit to  
12          the Security Executive Agent and to the  
13          congressional intelligence committees a re-  
14          port stating the reasons for the determina-  
15          tion.

16          “(ii) FORM.—A report submitted  
17          under clause (i) may be submitted in clas-  
18          sified form as necessary.

19          “(B) ANNUAL REPORTS.—

20          “(i) IN GENERAL.—Not less fre-  
21          quently than once each fiscal year, the Se-  
22          curity Executive Agent shall submit to the  
23          congressional intelligence committees a re-  
24          port on the determinations made under

1 paragraph (2) during the previous fiscal  
2 year.

3 “(ii) CONTENTS.—Each report sub-  
4 mitted under clause (i) shall include, for  
5 the period covered by the report, the fol-  
6 lowing:

7 “(I) The number of cases and  
8 reasons for determinations made  
9 under paragraph (2), disaggregated  
10 by agency.

11 “(II) Such other matters as the  
12 Security Executive Agent considers  
13 appropriate.

14 “(g) RELATIONSHIP TO SUITABILITY.—No person  
15 may use a determination of suitability under part 731 of  
16 title 5, Code of Federal Regulations, or successor regula-  
17 tion, for the purpose of denying a covered person the re-  
18 view proceedings of this section where there has been a  
19 denial or revocation of eligibility for access to classified  
20 information or a denial of reciprocity of clearance.

21 “(h) PRESERVATION OF ROLES AND RESPONSIBIL-  
22 ITIES UNDER EXECUTIVE ORDER 10865 AND OF THE DE-  
23 FENSE OFFICE OF HEARINGS AND APPEALS.—Nothing in  
24 this section shall be construed to diminish or otherwise  
25 affect the procedures in effect on the day before the date

1 of the enactment of this Act for denial and revocation pro-  
 2 cedures provided to individuals by Executive Order 10865  
 3 (50 U.S.C. 3161 note; relating to safeguarding classified  
 4 information within industry), or successor order, including  
 5 those administered through the Defense Office of Hear-  
 6 ings and Appeals of the Department of Defense under De-  
 7 partment of Defense Directive 5220.6, or successor direc-  
 8 tive.

9 “(i) RULE OF CONSTRUCTION RELATING TO CER-  
 10 TAIN OTHER PROVISIONS OF LAW.—This section and the  
 11 processes and procedures established under this section  
 12 shall not be construed to apply to paragraphs (6) and (7)  
 13 of section 3001(j) of the Intelligence Reform and Ter-  
 14 rorism Prevention Act of 2004 (50 U.S.C. 3341(j)).”.

15 (2) CLERICAL AMENDMENT.—The table of con-  
 16 tents in the matter preceding section 2 of the Na-  
 17 tional Security Act of 1947 (50 U.S.C. 3002), as  
 18 amended by subsection (c), is further amended by  
 19 inserting after the item relating to section 801A the  
 20 following:

“Sec. 801B. Right to appeal.”.

21 **SEC. 402. ESTABLISHING PROCESS PARITY FOR SECURITY**  
 22 **CLEARANCE REVOCATIONS.**

23 Subparagraph (C) of section 3001(j)(4) of the Intel-  
 24 ligence Reform and Terrorism Prevention Act of 2004 (50  
 25 U.S.C. 3341(j)(4)) is amended to read as follows:

1 “(C) BURDENS OF PROOF.—

2 “(i) IN GENERAL.—Subject to clause  
3 (iii), in determining whether the adverse  
4 security clearance or access determination  
5 violated paragraph (1), the agency shall  
6 find that paragraph (1) was violated if the  
7 individual has demonstrated that a disclo-  
8 sure described in paragraph (1) was a con-  
9 tributing factor in the adverse security  
10 clearance or access determination taken  
11 against the individual.

12 “(ii) CIRCUMSTANTIAL EVIDENCE.—  
13 An individual under clause (i) may dem-  
14 onstrate that the disclosure was a contrib-  
15 uting factor in the adverse security clear-  
16 ance or access determination taken against  
17 the individual through circumstantial evi-  
18 dence, such as evidence that—

19 “(I) the official making the de-  
20 termination knew of the disclosure;  
21 and

22 “(II) the determination occurred  
23 within a period such that a reasonable  
24 person could conclude that the disclo-

1                   sure was a contributing factor in the  
2                   determination.

3                   “(iii) DEFENSE.—In determining  
4                   whether the adverse security clearance or  
5                   access determination violated paragraph  
6                   (1), the agency shall not find that para-  
7                   graph (1) was violated if, after a finding  
8                   that a disclosure was a contributing factor,  
9                   the agency demonstrates by clear and con-  
10                  vincing evidence that it would have made  
11                  the same security clearance or access de-  
12                  termination in the absence of such disclo-  
13                  sure.”.

14 **SEC. 403. FEDERAL POLICY ON SHARING OF DEROGATORY**  
15 **INFORMATION PERTAINING TO CONTRACTOR**  
16 **EMPLOYEES IN THE TRUSTED WORKFORCE.**

17           (a) POLICY REQUIRED.—Not later than 180 days  
18 after the date of the enactment of this Act, the Security  
19 Executive Agent, in coordination with the principal mem-  
20 bers of the Performance Accountability Council and the  
21 Attorney General, shall issue a policy for the Federal Gov-  
22 ernment on sharing of derogatory information pertaining  
23 to contractor employees engaged by the Federal Govern-  
24 ment.

25           (b) CONSENT REQUIREMENT.—

1           (1) IN GENERAL.—The policy issued under sub-  
2       section (a) shall require, as a condition of accepting  
3       a security clearance with the Federal Government,  
4       that a contractor employee provide prior written con-  
5       sent for the Federal Government to share covered  
6       derogatory information with the chief security officer  
7       of the contractor employer that employs the con-  
8       tractor employee.

9           (2) COVERED DEROGATORY INFORMATION.—  
10      For purposes of this section, covered derogatory in-  
11      formation—

12           (A) is information that—

13               (i) contravenes National Security Ad-  
14               judicative Guidelines as specified in Secu-  
15               rity Executive Agent Directive 4 (10  
16               C.F.R. 710 app. A), or any successor Fed-  
17               eral policy;

18               (ii) a Federal Government agency cer-  
19               tifies is accurate and reliable;

20               (iii) is relevant to a contractor’s abil-  
21               ity to protect against insider threats as re-  
22               quired by section 1–202 of the National  
23               Industrial Security Program Operating  
24               Manual (NISPOM), or successor manual;  
25               and

1 (iv) may have a bearing on the con-  
2 tractor employee's suitability for a position  
3 of public trust or to receive credentials to  
4 access certain facilities of the Federal Gov-  
5 ernment; and

6 (B) shall include any negative information  
7 considered in the adjudicative process, including  
8 information provided by the contractor em-  
9 ployee on forms submitted for the processing of  
10 the contractor employee's security clearance.

11 (c) ELEMENTS.—The policy issued under subsection  
12 (a) shall—

13 (1) require Federal agencies, except under ex-  
14 ceptional circumstances specified by the Security Ex-  
15 ecutive Agent, to share with the contractor employer  
16 of a contractor employee engaged with the Federal  
17 Government the existence of potentially derogatory  
18 information and which National Security Adjudica-  
19 tive Guideline it falls under, with the exception that  
20 the Security Executive Agent may waive such re-  
21 quirement in circumstances the Security Executive  
22 Agent considers extraordinary;

23 (2) require that covered derogatory information  
24 shared with a contractor employer as described in  
25 subsection (b)(1) be used by the contractor employer



1 exclusively for risk mitigation purposes under section  
2 1–202 of the National Industrial Security Program  
3 Operating Manual, or successor manual;

4 (3) require Federal agencies to share any miti-  
5 gation measures in place to address the derogatory  
6 information;

7 (4) establish standards for timeliness for shar-  
8 ing the derogatory information;

9 (5) specify the methods by which covered derog-  
10 atory information will be shared with the contractor  
11 employer of the contractor employee;

12 (6) allow the contractor employee, within a  
13 specified timeframe, the right—

14 (A) to contest the accuracy and reliability  
15 of covered derogatory information;

16 (B) to address or remedy any concerns  
17 raised by the covered derogatory information;  
18 and

19 (C) to provide documentation pertinent to  
20 subparagraph (A) or (B) for an agency to place  
21 in relevant security clearance databases;

22 (7) establish a procedure by which the con-  
23 tractor employer of the contractor employee may  
24 consult with the Federal Government prior to taking  
25 any remedial action under section 1–202 of the Na-

1 tional Industrial Security Program Operating Man-  
 2 ual, or successor manual, to address the derogatory  
 3 information the Federal agency has provided;

4 (8) stipulate that the chief security officer of  
 5 the contractor employer is prohibited from sharing  
 6 or discussing covered derogatory information with  
 7 other parties, including nonsecurity professionals at  
 8 the contractor employer; and

9 (9) require companies in the National Indus-  
 10 trial Security Program to comply with the policy.

11 (d) CONSIDERATION OF LESSONS LEARNED FROM  
 12 INFORMATION-SHARING PROGRAM FOR POSITIONS OF  
 13 TRUST AND SECURITY CLEARANCES.—In developing the  
 14 policy issued under subsection (a), the Director shall con-  
 15 sider, to the extent available, lessons learned from actions  
 16 taken to carry out section 6611(f) of the National Defense  
 17 Authorization Act for Fiscal Year 2020 (Public Law 116–  
 18 92).

## 19 **TITLE V—REPORTS AND OTHER** 20 **MATTERS**

### 21 **SEC. 501. SECURE AND TRUSTED TECHNOLOGY.**

22 (a) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-  
 24 GRESS.—The term “appropriate committees of Con-  
 25 gress” means—

1 (A) the Select Committee on Intelligence of  
2 the Senate;

3 (B) the Committee on Foreign Relations of  
4 the Senate;

5 (C) the Committee on Homeland Security  
6 and Governmental Affairs of the Senate;

7 (D) the Committee on Armed Services of  
8 the Senate;

9 (E) the Committee on Commerce, Science,  
10 and Transportation of the Senate;

11 (F) the Permanent Select Committee on  
12 Intelligence of the House of Representatives;

13 (G) the Committee on Foreign Affairs of  
14 the House of Representatives;

15 (H) the Committee on Homeland Security  
16 of the House of Representatives;

17 (I) the Committee on Armed Services of  
18 the House of Representatives; and

19 (J) the Committee on Energy and Com-  
20 merce of the House of Representatives.

21 (2) FIFTH-GENERATION WIRELESS NET-  
22 WORK.—The term “fifth-generation wireless net-  
23 work” means a radio network as described by the  
24 3rd Generation Partnership Project (3GPP) Release  
25 15 or higher.

1       (b) SUPPORTING THE DEVELOPMENT AND ADOPTION  
2 OF SECURE AND TRUSTED TECHNOLOGIES AMONG IN-  
3 TELLIGENCE ALLIES AND PARTNERS.—

4               (1) COMMUNICATIONS TECHNOLOGY SECURITY  
5 AND INNOVATION FUND.—

6                       (A) ESTABLISHMENT OF FUND.—

7                               (i) IN GENERAL.—There is established  
8 in the Treasury of the United States a  
9 fund to be known as the “Communications  
10 Technology Security and Innovation  
11 Fund” (referred to in this paragraph as  
12 the “Security Fund”).

13                               (ii) ADMINISTRATION.—The Director  
14 of the Defense Advanced Research Projects  
15 Agency and the Director of the Intelligence  
16 Advanced Research Projects Activity shall  
17 jointly administer the Security Fund.

18                               (iii) CONTENTS OF FUND.—

19                                       (I) IN GENERAL.—The fund shall  
20 consist of—

21   (aa) amounts appropriated  
22 pursuant to the authorization of  
23 appropriations under paragraph  
24 (3)(A); and

1 (bb) such other amounts as  
2 may be appropriated or otherwise  
3 made available to the Director of  
4 the Defense Advanced Research  
5 Projects Agency and the Director  
6 of the Intelligence Advanced Re-  
7 search Projects Activity to be de-  
8 posited in the Security Fund.

9 (II) AVAILABILITY.—

10 (aa) IN GENERAL.—  
11 Amounts deposited in the Secu-  
12 rity Fund shall remain available  
13 through the end of the tenth fis-  
14 cal year beginning after the date  
15 of the enactment of this Act.

16 (bb) REMAINDER TO TREAS-  
17 URY.—Any amounts remaining in  
18 the Security Fund after the end  
19 of the tenth fiscal year beginning  
20 after the date of the enactment  
21 of this Act shall be deposited in  
22 the general fund of the Treasury.

23 (iv) USE OF AMOUNTS.—Amounts de-  
24 posited in the Security Fund shall be avail-  
25 able to the Director of the Defense Ad-

1 vanced Research Projects Agency and the  
2 Director of the Intelligence Advanced Re-  
3 search Projects Activity to award grants  
4 under subparagraph (B).

5 (B) GRANTS.—

6 (i) IN GENERAL.—The Director of the  
7 Defense Advanced Research Projects Agen-  
8 cy and the Director of the Intelligence Ad-  
9 vanced Research Projects Activity shall  
10 award grants to support research and the  
11 commercial application of such research,  
12 including in the following areas:

13 (I) Promoting the development of  
14 technology, including software, hard-  
15 ware, and microprocessing technology,  
16 that will enhance competitiveness in  
17 fifth-generation (commonly known as  
18 “5G”) and successor wireless tech-  
19 nology supply chains.

20 (II) Accelerating development  
21 and deployment of open interface,  
22 standards-based compatible interoper-  
23 able equipment, such as equipment  
24 developed pursuant to the standards  
25 set forth by organizations such as the

1 O-RAN Alliance, the Telecom Infra  
2 Project, 3GPP, the O-RAN Software  
3 Community, or any successor organi-  
4 zations.

5 (III) Promoting compatibility of  
6 new fifth-generation wireless network  
7 equipment with future open stand-  
8 ards-based interoperable equipment.

9 (IV) Managing integration of  
10 multivendor network environments.

11 (V) Objective criteria to define  
12 equipment as compliant with open  
13 standards for multivendor network  
14 equipment interoperability.

15 (VI) Promoting development and  
16 inclusion of security features enhanc-  
17 ing the integrity and availability of  
18 equipment in multivendor networks.

19 (VII) Promoting the application  
20 of network function virtualization to  
21 facilitate multivendor interoperability  
22 and a more diverse vendor market.

23 (ii) AMOUNT.—

24 (I) IN GENERAL.—Subject to  
25 subclause (II), a grant awarded under

1 clause (i) shall be in such amount as  
2 the Director of the Defense Advanced  
3 Research Projects Agency and the Di-  
4 rector of the Intelligence Advanced  
5 Research Projects Activity consider  
6 appropriate.

7 (II) LIMITATION ON GRANT  
8 AMOUNTS.—The amount of a grant  
9 awarded under this paragraph to a re-  
10 cipient for a specific research focus  
11 area may not exceed \$100,000,000.

12 (iii) CRITERIA.—The Director of the  
13 Defense Advanced Research Projects Agen-  
14 cy and the Director of the Intelligence Ad-  
15 vanced Research Projects Activity, in con-  
16 sultation with the Assistant Secretary of  
17 Commerce for Communications and Infor-  
18 mation, the Director of the National Insti-  
19 tute of Standards and Technology, and the  
20 Secretary of Homeland Security, shall  
21 jointly establish criteria for grants awarded  
22 under clause (i).

23 (iv) TIMING.—Not later than 1 year  
24 after the date of the enactment of this Act,  
25 the Director of the Defense Advanced Re-



1 search Projects Agency and the Director of  
2 the Intelligence Advanced Research  
3 Projects Activity shall begin awarding  
4 grants under clause (i).

5 (C) FEDERAL ADVISORY BODY.—

6 (i) ESTABLISHMENT.—The Director  
7 of the Defense Advanced Research Projects  
8 Agency and the Director of the Intelligence  
9 Advanced Research Projects Activity shall  
10 establish a Federal advisory committee, in  
11 accordance with the Federal Advisory  
12 Committee Act (5 U.S.C. App.), composed  
13 of government and private sector experts,  
14 to advise the Director of the Defense Ad-  
15 vanced Research Projects Agency and the  
16 Director of the Intelligence Advanced Re-  
17 search Projects Activity on the administra-  
18 tion of the Security Fund.

19 (ii) COMPOSITION.—The advisory  
20 committee established under clause (i)  
21 shall be composed of—

22 (I) representatives from—

23 (aa) the Federal Commu-  
24 nications Commission;

1 (bb) the National Institute  
2 of Standards and Technology;

3 (cc) the Department of  
4 State;

5 (dd) the National Science  
6 Foundation; and

7 (ee) the Department of  
8 Homeland Security; and

9 (II) other representatives from  
10 the private and public sectors, at the  
11 discretion of the Security Fund.

12 (iii) DUTIES.—The advisory com-  
13 mittee established under clause (i) shall  
14 advise the Director of the Defense Ad-  
15 vanced Research Projects Agency and the  
16 Director of the Intelligence Advanced Re-  
17 search Projects Activity on technology de-  
18 velopments to help inform—

19 (I) the strategic direction of the  
20 Security Fund; and

21 (II) efforts of the Federal Gov-  
22 ernment to promote a more secure, di-  
23 verse, sustainable, and competitive  
24 supply chain.

25 (D) REPORTS TO CONGRESS.—

1 (i) INITIAL REPORT.—Not later than  
2 180 days after the date of the enactment  
3 of this Act, the Director of the Defense  
4 Advanced Research Projects Agency and  
5 the Director of the Intelligence Advanced  
6 Research Projects Activity shall jointly  
7 submit to the appropriate committees of  
8 Congress a report with—

9 (I) additional recommendations  
10 on promoting the competitiveness and  
11 sustainability of trusted suppliers in  
12 the wireless supply chain; and

13 (II) any additional authorities  
14 needed to facilitate the timely adop-  
15 tion of open standards-based equip-  
16 ment, including authority to provide  
17 loans, loan guarantees, and other  
18 forms of credit extension that would  
19 maximize the use of designated funds.

20 (ii) ANNUAL REPORT.—For each fis-  
21 cal year for which amounts in the Security  
22 Fund are available under this paragraph,  
23 the Director of the Defense Advanced Re-  
24 search Projects Agency and the Director of  
25 the Intelligence Advanced Research

Projects Activity shall submit to Congress  
a report that—

(I) describes how, and to whom,  
grants have been awarded under sub-  
paragraph (B);

(II) details the progress of the  
Director of the Defense Advanced Re-  
search Projects Agency and the Direc-  
tor of the Intelligence Advanced Re-  
search Projects Activity in meeting  
the objectives described in subpara-  
graph (B)(i); and

(III) includes such other informa-  
tion as the Director of the Defense  
Advanced Research Projects Agency  
and the Director of the Intelligence  
Advanced Research Projects Activity  
determine appropriate.

(2) MULTILATERAL TELECOMMUNICATIONS SE-  
CURITY FUND.—

(A) ESTABLISHMENT OF FUND.—

(i) IN GENERAL.—There is established  
in the Treasury of the United States a  
fund to be known as the “Multilateral  
Telecommunications Security Fund” (in

1 this section referred to as the “Multilateral  
2 Fund”).

3 (ii) ADMINISTRATION.—The Director  
4 of National Intelligence and the Secretary  
5 of Defense shall jointly administer the  
6 Multilateral Fund.

7 (iii) USE OF AMOUNTS.—Amounts in  
8 the Multilateral Fund shall be used to es-  
9 tablish the common funding mechanism re-  
10 quired by subparagraph (B).

11 (iv) CONTENTS OF FUND.—

12 (I) IN GENERAL.—The Multilat-  
13 eral Fund shall consist of amounts  
14 appropriated pursuant to the author-  
15 ization of appropriations under para-  
16 graph (3)(B) and such other amounts  
17 as may be appropriated or otherwise  
18 made available to the Director and the  
19 Secretary to be deposited in the Multi-  
20 lateral Fund.

21 (II) AVAILABILITY.—

22 (aa) IN GENERAL.—  
23 Amounts deposited in the Multi-  
24 lateral Fund shall remain avail-  
25 able through fiscal year 2031.

1 (bb) REMAINDER TO TREAS-  
2 URY.—Any amounts remaining in  
3 the Fund after fiscal year 2031  
4 shall be deposited in the General  
5 Fund of the Treasury.

6 (B) MULTILATERAL COMMON FUNDING  
7 MECHANISM.—

8 (i) IN GENERAL.—The Director and  
9 the Secretary shall jointly, in coordination  
10 with foreign partners, establish a common  
11 funding mechanism that uses amounts  
12 from the Multilateral Fund to support the  
13 development and adoption of secure and  
14 trusted telecommunications technologies in  
15 key markets globally.

16 (ii) CONSULTATION REQUIRED.—The  
17 Director and the Secretary shall carry out  
18 clause (i) in consultation with the fol-  
19 lowing:

20 (I) The Federal Communications  
21 Commission.

22 (II) The Secretary of State.

23 (III) The Assistant Secretary of  
24 Commerce for Communications and  
25 Information.

1 (IV) The Director of the Defense  
2 Advanced Research Projects Agency.

3 (V) The Director of the Intel-  
4 ligence Advanced Research Projects  
5 Activity.

6 (VI) The Under Secretary of  
7 Commerce for Standards and Tech-  
8 nology.

9 (C) ANNUAL REPORT TO CONGRESS.—

10 (i) IN GENERAL.—Not later than 1  
11 year after the date of the enactment of this  
12 Act and not less frequently than once each  
13 fiscal year thereafter until fiscal year  
14 2031, the Director and the Secretary shall  
15 jointly submit to the appropriate commit-  
16 tees of Congress an annual report on the  
17 Multilateral Fund and the use of amounts  
18 under subparagraph (B).

19 (ii) CONTENTS.—Each report sub-  
20 mitted under clause (i) shall include, for  
21 the fiscal year covered by the report, the  
22 following:

23 (I) Any funding commitments  
24 from foreign partners, including each  
25 specific amount committed.

1 (II) Governing criteria for use of  
2 the amounts in the Multilateral Fund.

3 (III) An account of—

4 (aa) how, and to whom,  
5 funds have been deployed;

6 (bb) amounts remaining in  
7 the Multilateral Fund; and

8 (cc) the progress of the Di-  
9 rector and the Secretary in meet-  
10 ing the objective described in  
11 subparagraph (B)(i).

12 (IV) Such recommendations for  
13 legislative or administrative action as  
14 the Director and the Secretary may  
15 have to enhance the effectiveness of  
16 the Multilateral Fund in achieving the  
17 security goals of the United States.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—

19 (A) COMMUNICATIONS TECHNOLOGY SECUR-  
20 ITY AND INNOVATION FUND.—There is au-  
21 thorized to be appropriated to carry out para-  
22 graph (1) \$750,000,000 for the period of fiscal  
23 years 2021 through 2031.

24 (B) MULTILATERAL TELECOMMUNI-  
25 CATIONS SECURITY FUND.—There is authorized



1 to be appropriated to carry out paragraph (2)  
2 \$750,000,000 for the period of fiscal years  
3 2021 through 2031.

4 (c) EXPOSING POLITICAL PRESSURE IN INTER-  
5 NATIONAL STANDARDS-SETTING BODIES THAT SET  
6 STANDARDS FOR FIFTH-GENERATION WIRELESS NET-  
7 WORKS.—

8 (1) REPORT REQUIRED.—

9 (A) IN GENERAL.—Not later than 120  
10 days after the date of the enactment of this  
11 Act, the Director of National Intelligence shall  
12 submit to the appropriate committees of Con-  
13 gress a report on political pressure within inter-  
14 national forums that set standards for fifth-  
15 generation wireless networks and for future  
16 generations of wireless networks, including—

17 (i) the International Telecommuni-  
18 cation Union (ITU);

19 (ii) the International Organization for  
20 Standardization (ISO);

21 (iii) the Inter-American Telecommuni-  
22 cation Commission (CITEL); and

23 (iv) the voluntary standards organiza-  
24 tions that develop protocols for wireless de-  
25 vices and other equipment, such as the 3rd

1                   Generation Partnership Project (3GPP)  
 2                   and the Institute of Electrical and Elec-  
 3                   tronics Engineers (IEEE).

4                   (B) FORM.—The report submitted under  
 5                   subparagraph (A) shall be submitted in unclas-  
 6                   sified form, but may include a classified annex.

7                   (2) CONSULTATION REQUIRED.—The Director  
 8                   and the Secretary shall carry out paragraph (1) in  
 9                   consultation with the following:

10                   (A) The Federal Communications Commis-  
 11                   sion.

12                   (B) The Secretary of State.

13                   (C) The Assistant Secretary of Commerce  
 14                   for Communications and Information.

15                   (D) The Director of the Defense Advanced  
 16                   Research Projects Agency.

17                   (E) The Director of the Intelligence Ad-  
 18                   vanced Research Projects Activity.

19                   (F) The Under Secretary of Commerce for  
 20                   Standards and Technology.

21                   (d) EXPANDING FIFTH-GENERATION WIRELESS  
 22 NETWORK TESTBEDS TO INCREASE SUPPLIER DIVERSITY  
 23 AND SECURITY USING OPEN-ARCHITECTURE STAND-  
 24 ARDS.—

1           (1) REPORT REQUIRED.—Not later than 60  
2       days after the date of the enactment of this Act, the  
3       Director of National Intelligence and the Secretary  
4       of Defense shall jointly submit to the appropriate  
5       committees of Congress a report on developing fifth-  
6       generation wireless network testbeds for development  
7       of military and dual-use applications that use open  
8       interface, standards-based compatible interoperable  
9       equipment, such as equipment developed pursuant to  
10      the standards set forth by organizations such as the  
11      O-RAN Alliance, the Telecom Infra Project, the 3rd  
12      Generation Partnership Project (3GPP), the O-  
13      RAN Software Community, or any successor organi-  
14      zations.

15          (2) FOREIGN EFFORTS.—The report submitted  
16      under paragraph (1) shall include information about  
17      ongoing efforts by China and the United Kingdom  
18      to build similar testbeds for virtualized telecommuni-  
19      cations technologies.

1 **SEC. 502. REPORT ON ATTEMPTS BY FOREIGN ADVER-**  
2 **SARIES TO BUILD TELECOMMUNICATIONS**  
3 **AND CYBERSECURITY EQUIPMENT AND**  
4 **SERVICES FOR, OR TO PROVIDE SUCH EQUIP-**  
5 **MENT AND SERVICES TO, CERTAIN ALLIES OF**  
6 **THE UNITED STATES.**

7 (a) DEFINITIONS.—In this section:

8 (1) APPROPRIATE COMMITTEES OF CON-  
9 GRESS.—The term “appropriate committees of Con-  
10 gress” means—

11 (A) the Committee on Armed Services and  
12 the Select Committee on Intelligence of the  
13 Senate; and

14 (B) the Committee on Armed Services and  
15 the Permanent Select Committee on Intelligence  
16 of the House of Representatives.

17 (2) FIVE EYES COUNTRY.—The term “Five  
18 Eyes country” means any of the following:

19 (A) Australia.

20 (B) Canada.

21 (C) New Zealand.

22 (D) The United Kingdom.

23 (E) The United States.

24 (b) REPORT REQUIRED.—Not later than 90 days  
25 after the date of the enactment of this Act, the Director  
26 of the Central Intelligence Agency, the Director of the Na-

1 tional Security Agency, and the Director of the Defense  
2 Intelligence Agency shall jointly submit to the appropriate  
3 committees of Congress a report on attempts by foreign  
4 adversaries to build telecommunications and cybersecurity  
5 equipment and services for, or to provide such equipment  
6 and services to, Five Eyes countries.

7 (c) ELEMENTS.—The report submitted under sub-  
8 section (b) shall include the following:

9 (1) An assessment of United States intelligence  
10 sharing and intelligence and military force posture  
11 in any Five Eyes country that currently uses or in-  
12 tends to use telecommunications or cybersecurity  
13 equipment or services provided by a foreign adver-  
14 sary of the United States, including China and Rus-  
15 sia.

16 (2) A description and assessment of mitigation  
17 of any potential compromises or risks for any cir-  
18 cumstance described in paragraph (1).

19 (d) FORM.—The report required by subsection (b)  
20 shall include an unclassified executive summary, and may  
21 include a classified annex.

1 **SEC. 503. REPORT ON THREATS POSED BY USE BY FOREIGN**  
2 **GOVERNMENTS AND ENTITIES OF COMMER-**  
3 **CIALLY AVAILABLE CYBER INTRUSION AND**  
4 **SURVEILLANCE TECHNOLOGY.**

5 (a) REPORT REQUIRED.—Not later than 180 days  
6 after the date of the enactment of this Act, the Director  
7 of National Intelligence shall submit to the congressional  
8 intelligence committees a report on the threats posed by  
9 the use by foreign governments and entities of commer-  
10 cially available cyber intrusion and other surveillance tech-  
11 nology.

12 (b) CONTENTS.—The report required by subsection  
13 (a) shall include the following:

14 (1) Matters relating to threats described in sub-  
15 section (a) as they pertain to the following:

16 (A) The threat posed to United States per-  
17 sons and persons inside the United States.

18 (B) The threat posed to United States per-  
19 sonnel overseas.

20 (C) The threat posed to employees of the  
21 Federal Government, including through both of-  
22 ficial and personal accounts and devices.

23 (2) A description of which foreign governments  
24 and entities pose the greatest threats from the use  
25 of technology described in subsection (a) and the na-  
26 ture of those threats.

1           (3) An assessment of the source of the commer-  
2           cially available cyber intrusion and other surveillance  
3           technology that poses the threats described in sub-  
4           section (a), including whether such technology is  
5           made by United States companies or companies in  
6           the United States or by foreign companies.

7           (4) An assessment of actions taken, as of the  
8           date of the enactment of this Act, by the Federal  
9           Government and foreign governments to limit the  
10          export of technology described in subsection (a) from  
11          the United States or foreign countries to foreign  
12          governments and entities in ways that pose the  
13          threats described in such subsection.

14          (5) Matters relating to how the Federal Govern-  
15          ment, Congress, and foreign governments can most  
16          effectively mitigate the threats described in sub-  
17          section (a), including matters relating to the fol-  
18          lowing:

19                (A) Working with the technology and tele-  
20                communications industry to identify and im-  
21                prove the security of consumer software and  
22                hardware used by United States persons and  
23                persons inside the United States that is tar-  
24                geted by commercial cyber intrusion and sur-  
25                veillance software.

1 (B) Export controls.

2 (C) Diplomatic pressure.

3 (D) Trade agreements.

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

7 **SEC. 504. REPORTS ON RECOMMENDATIONS OF THE**  
8 **CYBERSPACE SOLARIUM COMMISSION.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) The report issued by the Cyberspace Solar-  
12 ium Commission under section 1652(k) of the John  
13 S. McCain National Defense Authorization Act for  
14 Fiscal Year 2019 (Public Law 115–232) is an im-  
15 portant contribution toward better defending the  
16 United States against cyber attacks of catastrophic  
17 consequence.

18 (2) The recommendations in such report pro-  
19 vide potentially important opportunities for the pri-  
20 vate and public sectors to implement critical changes  
21 that could harden United States defenses against  
22 cyber attacks.

23 (b) REPORTS REQUIRED.—Not later than 180 days  
24 after the date of the enactment of this Act, each head of  
25 an agency described in subsection (c) shall submit to Con-



1 gress a report on the recommendations included in the re-  
2 port issued by the Cyberspace Solarium Commission under  
3 section 1652(k) of the John S. McCain National Defense  
4 Authorization Act for Fiscal Year 2019 (Public Law 115–  
5 232).

6 (c) AGENCIES DESCRIBED.—The agencies described  
7 in this subsection are the following:

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

10 (2) The Department of Homeland Security.

11 (3) The Department of Energy.

12 (4) The Department of Commerce.

13 (5) The Department of Defense.

14 (d) CONTENTS.—Each report submitted under sub-  
15 section (b) by the head of an agency described in sub-  
16 section (c) shall include the following:

17 (1) An evaluation of the recommendations in  
18 the report described in subsection (b) that pertain to  
19 the agency.

20 (2) A description of the actions taken, or the  
21 actions that the head of the agency expects to take,  
22 to implement any of the recommendations included  
23 in such report.

24 (e) ACTIONS THROUGH OFFICERS.—

1           (1) UNDER SECRETARY OF HOMELAND SECUR-  
2           RITY FOR INTELLIGENCE AND ANALYSIS.—In sub-  
3           mitting a report under subsection (b), the Secretary  
4           of Homeland Security shall do so by acting through  
5           the Under Secretary of Homeland Security for Intel-  
6           ligence and Analysis.

7           (2) DIRECTOR OF INTELLIGENCE AND COUN-  
8           TERINTELLIGENCE OF DEPARTMENT OF ENERGY.—  
9           In submitting a report under subsection (b), the  
10          Secretary of Energy shall do so by acting through  
11          the Director of Intelligence and Counterintelligence  
12          of the Department of Energy.

13 **SEC. 505. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS**  
14                   **RELATING TO ARTIFICIAL INTELLIGENCE,**  
15                   **MICROCHIPS, AND SEMICONDUCTORS AND**  
16                   **RELATED SUPPLY CHAINS.**

17          (a) ASSESSMENT REQUIRED.—Not later than 180  
18          days after the date of the enactment of this Act, the Direc-  
19          tor of National Intelligence shall complete a detailed as-  
20          sessment of critical technology trends relating to artificial  
21          intelligence, microchips, and semiconductors and related  
22          supply chains.

23          (b) ELEMENTS.—The assessment required by sub-  
24          section (a) shall include the following:

25               (1) EXPORT CONTROLS.—

1 (A) IN GENERAL.—An assessment of ef-  
2 forts by partner countries to enact and imple-  
3 ment export controls and other technology  
4 transfer measures with respect to artificial in-  
5 telligence, microchips, advanced manufacturing  
6 equipment, and other artificial intelligence en-  
7 abled technologies critical to United States sup-  
8 ply chains.

9 (B) IDENTIFICATION OF OPPORTUNITIES  
10 FOR COOPERATION.—The assessment under  
11 subparagraph (A) shall identify opportunities  
12 for further cooperation with international part-  
13 ners on a multilateral and bilateral basis to  
14 strengthen export control regimes and address  
15 technology transfer threats.

16 (2) SEMICONDUCTOR SUPPLY CHAINS.—

17 (A) IN GENERAL.—An assessment of glob-  
18 al semiconductor supply chains, including areas  
19 to reduce United States vulnerabilities and  
20 maximize points of leverage.

21 (B) ANALYSIS OF POTENTIAL EFFECTS.—  
22 The assessment under subparagraph (A) shall  
23 include an analysis of the potential effects of  
24 significant geopolitical shifts, including those  
25 related to Taiwan.

1 (C) IDENTIFICATION OF OPPORTUNITIES  
2 FOR DIVERSIFICATION.—The assessment under  
3 subparagraph (A) shall also identify opportuni-  
4 ties for diversification of United States supply  
5 chains, including an assessment of cost, chal-  
6 lenges, and opportunities to diversify manufac-  
7 turing capabilities on a multinational basis.

8 (3) COMPUTING POWER.—An assessment of  
9 trends relating to computing power and the effect of  
10 such trends on global artificial intelligence develop-  
11 ment and implementation, in consultation with the  
12 Director of the Intelligence Advanced Research  
13 Projects Activity, the Director of the Defense Ad-  
14 vanced Research Projects Agency, and the Director  
15 of the National Institute of Standards and Tech-  
16 nology, including forward-looking assessments of  
17 how computing resources may affect United States  
18 national security, innovation, and implementation re-  
19 lating to artificial intelligence.

20 (c) REPORT.—

21 (1) DEFINITION OF APPROPRIATE COMMITTEES  
22 OF CONGRESS.—In this subsection, the term “appro-  
23 priate committees of Congress” means—

24 (A) the Select Committee on Intelligence,  
25 the Committee on Armed Services, the Com-

1           mittee on Banking, Housing, and Urban Af-  
 2           fairs, and the Committee on Foreign Relations  
 3           of the Senate; and

4                   (B) the Permanent Select Committee on  
 5           Intelligence, the Committee on Armed Services,  
 6           the Committee on Financial Services, and the  
 7           Committee on Foreign Affairs of the House of  
 8           Representatives.

9           (2) IN GENERAL.—Not later than 180 days  
 10          after the date of the enactment of this Act, the Di-  
 11          rector shall submit to the appropriate committees of  
 12          Congress a report on the findings of the Director  
 13          with respect to the assessment completed under sub-  
 14          section (a).

15           (3) FORM.—The report submitted under para-  
 16          graph (2) shall be submitted in unclassified form,  
 17          but may include a classified annex.

18 **SEC. 506. DUTY TO REPORT COUNTERINTELLIGENCE**  
 19 **THREATS TO CAMPAIGNS.**

20          (a) IN GENERAL.—Section 304 of the Federal Elec-  
 21          tion Campaign Act of 1971 (52 U.S.C. 30104) is amended  
 22          by adding at the end the following new subsection:

23          “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-  
 24          TACTS.—

1           “(1) COMMITTEE OBLIGATION.—Not later than  
2       1 week after a reportable foreign contact, each au-  
3       thorized committee of a candidate for President shall  
4       notify the Federal Bureau of Investigation of the re-  
5       portable foreign contact and provide a summary of  
6       the circumstances with respect to such reportable  
7       foreign contact.

8           “(2) INDIVIDUAL OBLIGATION.—Not later than  
9       1 week after a reportable foreign contact—

10           “(A) each candidate for the office of Presi-  
11       dent shall notify the treasurer or other des-  
12       ignated official of the principal campaign com-  
13       mittee of such candidate of the reportable for-  
14       eign contact and provide a summary of the cir-  
15       cumstances with respect to such reportable for-  
16       eign contact; and

17           “(B) each official, employee, or agent of an  
18       authorized committee of a candidate for the of-  
19       fice of President shall notify the treasurer or  
20       other designated official of the authorized com-  
21       mittee of the reportable foreign contact and  
22       provide a summary of the circumstances with  
23       respect to such reportable foreign contact.

24           “(3) REPORTABLE FOREIGN CONTACT.—In this  
25       subsection:

1           “(A) IN GENERAL.—The term ‘reportable  
2 foreign contact’ means any direct or indirect  
3 contact or communication that—

4           “(i) is between—

5           “(I) a candidate for the office of  
6 President, an authorized committee of  
7 such a candidate, or any official, em-  
8 ployee, or agent of such authorized  
9 committee; and

10          “(II) an individual that the per-  
11 son described in subclause (I) knows,  
12 has reason to know, or reasonably be-  
13 lieves is a covered foreign national;  
14 and

15          “(ii) the person described in clause  
16 (i)(I) knows, has reason to know, or rea-  
17 sonably believes involves—

18          “(I) a contribution, donation, ex-  
19 penditure, disbursement, or sollicita-  
20 tion described in section 319; or

21          “(II) coordination or collabora-  
22 tion with an offer or provision of in-  
23 formation or services to or from, or  
24 persistent and repeated contact with a

1 covered foreign national in connection  
2 with an election.

3 “(B) EXCEPTION.—Such term shall not in-  
4 clude any contact or communication with a cov-  
5 ered foreign national by an elected official or an  
6 employee of an elected official solely in an offi-  
7 cial capacity as such an official or employee.

8 “(C) COVERED FOREIGN NATIONAL DE-  
9 FINED.—

10 “(i) IN GENERAL.—In this paragraph,  
11 the term ‘covered foreign national’  
12 means—

13 “(I) a foreign principal (as de-  
14 fined in section 1(b) of the Foreign  
15 Agents Registration Act of 1938 (22  
16 U.S.C. 611(b)) that is a government  
17 of a foreign country or a foreign polit-  
18 ical party;

19 “(II) any person who acts as an  
20 agent, representative, employee, or  
21 servant, or any person who acts in  
22 any other capacity at the order, re-  
23 quest, or under the direction or con-  
24 trol, of a foreign principal described in  
25 subclause (I) or of a person any of



1           whose activities are directly or indi-  
2           rectly supervised, directed, controlled,  
3           financed, or subsidized in whole or in  
4           major part by a foreign principal de-  
5           scribed in subclause (I); or

6                   “(III) any person included in the  
7           list of specially designated nationals  
8           and blocked persons maintained by  
9           the Office of Foreign Assets Control  
10          of the Department of the Treasury  
11          pursuant to authorities relating to the  
12          imposition of sanctions relating to the  
13          conduct of a foreign principal de-  
14          scribed in subclause (I).

15                   “(ii) CLARIFICATION REGARDING AP-  
16          PLICATION TO CITIZENS OF THE UNITED  
17          STATES.—In the case of a citizen of the  
18          United States, subclause (II) of clause (i)  
19          applies only to the extent that the person  
20          involved acts within the scope of that per-  
21          son’s status as the agent of a foreign prin-  
22          cipal described in subclause (I) of clause  
23          (i).

24                   “(4) CLARIFICATION REGARDING VOLUN-  
25          TEERS.—For purposes of paragraphs (2)(B) and

1       (3)(A)(i)(I), an unpaid volunteer shall not be treated  
 2       as an official, employee, or agent of an authorized  
 3       committee unless such unpaid volunteer has a sig-  
 4       nificant supervisory role or provides advice or input  
 5       to the candidate or to senior officials of the author-  
 6       ized committee.”.

7       (b) FEDERAL CAMPAIGN FOREIGN CONTACT RE-  
 8       PORTING COMPLIANCE SYSTEM.—Section 302(e) of the  
 9       Federal Election Campaign Act of 1971 (52 U.S.C.  
 10      30102(e)) is amended by adding at the end the following  
 11      new paragraph:

12               “(6) REPORTABLE FOREIGN CONTACTS COMPLI-  
 13      ANCE POLICY.—

14               “(A) REPORTING.—Each authorized com-  
 15      mittee of a candidate for the office of President  
 16      shall establish a policy that requires all officials,  
 17      employees, and agents of such committee to no-  
 18      tify the treasurer or other appropriate des-  
 19      ignated official of the committee of any report-  
 20      able foreign contact (as defined in section  
 21      304(j)) not later than 1 week after such contact  
 22      was made.

23               “(B) RETENTION AND PRESERVATION OF  
 24      RECORDS.—Each authorized committee of a  
 25      candidate for the office of President shall estab-

1           lish a policy that provides for the retention and  
2           preservation of records and information related  
3           to reportable foreign contacts (as so defined)  
4           for a period of not less than 3 years.

5           “(C) CERTIFICATION.—Upon designation  
6           of a political committee as an authorized com-  
7           mittee by a candidate for the office of Presi-  
8           dent, and with each report filed by such com-  
9           mittee under section 304(a), the candidate shall  
10          certify that—

11               “(i) the committee has in place poli-  
12               cies that meet the requirements of sub-  
13               paragraphs (A) and (B);

14               “(ii) the committee has designated an  
15               official to monitor compliance with such  
16               policies; and

17               “(iii) not later than 1 week after the  
18               beginning of any formal or informal affili-  
19               ation with the committee, all officials, em-  
20               ployees, and agents of such committee  
21               will—

22                   “(I) receive notice of such poli-  
23                   cies;

24                   “(II) be informed of the prohibi-  
25                   tions under section 319; and

1                   “(III) sign a certification affirm-  
 2                   ing their understanding of such poli-  
 3                   cies and prohibitions.”.

4           (c) CRIMINAL PENALTIES.—Section 309(d)(1) of the  
 5 Federal Election Campaign Act of 1971 (52 U.S.C.  
 6 30109(d)(1)) is amended by adding at the end the fol-  
 7 lowing new subparagraphs:

8                   “(E) Any person who knowingly and will-  
 9                   fully commits a violation of section 304(j) or  
 10                  section 302(e)(6) shall be fined under title 18,  
 11                  United States Code, imprisoned for not more  
 12                  than 3 years, or both.

13                  “(F) Any person who knowingly and will-  
 14                  fully conceals or destroys any materials relating  
 15                  to a reportable foreign contact (as defined in  
 16                  section 304(j)) shall be fined under title 18,  
 17                  United States Code, imprisoned for not more  
 18                  than 3 years, or both.”.

19           (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
 20 tion or the amendments made by this section shall be con-  
 21 strued—

22                  (1) to impede legitimate journalistic activities;  
 23                  or  
 24                  (2) to impose any additional limitation on the  
 25                  right of any individual who is not a citizen of the

1 United States or a national of the United States (as  
 2 defined in section 101(a)(22) of the Immigration  
 3 and Nationality Act) and who is not lawfully admit-  
 4 ted for permanent residence, as defined by section  
 5 101(a)(20) of the Immigration and Nationality Act  
 6 (8 U.S.C. 1101(a)(20)) to express political views or  
 7 to participate in public discourse.

8 **SEC. 507. COMBATING CHINESE INFLUENCE OPERATIONS**  
 9 **IN THE UNITED STATES AND STRENGTH-**  
 10 **ENING CIVIL LIBERTIES PROTECTIONS.**

11 (a) UPDATES TO ANNUAL REPORTS ON INFLUENCE  
 12 OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY  
 13 THE CHINESE COMMUNIST PARTY.—Section 1107(b) of  
 14 the National Security Act of 1947 (50 U.S.C. 3237(b))  
 15 is amended—

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

18 (2) by inserting after paragraph (7) the fol-  
 19 lowing:

20 “(8) An identification of influence activities and  
 21 operations employed by the Chinese Communist  
 22 Party against the United States science and tech-  
 23 nology sectors, specifically employees of the United  
 24 States Government, researchers, scientists, and stu-

1       dents in the science and technology sector in the  
2       United States.”.

3       (b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION  
4 TO INCREASE PUBLIC AWARENESS AND DETECTION OF  
5 INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE  
6 PEOPLE’S REPUBLIC OF CHINA.—

7           (1) PLAN REQUIRED.—Not later than 90 days  
8       after the date of the enactment of this Act, the Di-  
9       rector of the Federal Bureau of Investigation shall  
10      submit to the congressional intelligence committees a  
11      plan—

12           (A) to increase public awareness of influ-  
13      ence activities by the Government of the Peo-  
14      ple’s Republic of China; and

15           (B) to publicize mechanisms that members  
16      of the public can use—

17           (i) to detect such activities; and

18           (ii) to report such activities to the Bu-  
19      reau.

20       (2) CONSULTATION.—In carrying out para-  
21      graph (1), the Director shall consult with the fol-  
22      lowing:

23           (A) The Director of the Office of Science  
24      and Technology Policy.

1 (B) Such other stakeholders outside the in-  
2 telligence community, including professional as-  
3 sociations, institutions of higher education,  
4 businesses, and civil rights and multicultural  
5 organizations, as the Director determines rel-  
6 evant.

7 (c) RECOMMENDATIONS OF THE FEDERAL BUREAU  
8 OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS  
9 AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

10 (1) IN GENERAL.—The Director of the Federal  
11 Bureau of Investigation, in consultation with the As-  
12 sistant Attorney General for the Civil Rights Divi-  
13 sion and the Chief Privacy and Civil Liberties Offi-  
14 cer of the Department of Justice, shall develop rec-  
15 ommendations to strengthen relationships with com-  
16 munities targeted by influence activities of the Gov-  
17 ernment of the People’s Republic of China and build  
18 trust with such communities through local and re-  
19 gional grassroots outreach.

20 (2) SUBMITTAL TO CONGRESS.—Not later than  
21 1 year after the date of the enactment of this Act,  
22 the Director shall submit to Congress the rec-  
23 ommendations developed under paragraph (1).

24 (d) TECHNICAL CORRECTIONS.—The National Secu-  
25 rity Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

1 (1) in section 1107 (50 U.S.C. 3237)—

2 (A) in the section heading, by striking  
3 “**COMMUNIST PARTY OF CHINA**” and insert-  
4 ing “**CHINESE COMMUNIST PARTY**”; and

5 (B) by striking “Communist Party of  
6 China” both places it appears and inserting  
7 “Chinese Communist Party”; and

8 (2) in the table of contents before section 2 (50  
9 U.S.C. 3002), by striking the item relating to sec-  
10 tion 1107 and inserting the following new item:

“Sec. 1107. Annual reports on influence operations and campaigns in the  
United States by the Chinese Communist Party.”.

11 **SEC. 508. ANNUAL REPORT ON CORRUPT ACTIVITIES OF**  
12 **SENIOR OFFICIALS OF THE CHINESE COM-**  
13 **MUNIST PARTY.**

14 (a) DEFINITION OF APPROPRIATE COMMITTEES OF  
15 CONGRESS.—In this section, the term “appropriate com-  
16 mittees of Congress” means—

17 (1) the Committee on Banking, Housing, and  
18 Urban Affairs, the Committee on Finance, the Com-  
19 mittee on Foreign Relations, and the Select Com-  
20 mittee on Intelligence of the Senate; and

21 (2) the Committee on Financial Services, the  
22 Committee on Foreign Affairs, the Committee on  
23 Ways and Means, and the Permanent Select Com-



mittee on Intelligence of the House of Representatives.

(b) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through 2025, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities of senior officials of the Chinese Communist Party.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include the following:

(i) A description of the wealth of, and corruption and corrupt activities among, senior officials of the Chinese Communist Party.

(ii) A description of any recent actions of the officials described in clause (i) that could be considered a violation, or potential violation, of United States law.

(iii) A description and assessment of targeted financial measures, including potential targets for designation of the officials described in clause (i) for the corrup-

1           tion and corrupt activities described in that  
2           clause and for the actions described in  
3           clause (ii).

4           (B) SCOPE OF REPORTS.—The first report  
5           under paragraph (1) shall include comprehen-  
6           sive information on the matters described in  
7           subparagraph (A). Any succeeding report under  
8           paragraph (1) may consist of an update or sup-  
9           plement to the preceding report under that sub-  
10          section.

11          (3) COORDINATION.—In preparing each report,  
12          update, or supplement under this subsection, the Di-  
13          rector of the Central Intelligence Agency shall co-  
14          ordinate as follows:

15               (A) In preparing the description required  
16               by clause (i) of paragraph (2)(A), the Director  
17               of the Central Intelligence Agency shall coordi-  
18               nate with the head of the Office of Intelligence  
19               and Analysis of the Department of the Treas-  
20               ury and the Director of the Federal Bureau of  
21               Investigation.

22               (B) In preparing the descriptions required  
23               by clauses (ii) and (iii) of such paragraph, the  
24               Director of the Central Intelligence Agency  
25               shall coordinate with the head of the Office of

1 Intelligence and Analysis of the Department of  
2 the Treasury.

3 (4) FORM.—Each report under paragraph (1)  
4 shall include an unclassified executive summary, and  
5 may include a classified annex.

6 (c) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that the United States should undertake every effort  
8 and pursue every opportunity to expose the corruption and  
9 illicit practices of senior officials of the Chinese Com-  
10 munist Party, including President Xi Jinping.

11 **SEC. 509. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN**  
12 **AND OTHER EASTERN EUROPEAN**  
13 **OLIGARCHS.**

14 (a) DEFINITION OF APPROPRIATE COMMITTEES OF  
15 CONGRESS.—In this section, the term “appropriate com-  
16 mittees of Congress” means—

17 (1) the Committee on Banking, Housing, and  
18 Urban Affairs, the Committee on Finance, the Com-  
19 mittee on Foreign Relations, and the Select Com-  
20 mittee on Intelligence of the Senate; and

21 (2) the Committee on Financial Services, the  
22 Committee on Foreign Affairs, the Committee on  
23 Ways and Means, and the Permanent Select Com-  
24 mittee on Intelligence of the House of Representa-  
25 tives.

1 (b) REPORT REQUIRED.—Not later than 100 days  
2 after the date of the enactment of this Act, the Director  
3 of the Central Intelligence Agency shall submit to the ap-  
4 propriate committees of Congress and the Undersecretary  
5 of State for Public Diplomacy and Public Affairs a report  
6 on the corruption and corrupt activities of Russian and  
7 other Eastern European oligarchs.

8 (c) ELEMENTS.—

9 (1) IN GENERAL.—Each report under sub-  
10 section (b) shall include the following:

11 (A) A description of corruption and cor-  
12 rupt activities among Russian and other East-  
13 ern European oligarchs who support the Gov-  
14 ernment of the Russian Federation, including  
15 estimates of the total assets of such oligarchs.

16 (B) An assessment of the impact of the  
17 corruption and corrupt activities described pur-  
18 suant to subparagraph (A) on the economy and  
19 citizens of Russia.

20 (C) A description of any connections to, or  
21 support of, organized crime, drug smuggling, or  
22 human trafficking by an oligarch covered by  
23 subparagraph (A).

24 (D) A description of any information that  
25 reveals corruption and corrupt activities in Rus-

1           sia among oligarchs covered by subparagraph  
2           (A).

3                   (E) A description and assessment of poten-  
4           tial sanctions actions that could be imposed  
5           upon oligarchs covered by subparagraph (A)  
6           who support the leadership of the Government  
7           of Russia, including President Vladimir Putin.

8           (2) SCOPE OF REPORTS.—The first report  
9           under subsection (a) shall include comprehensive in-  
10          formation on the matters described in paragraph  
11          (1). Any succeeding report under subsection (a) may  
12          consist of an update or supplement to the preceding  
13          report under that subsection.

14          (d) COORDINATION.—In preparing each report, up-  
15          date, or supplement under this section, the Director of the  
16          Central Intelligence Agency shall coordinate as follows:

17                  (1) In preparing the assessment and descrip-  
18          tions required by subparagraphs (A) through (D) of  
19          subsection (c)(1), the Director of the Central Intel-  
20          ligence Agency shall coordinate with the head of the  
21          Office of Intelligence and Analysis of the Depart-  
22          ment of the Treasury and the Director of the Fed-  
23          eral Bureau of Investigation.

24                  (2) In preparing the description and assessment  
25          required by subparagraph (E) of such subsection,

1 the Director of the Central Intelligence Agency shall  
 2 coordinate with the head of the Office of Intelligence  
 3 and Analysis of the Department of the Treasury.

4 (e) FORM.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
 6 each report under subsection (b) shall include an un-  
 7 classified executive summary, and may include a  
 8 classified annex.

9 (2) UNCLASSIFIED FORM OF CERTAIN INFOR-  
 10 MATION.—The information described in subsection  
 11 (c)(1)(D) in each report under subsection (b) shall  
 12 be submitted in unclassified form.

13 **SEC. 510. REPORT ON BIOSECURITY RISK AND**  
 14 **DISINFORMATION BY THE CHINESE COM-**  
 15 **MUNIST PARTY AND THE GOVERNMENT OF**  
 16 **THE PEOPLE’S REPUBLIC OF CHINA.**

17 (a) DEFINITIONS.—In this section:

18 (1) APPROPRIATE COMMITTEES OF CON-  
 19 GRESS.—The term “appropriate committees of Con-  
 20 gress” means—

21 (A) the Select Committee on Intelligence,  
 22 the Committee on Armed Services, the Com-  
 23 mittee on Foreign Relations, the Committee on  
 24 Health, Education, Labor, and Pensions, and

1 the Committee on Homeland Security and Gov-  
2 ernmental Affairs of the Senate; and

3 (B) the Permanent Select Committee on  
4 Intelligence, the Committee on Armed Services,  
5 the Committee on Energy and Commerce, the  
6 Committee on Foreign Affairs, and the Com-  
7 mittee on Homeland Security of the House of  
8 Representatives.

9 (2) CRITICAL INFRASTRUCTURE.—The term  
10 “critical infrastructure” has the meaning given such  
11 term in section 1016(e) of the Uniting and  
12 Strengthening America by Providing Appropriate  
13 Tools Required to Intercept and Obstruct Terrorism  
14 (USA PATRIOT ACT) Act of 2001 (42 U.S.C.  
15 5195c(e)).

16 (b) REPORT REQUIRED.—Not later than 90 days  
17 after the date of the enactment of this Act, the Director  
18 of National Intelligence shall submit to the appropriate  
19 committees of Congress a report identifying whether and  
20 how officials of the Chinese Communist Party and the  
21 Government of the People’s Republic of China may have  
22 sought—

23 (1) to suppress information about—

24 (A) the outbreak of the novel coronavirus  
25 in Wuhan;

1 (B) the spread of the virus through China;

2 and

3 (C) the transmission of the virus to other

4 countries;

5 (2) to spread disinformation relating to the

6 pandemic; or

7 (3) to exploit the pandemic to advance their na-

8 tional security interests.

9 (c) ASSESSMENTS.—The report required by sub-  
10 section (b) shall include assessments of reported actions  
11 and the effect of those actions on efforts to contain the  
12 novel coronavirus pandemic, including each of the fol-  
13 lowing:

14 (1) The origins of the novel coronavirus out-  
15 break, the time and location of initial infections, and  
16 the mode and speed of early viral spread.

17 (2) Actions taken by the Government of China  
18 to suppress, conceal, or misinform the people of  
19 China and those of other countries about the novel  
20 coronavirus outbreak in Wuhan.

21 (3) The effect of disinformation or the failure  
22 of the Government of China to fully disclose details  
23 of the outbreak on response efforts of local govern-  
24 ments in China and other countries.



1           (4) Diplomatic, political, economic, intelligence,  
2           or other pressure on other countries and inter-  
3           national organizations to conceal information about  
4           the spread of the novel coronavirus and the response  
5           of the Government of China to the contagion, as well  
6           as to influence or coerce early responses to the pan-  
7           demic by other countries.

8           (5) Efforts by officials of the Government of  
9           China to deny access to health experts and inter-  
10          national health organizations to afflicted individuals  
11          in Wuhan, pertinent areas of the city, or laboratories  
12          of interest in China, including the Wuhan Institute  
13          of Virology.

14          (6) Efforts by the Government of China, or  
15          those acting at its direction or with its assistance, to  
16          conduct cyber operations against international, na-  
17          tional, or private health organizations conducting re-  
18          search relating to the novel coronavirus or operating  
19          in response to the pandemic.

20          (7) Efforts to control, restrict, or manipulate  
21          relevant segments of global supply chains, particu-  
22          larly in the sale, trade, or provision of relevant medi-  
23          cines, medical supplies, or medical equipment as a  
24          result of the pandemic.

1           (8) Efforts to advance the economic, intel-  
2           ligence, national security, and political objectives of  
3           the Government of China by exploiting  
4           vulnerabilities of foreign governments, economies,  
5           and companies under financial duress as a result of  
6           the pandemic or to accelerate economic espionage  
7           and intellectual property theft.

8           (9) Efforts to exploit the disruption of the  
9           pharmaceutical and telecommunications industries  
10          as well as other industries tied to critical infrastruc-  
11          ture and bilateral trade between China and the  
12          United States and between China and allies and  
13          partners of the United States in order to advance  
14          the economic and political objectives of the Govern-  
15          ment of China following the pandemic.

16          (d) FORM.—The report required under subsection (b)  
17          shall be submitted in unclassified form, but may include  
18          a classified annex.

19       **SEC. 511. REPORT ON EFFECT OF LIFTING OF UNITED NA-**  
20                               **TIONS ARMS EMBARGO ON ISLAMIC REPUB-**  
21                               **LIC OF IRAN.**

22          (a) DEFINITION OF APPROPRIATE COMMITTEES OF  
23          CONGRESS.—In this section, the term “appropriate com-  
24          mittees of Congress” means—

1           (1) the Select Committee on Intelligence, the  
2           Committee on Armed Services, and the Committee  
3           on Foreign Relations of the Senate; and

4           (2) the Permanent Select Committee on Intel-  
5           ligence, the Committee on Armed Services, and the  
6           Committee on Foreign Affairs of the House of Rep-  
7           resentatives.

8           (b) REPORT REQUIRED.—Not later than 90 days  
9           after the date of the enactment of this Act, the Director  
10          of the Defense Intelligence Agency, in consultation with  
11          such heads of other elements of the intelligence community  
12          as the Director considers appropriate, shall submit to the  
13          appropriate committees of Congress a report on—

14                (1) the plans of the Government of the Islamic  
15          Republic of Iran to acquire military arms if the ban  
16          on arms transfers to or from such government under  
17          United Nations Security Council resolutions are lift-  
18          ed; and

19                (2) the effect such arms acquisitions may have  
20          on regional security and stability.

21           (c) CONTENTS.—The report submitted under sub-  
22          section (b) shall include assessments relating to plans of  
23          the Government of the Islamic Republic of Iran to acquire  
24          additional weapons, the intention of other countries to  
25          provide such weapons, and the effect such acquisition and

1 provision would have on regional stability, including with  
2 respect to each of the following:

3           (1) The type and quantity of weapon systems  
4           under consideration for acquisition.

5           (2) The countries of origin of such systems.

6           (3) Likely reactions of other countries in the re-  
7           gion to such acquisition, including the potential for  
8           proliferation by other countries in response.

9           (4) The threat that such acquisition could  
10          present to international commerce and energy sup-  
11          plies in the region, and the potential implications for  
12          the national security of the United States.

13          (5) The threat that such acquisition could  
14          present to the Armed Forces of the United States,  
15          of countries allied with the United States, and of  
16          countries partnered with the United States stationed  
17          in or deployed in the region.

18          (6) The potential that such acquisition could be  
19          used to deliver chemical, biological, or nuclear weap-  
20          ons.

21          (7) The potential for the Government of the Is-  
22          lamic Republic of Iran to proliferate weapons ac-  
23          quired in the absence of an arms embargo to re-  
24          gional groups, including Shi'a militia groups backed  
25          by such government.

1 (d) FORM.—The report submitted under subsection  
2 (b) shall be submitted in unclassified form, but may in-  
3 clude a classified annex.

4 **SEC. 512. REPORT ON IRANIAN ACTIVITIES RELATING TO**  
5 **NUCLEAR NONPROLIFERATION.**

6 (a) DEFINITION OF APPROPRIATE COMMITTEES OF  
7 CONGRESS.—In this section, the term “appropriate com-  
8 mittees of Congress” means—

9 (1) the Select Committee on Intelligence, the  
10 Committee on Armed Services, and the Committee  
11 on Foreign Relations of the Senate; and

12 (2) the Permanent Select Committee on Intel-  
13 ligence, the Committee on Armed Services, and the  
14 Committee on Foreign Affairs of the House of Rep-  
15 resentatives.

16 (b) REPORT REQUIRED.—Not later than 90 days  
17 after the date of the enactment of this Act, the Director  
18 of National Intelligence shall submit to the appropriate  
19 committees of Congress a report assessing—

20 (1) any relevant activities potentially relating to  
21 nuclear weapons research and development by the  
22 Islamic Republic of Iran; and

23 (2) any relevant efforts to afford or deny inter-  
24 national access in accordance with international non-  
25 proliferation agreements.

1       (c) ASSESSMENTS.—The report required by sub-  
2 section (b) shall include assessments, for the period begin-  
3 ning on January 1, 2018, and ending on the date of the  
4 submittal of the report, of the following:

5           (1) Activities to research, develop, or enrich  
6 uranium or reprocess plutonium with the intent or  
7 capability of creating weapons-grade nuclear mate-  
8 rial.

9           (2) Research, development, testing, or design  
10 activities that could contribute to or inform con-  
11 struction of a device intended to initiate or capable  
12 of initiating a nuclear explosion.

13           (3) Efforts to receive, transmit, store, destroy,  
14 relocate, archive, or otherwise preserve research,  
15 processes, products, or enabling materials relevant  
16 or relating to any efforts assessed under paragraph  
17 (1) or (2).

18           (4) Efforts to afford or deny international ac-  
19 cess, in accordance with international nonprolifera-  
20 tion agreements, to locations, individuals, and mate-  
21 rials relating to activities described in paragraph (1),  
22 (2), or (3).

23       (d) FORM.—The report required under subsection (b)  
24 shall be submitted in unclassified form, but may include  
25 a classified annex.

1 **SEC. 513. SENSE OF CONGRESS ON THIRD OPTION FOUNDA-**  
2 **TION.**

3 It is the sense of the Congress that—

4 (1) the work of the Third Option Foundation to  
5 heal, help, and honor members of the special oper-  
6 ations community of the Central Intelligence Agency  
7 and their families is invaluable; and

8 (2) the Director of the Central Intelligence  
9 Agency should work closely with the Third Option  
10 Foundation in implementing section 19A of the Cen-  
11 tral Intelligence Agency Act of 1949 (50 U.S.C.  
12 3519b), as added by section 6412 of the Damon  
13 Paul Nelson and Matthew Young Pollard Intel-  
14 ligence Authorization Act for Fiscal Years 2018,  
15 2019, and 2020 (Public Law 116–92).

Calendar No. 477

116TH CONGRESS  
2D Session  
**S. 3905**

**A BILL**

To authorize appropriations for fiscal year 2021 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

JUNE 8, 2020

Read twice and placed on the calendar