

Statutory Notes and Related Subsidiaries

INITIAL REPORT

Pub. L. 116-92, div. E, title LV, § 5501(c), Dec. 20, 2019, 133 Stat. 2144, provided that: “The Director of the National Counterintelligence and Security Center shall submit to the congressional intelligence committees the first report under section 1108 of the National Security Act of 1947 [50 U.S.C. 3238], as added by subsection (a), by not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019].”

[For definition of “congressional intelligence committees” as used in section 5501(c) of Pub. L. 116-92, set out above, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.]

§ 3239. Requirement to buy certain satellite component from American sources

(a) Definitions

In this section:

(1) Covered element of the intelligence community

The term “covered element of the intelligence community” means an element of the intelligence community that is not an element of the Department of Defense.

(2) National security satellite

The term “national security satellite” means a satellite weighing over 400 pounds whose principle purpose is to support the national security or intelligence needs of the United States Government.

(3) United States

The term “United States” means the several States, the District of Columbia, and the territories and possessions of the United States.

(b) Requirement

Beginning January 1, 2021, except as provided in subsection (c), a covered element of the intelligence community may not award a contract for a national security satellite if the satellite uses a star tracker that is not produced in the United States, including with respect to both the software and the hardware of the star tracker.

(c) Exception

The head of a covered element of the intelligence community may waive the requirement under subsection (b) if, on a case-by-case basis, the head certifies in writing to the congressional intelligence committees that—

(1) there is no available star tracker produced in the United States that meets the mission and design requirements of the national security satellite for which the star tracker will be used;

(2) the cost of a star tracker produced in the United States is unreasonable, based on a market survey; or

(3) such waiver is necessary for the national security interests of the United States based on an urgent and compelling need.

(July 26, 1947, ch. 343, title XI, §1109, as added Pub. L. 116-260, div. W, title III, §308(a), Dec. 27, 2020, 134 Stat. 2368.)

§ 3240. Report on best practices to protect privacy, civil liberties, and civil rights of Chinese Americans

(a) Sense of Congress

It is the sense of Congress that—

(1) the People’s Republic of China appears to be specifically targeting the Chinese-American community for intelligence purposes;

(2) such targeting carries a substantial risk that the loyalty of such Americans may be generally questioned and lead to unacceptable stereotyping, targeting, and racial profiling;

(3) the United States Government has a duty to warn and protect all Americans including those of Chinese descent from these intelligence efforts by the People’s Republic of China;

(4) the broad stereotyping, targeting, and racial profiling of Americans of Chinese descent is contrary to the values of the United States and reinforces the flawed narrative perpetuated by the People’s Republic of China that ethnically Chinese individuals worldwide have a duty to support the People’s Republic of China; and

(5) the United States efforts to combat the People’s Republic of China’s intelligence activities should actively safeguard and promote the constitutional rights of all Chinese Americans.

(b) Report

On an annual basis, the Director of National Intelligence, acting through the Office of Civil Liberties, Privacy, and Transparency, in coordination with the civil liberties and privacy officers of the elements of the intelligence community, shall submit a report to the congressional intelligence committees containing—

(1) a review of how the policies, procedures, and practices of the intelligence community that govern the intelligence activities and operations targeting the People’s Republic of China affect policies, procedures, and practices relating to the privacy, civil liberties, and civil rights of Americans of Chinese descent who may be targets of espionage and influence operations by China; and

(2) recommendations to ensure that the privacy, civil liberties, and civil rights of Americans of Chinese descent are sufficiently protected.

(c) Form

The report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(July 26, 1947, ch. 343, title XI, §1110, formerly Pub. L. 116-92, div. E, title LVII, §5712, Dec. 20, 2019, 133 Stat. 2171; renumbered §1110 of act July 26, 1947, and amended Pub. L. 116-260, div. W, title VI, §620(a), Dec. 27, 2020, 134 Stat. 2401.)

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AMENDMENTS

2020—Pub. L. 116-260, § 620(a)(4)(A), substituted “, civil liberties, and civil rights” for “and civil liberties” in section catchline.

Subsec. (b). Pub. L. 116-260, § 620(a)(4)(B), substituted “On an annual basis,” for “Not later than 180 days after

the date of the enactment of this Act,” in introductory provisions and “, civil liberties, and civil rights” for “and civil liberties” in pars. (1) and (2).

§ 3241. Biennial reports on foreign biological threats

(a) Reports

On a biennial basis until the date that is 10 years after March 15, 2022, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on the activities, prioritization, and responsibilities of the intelligence community with respect to foreign biological threats emanating from the territory of, or sponsored by, a covered country.

(b) Matters included

Each report under subsection (a) shall include, with respect to foreign biological threats emanating from the territory of, or sponsored by, a covered country, the following:

(1) A detailed description of all activities relating to such threats undertaken by each element of the intelligence community, and an assessment of any gaps in such activities.

(2) A detailed description of all duties and responsibilities relating to such threats explicitly authorized or otherwise assigned, exclusively or jointly, to each element of the intelligence community, and an assessment of any identified gaps in such duties or responsibilities.

(3) A description of the coordination among the relevant elements of the intelligence community with respect to the activities specified in paragraph (1) and the duties and responsibilities specified in paragraph (2).

(4) An inventory of the strategies, plans, policies, and interagency agreements of the intelligence community relating to the collection, monitoring, analysis, mitigation, and attribution of such threats, and an assessment of any identified gaps therein.

(5) A description of the coordination and interactions among the relevant elements of the intelligence community and non-intelligence community partners.

(6) An assessment of foreign malign influence efforts relating to such threats, including any foreign academics engaged in such efforts, and a description of how the intelligence community contributes to efforts by non-intelligence community partners to counter such foreign malign influence.

(c) Form

Each report submitted under subsection (a) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(d) Definitions

In this section:

(1) Covered country

The term “covered country” means—

- (A) China;
- (B) Iran;
- (C) North Korea;
- (D) Russia; and
- (E) any other foreign country—

(i) from which the Director of National Intelligence determines a biological threat emanates; or

(ii) that the Director determines has a known history of, or has been assessed as having conditions present for, infectious disease outbreaks or epidemics.

(2) Foreign biological threat

The term “foreign biological threat” means biological warfare, bioterrorism, naturally occurring infectious diseases, or accidental exposures to biological materials, without regard to whether the threat originates from a state actor, a non-state actor, natural conditions, or an undetermined source.

(3) Foreign malign influence

The term “foreign malign influence” has the meaning given such term in section 3059(e)¹ of this title.

(4) Non-intelligence community partner

The term “non-intelligence community partner” means a Federal department or agency that is not an element of the intelligence community.

(July 26, 1947, ch. 343, title XI, §1111, as added Pub. L. 117–103, div. X, title VIII, §821(a), Mar. 15, 2022, 136 Stat. 1019.)

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REFERENCES IN TEXT

Section 3059(e) of this title, referred to in subsec. (d)(3), was redesignated as section 3059(f) of this title by Pub. L. 117–263, div. F, title LXIII, §6307(b)(1), Dec. 23, 2022, 136 Stat. 3505.

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FIRST REPORT

Pub. L. 117–103, div. X, title VIII, §821(b), Mar. 15, 2022, 136 Stat. 1020, provided that: “Not later than 120 days after the date of the enactment of this Act [Mar. 15, 2022], the Director of National Intelligence shall submit to the congressional intelligence committees the first report required under section 1111 of the National Security Act of 1947 [50 U.S.C. 3241], as added by subsection (a).”

[For definition of “congressional intelligence committees” as used in section 821(b) of div. X of Pub. L. 117–103, set out above, see section 2 of div. X of Pub. L. 117–103, set out as a note under section 3003 of this title.]

§ 3242. Annual reports on certain cyber vulnerabilities procured by intelligence community and foreign commercial providers of cyber vulnerabilities

(a) Annual reports

On an annual basis through 2026, the Director of the Central Intelligence Agency and the Director of the National Security Agency, in coordination with the Director of National Intelligence, shall jointly submit to the congressional intelligence committees a report containing information on foreign commercial providers and the cyber vulnerabilities procured by the intelligence community through foreign commercial providers.

¹ See References in Text note below.