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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.

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

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 Agency,
13 and the Director of the National Geospatial-Intelligence
14 Agency shall each submit the plan established under
15 subsection (b) for that emergency for the element of the
16 intelligence community concerned to the following:

18 (A) The congressional intelligence committees.

19

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 emergency,
25 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 redes-
 2 ignated by paragraph (2), by inserting “(i)” before
 3 “In this”; and

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

5 “(ii) The Inspector General shall have sole authority
 6 to determine whether any complaint or information re-
 7 ported to the Inspector General is a matter of urgent con-
 8 cern under this paragraph.”.

9 (c) SCOPE OF AUTHORITY OF INSPECTOR GENERAL
 10 OF THE INTELLIGENCE COMMUNITY.—Section
 11 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amend-
 12 ed by adding at the end the following:

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

17 (d) REQUIREMENTS RELATING TO BASIS AND DERI-
 18 VATION OF COMPLAINTS AND INFORMATION RE-
 19 PORTED.—

20 (1) IN REPORT TO INSPECTOR GENERAL.—Sub-
 21 paragraph (A) of section 103H(k)(5) of such Act
 22 (50 U.S.C. 3033(k)(5)) is amended—

23 (A) by inserting “(i)” before “An em-
 24 ployee”; 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-

1 portunity to retain counsel or other representa-
2 tion at the covered person's expense.

3 “(B) ACCESS TO CLASSIFIED INFORMA-
4 TION.—

5 “(i) IN GENERAL.—Upon the request
6 of a covered person appealing a decision of
7 an agency under this subsection and a
8 showing that the ability to review classified
9 information is essential to the resolution of
10 the appeal under this subsection, the head
11 of the agency shall sponsor an application
12 by the counsel or other representation re-
13 tained under this paragraph for access to
14 classified information for the limited pur-
15 poses of such appeal.

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

22 “(5) CORRECTIVE ACTION.—

23 “(A) IN GENERAL.—If, in the course of
24 proceedings under this subsection, the head of
25 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

O-RAN Alliance, the Telecom Infra Project, 3GPP, the O-RAN Software Community, or any successor organizations.

(III) Promoting compatibility of new fifth-generation wireless network equipment with future open standards-based interoperable equipment.

(IV) Managing integration of multivendor network environments.

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

(VI) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multivendor networks.

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

(ii) AMOUNT.—

(I) IN GENERAL.—Subject to 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 SECU-
20 RITY 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-

mittee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

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

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment completed under subsection (a).

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

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

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

“(j) DISCLOSURE OF REPORTABLE FOREIGN CONTACTS.—

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