

(4) a representative of the Department of Homeland Security;

(5) a representative of the Federal Bureau of Investigation;

(6) the Director of the National Counterintelligence and Security Center; and

(7) any other members the Director of National Intelligence determines appropriate.

(d) Security clearances

Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) Annual report

The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall submit to the appropriate congressional committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain, cybersecurity, and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

(Pub. L. 116-92, div. E, title LXIII, § 6306, Dec. 20, 2019, 133 Stat. 2188.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” as used in this section, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

§ 3370a. Repealed. Pub. L. 118-159, div. F, title LXIX, § 6901(d), Dec. 23, 2024, 138 Stat. 2517

Section, Pub. L. 116-92, div. E, title LXVII, § 6716, Dec. 20, 2019, 133 Stat. 2227, related to a biennial report on foreign investment risks.

§ 3370b. Collaboration between intelligence community and Department of Commerce to counter foreign commercial threats

(a) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(C) the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) Foreign commercial threat

(A) In general

The term “foreign commercial threat” means a rare commercial item or service that is produced by, offered by, sold by, licensed by, or otherwise distributed under the control of a strategic competitor or foreign adversary in a manner that may provide the strategic competitor or foreign adversary leverage over an intended recipient.

(B) Determinations by Working Group

In determining whether an item or service is a foreign commercial threat, the Working Group shall consider whether the strategic competitor or foreign adversary could—

(i) withhold, or threaten to withhold, the rare commercial item or service;

(ii) create reliance on the rare commercial item or service as essential to the safety, health, or economic wellbeing of the intended recipient; or

(iii) have its rare commercial item or service easily replaced by a United States entity or an entity of an ally or partner of the United States.

(3) Rare commercial item or service

The term “rare commercial item or service” means a good, service, or intellectual property that is not widely available for distribution.

(b) Working Group

(1) Establishment

Unless the Director of National Intelligence and the Secretary of Commerce make the joint determination specified in subsection (c), the Director and the Secretary, in consultation with the Secretary of State, shall jointly establish a working group to counter foreign commercial threats (in this section referred to as the “Working Group”).

(2) Membership

The composition of the Working Group may include any officer or employee of a department or agency of the United States Government determined appropriate by the Director or the Secretary.

(3) Duties

The duties of the Working Group shall be the following:

(A) To identify current foreign commercial threats.

(B) To identify probable future foreign commercial threats.

(C) To identify goods, services, or intellectual property that, if produced by entities within the United States, or allies or partners of the United States, would mitigate foreign commercial threats.

(4) Meetings

Not later than 30 days after December 23, 2022, and on a regular basis that is not less frequently than quarterly thereafter until the date of termination under paragraph (5), the Working Group shall meet.

(5) Termination

Beginning on the date that is 2 years after the date of the establishment under paragraph

(1), the Working Group may be terminated upon the Director of National Intelligence and the Secretary of Commerce jointly—

(A) determining that termination of the Working Group is appropriate; and

(B) submitting to the appropriate congressional committees a notification of such determination (including a description of the justification for such determination).

(6) Reports

(A) Submission to Congress

Not later than 60 days after December 23, 2022, and biannually thereafter until the date of termination under paragraph (5), the Working Group shall submit to the appropriate congressional committees a report on the activities of the Working Group.

(B) Matters

Each report under subparagraph (A) shall include a description of the following:

(i) Any current or future foreign commercial threats identified by the Working Group.

(ii) The strategy of the United States Government, if any, to mitigate any current foreign commercial threats so identified.

(iii) The plan of the intelligence community to provide to the Department of Commerce and other nontraditional customers of the intelligence community support in addressing foreign commercial threats.

(iv) Any other significant activity of the Working Group.

(c) Option to discharge obligation through other means

If the Director of National Intelligence and the Secretary of Commerce make a joint determination that the requirements of the Working Group under subsection (b) (including the duties under paragraph (3) and the reporting requirement under paragraph (6) of such subsection) may be appropriately filled by an existing entity or structure, and submit to the congressional intelligence committees a notification of such determination (including a description of the justification for such determination), the Director and Secretary may task such entity or structure with such requirements in lieu of establishing the Working Group.

(Pub. L. 117–263, div. F, title LXV, § 6514, Dec. 23, 2022, 136 Stat. 3546.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees” as used in this section, see section 6002 of Pub. L. 117–263, set out as a note under section 3003 of this title.

§ 3371. Required counterintelligence assessments, briefings, notifications, and reports

(a) Foreign counterintelligence and cybersecurity threats to Federal election campaigns

(1) Reports required

(A) In general

As provided in subparagraph (B), with respect to an election for Federal office, the

Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an internet website an advisory report on foreign counterintelligence and cybersecurity threats to campaigns of candidates for Federal office. Each such report, consistent with the protection of sources and methods, shall include the following:

(i) A description of foreign counterintelligence and cybersecurity threats to campaigns of candidates for Federal office.

(ii) A summary of best practices that campaigns of candidates for Federal office can employ in seeking to counter such threats.

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

(B) Schedule for submittal

(i) In general

Except as provided by clause (ii), with respect to an election for Federal office, a report under this subsection shall be first made available not later than the date that is 1 year before the date of such election, and may be subsequently revised as the Director of National Intelligence determines appropriate.

(ii) 2020 elections

With respect to an election for Federal office that occurs during 2020, the report under this subsection shall be first made available not later than the date that is 60 days after December 20, 2020, and may be subsequently revised as the Director of National Intelligence determines appropriate.

(C) Information to be included

A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

(2) Treatment of campaigns subject to heightened threats

If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that a campaign of a candidate for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.

(b) Omitted

(c) Director of National Intelligence assessment of foreign interference in Federal elections

(1) Assessments required

Not later than 45 days after the end of a Federal election cycle, the Director of National Intelligence, in consultation with the heads of