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117TH CONGRESS
1ST SESSION

S. 2610

To authorize appropriations for fiscal year 2022 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

AUGUST 4, 2021

Mr. WARNER, 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 2022 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 2022”.

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—GENERAL INTELLIGENCE MATTERS

Subtitle A—Intelligence Community Matters

- Sec. 301. Increasing agricultural and commercial intelligence measures.
 Sec. 302. Plan for allowing contracts with providers of services relating to sensitive compartmented information facilities.
 Sec. 303. Plan to establish commercial geospatial intelligence data and services program office.
 Sec. 304. Investment strategy for commercial geospatial intelligence services acquisition.
 Sec. 305. Central Intelligence Agency Acquisition Innovation Center report, strategy, and plan.
 Sec. 306. Improving authorities relating to national counterintelligence and security.
 Sec. 307. Removal of Chief Information Officer of the Intelligence Community from level IV of the Executive Schedule.
 Sec. 308. Requirements relating to construction of facilities to be used primarily by intelligence community.
 Sec. 309. Director of National Intelligence support for intelligence community diversity, equity, inclusion, and accessibility activities.
 Sec. 310. Establishment of Diversity, Equity, and Inclusion Officer of the Intelligence Community.
 Sec. 311. Clarification of authority of National Reconnaissance Office.
 Sec. 312. Director of National Intelligence declassification review of information relating to terrorist attacks of September 11, 2001.
 Sec. 313. Establishment of Chaplain Corps of the Central Intelligence Agency.
 Sec. 314. Pilot program on recruitment and retention in Office of Intelligence and Analysis of the Department of the Treasury.
 Sec. 315. Pilot program on student loan repayment at Office of Intelligence and Analysis of Department of the Treasury.
 Sec. 316. Prohibition on collection and analysis of United States persons' information by intelligence community based on First Amendment-protected activities.
 Sec. 317. Sense of the Senate on the use of intelligence community resources for collection, assessment, and analysis of information pertaining exclusively to United States persons absent a foreign nexus.

Subtitle B—Inspector General of the Intelligence Community

- Sec. 321. Submittal of complaints and information by whistleblowers in the intelligence community to Congress.
- Sec. 322. Definitions and authorities regarding whistleblower complaints and information of urgent concern received by Inspectors General of the intelligence community.
- Sec. 323. Harmonization of whistleblower protections.
- Sec. 324. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.

Subtitle C—Reports and Assessments Pertaining to the Intelligence Community

- Sec. 331. Report on efforts to build an integrated hybrid space architecture.
- Sec. 332. Report on Project Maven transition.
- Sec. 333. Assessment of intelligence community counternarcotics capabilities.
- Sec. 334. Assessment of intelligence community's intelligence-sharing relationships with Latin American partners in counternarcotics.
- Sec. 335. Report on United States Southern Command intelligence capabilities.
- Sec. 336. Director of National Intelligence report on trends in technologies of strategic importance to United States.
- Sec. 337. Report on Nord Stream II companies and intelligence ties.
- Sec. 338. Assessment of Organization of Defensive Innovation and Research activities.
- Sec. 339. Report on intelligence community support to Visas Mantis program.
- Sec. 340. Plan for artificial intelligence digital ecosystem.
- Sec. 341. Study on utility of expanded personnel management authority.
- Sec. 342. Assessment of role of foreign groups in domestic violent extremism.
- Sec. 343. Report on the assessment of all-source cyber intelligence information, with an emphasis on supply chain risks.
- Sec. 344. Review of National Security Agency and United States Cyber Command.
- Sec. 345. Support for and oversight of Unidentified Aerial Phenomena Task Force.
- Sec. 346. Publication of unclassified appendices from reports on intelligence community participation in Vulnerabilities Equities Process.
- Sec. 347. Report on future structure and responsibilities of Foreign Malign Influence Center.

Subtitle D—People's Republic of China

- Sec. 351. Assessment of posture and capabilities of intelligence community with respect to actions of the People's Republic of China targeting Taiwan.
- Sec. 352. Plan to cooperate with intelligence agencies of key democratic countries regarding technological competition with People's Republic of China.
- Sec. 353. Assessment of People's Republic of China genomic collection.
- Sec. 354. Updates to annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.
- Sec. 355. Report on influence of People's Republic of China through Belt and Road Initiative projects with other countries.
- Sec. 356. Study on the creation of an official digital currency by the People's Republic of China.

- Sec. 357. Report on efforts of Chinese Communist Party to erode freedom and autonomy in Hong Kong.
- Sec. 358. Report on targeting of renewable sectors by China.

TITLE IV—ANOMALOUS HEALTH INCIDENTS

- Sec. 401. Definition of anomalous health incident.
- Sec. 402. Assessment and report on interagency communication relating to efforts to address anomalous health incidents.
- Sec. 403. Advisory panel on the Office of Medical Services of the Central Intelligence Agency.
- Sec. 404. Joint task force to investigate anomalous health incidents.
- Sec. 405. Reporting on occurrence of anomalous health incidents.
- Sec. 406. Access to certain facilities of United States Government for assessment of anomalous health conditions.

TITLE V—SECURITY CLEARANCES AND TRUSTED WORKFORCE

- Sec. 501. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.
- Sec. 502. Federal policy on sharing of derogatory information pertaining to contractor employees in the trusted workforce.
- Sec. 503. Performance measures regarding timeliness for personnel mobility.
- Sec. 504. Governance of Trusted Workforce 2.0 initiative.

TITLE VI—OTHER INTELLIGENCE MATTERS

- Sec. 601. National Technology Strategy.
- Sec. 602. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.
- Sec. 603. Air America.
- Sec. 604. Access by Comptroller General of the United States to certain cybersecurity records.
- Sec. 605. Reports on intelligence support for and capacity of the Sergeants at Arms of the Senate and the House of Representatives and the United States Capitol Police.
- Sec. 606. Study on vulnerability of Global Positioning System to hostile actions.
- Sec. 607. Authority for transportation of federally owned canines associated with force protection duties of intelligence community.

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).

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

4 **TITLE I—INTELLIGENCE**
5 **ACTIVITIES**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2022 for the conduct of the intelligence and
9 intelligence-related activities of the following elements of
10 the United States Government:

11 (1) The Office of the Director of National Intel-
12 ligence.

13 (2) The Central Intelligence Agency.

14 (3) The Department of Defense.

15 (4) The Defense Intelligence Agency.

16 (5) The National Security Agency.

17 (6) The Department of the Army, the Depart-
18 ment of the Navy, and the Department of the Air
19 Force.

20 (7) The Coast Guard.

21 (8) The Department of State.

22 (9) The Department of the Treasury.

23 (10) The Department of Energy.

24 (11) The Department of Justice.

25 (12) The Federal Bureau of Investigation.

1 (13) The Drug Enforcement Administration.

2 (14) The National Reconnaissance Office.

3 (15) The National Geospatial-Intelligence Agen-
4 cy.

5 (16) The Department of Homeland Security.

6 (17) The Space Force.

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

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

14 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
15 THORIZATIONS.—

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

21 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
22 ject to paragraph (3), the President shall provide for
23 suitable distribution of the classified Schedule of Au-
24 thorizations referred to in subsection (a), or of ap-

1 appropriate portions of such Schedule, within the execu-
2 utive branch of the Federal Government.

3 (3) LIMITS ON DISCLOSURE.—The President
4 shall not publicly disclose the classified Schedule of
5 Authorizations or any portion of such Schedule ex-
6 cept—

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

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

12 (C) as otherwise required by law.

13 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
14 **COUNT.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated for the Intelligence Commu-
17 nity Management Account of the Director of National In-
18 telligence for fiscal year 2022 the sum of \$615,600,000.

19 (b) CLASSIFIED AUTHORIZATION OF APPROPRIA-
20 TIONS.—In addition to amounts authorized to be appro-
21 priated for the Intelligence Community Management Ac-
22 count by subsection (a), there are authorized to be appro-
23 priated for the Intelligence Community Management Ac-
24 count for fiscal year 2022 such additional amounts as are

1 specified in the classified Schedule of Authorizations re-
2 ferred to in section 102(a).

3 **TITLE II—CENTRAL INTEL-**
4 **LIGENCE AGENCY RETIRE-**
5 **MENT AND DISABILITY SYS-**
6 **TEM**

7 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated for the Cen-
9 tral Intelligence Agency Retirement and Disability Fund
10 \$514,000,000 for fiscal year 2022.

11 **TITLE III—GENERAL**
12 **INTELLIGENCE MATTERS**
13 **Subtitle A—Intelligence**
14 **Community Matters**

15 **SEC. 301. INCREASING AGRICULTURAL AND COMMERCIAL**
16 **INTELLIGENCE MEASURES.**

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

20 (1) the Committee on Agriculture, Nutrition,
21 and Forestry, the Committee on Armed Services, the
22 Committee on Commerce, Science, and Transpor-
23 tation, the Committee on Banking, Housing, and
24 Urban Affairs, and the Select Committee on Intel-
25 ligence of the Senate; and

1 (2) the Committee on Agriculture, the Com-
2 mittee on Armed Services, the Committee on Energy
3 and Commerce, the Committee on Financial Serv-
4 ices, and the Permanent Select Committee on Intel-
5 ligence of the House of Representatives.

6 (b) REPORT REQUIRED.—Not later than 120 days
7 after the date of the enactment of this Act, the Director
8 of National Intelligence, in consultation with other appro-
9 priate Federal Government entities, shall submit to the
10 appropriate committees of Congress a report detailing the
11 options for the intelligence community to improve intel-
12 ligence support to the Department of Agriculture and the
13 Department of Commerce.

14 (c) FORM.—The report required under subsection (b)
15 shall be submitted in unclassified form, but may include
16 a classified annex, if necessary.

17 **SEC. 302. PLAN FOR ALLOWING CONTRACTS WITH PRO-**
18 **VIDERS OF SERVICES RELATING TO SEN-**
19 **SITIVE COMPARTMENTED INFORMATION FA-**
20 **CILITIES.**

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

24 (1) the congressional intelligence committees;

1 (2) the Committee on Armed Services of the
2 Senate; and

3 (3) the Committee on Armed Services of the
4 House of Representatives.

5 (b) PLAN REQUIRED.—Not later than 180 days after
6 the date of the enactment of this Act, the Director of Na-
7 tional Intelligence shall submit to the appropriate commit-
8 tees of Congress a plan for allowing elements of the intel-
9 ligence community to contract with providers of services
10 relating to sensitive compartmented information facilities
11 for use of those facilities by businesses and organizations
12 on contracts at multiple security levels.

13 (c) ELEMENTS.—The plan required by subsection (b)
14 shall include the following:

15 (1) An explanation of how the Director of Na-
16 tional Intelligence will leverage the contracting meth-
17 odology the National Reconnaissance Office has used
18 to provide leased sensitive compartmented informa-
19 tion facility space to businesses and organizations.

20 (2) Policy and budget guidance to incentivize
21 Federal agencies to implement the plan required by
22 subsection (b).

1 **SEC. 303. PLAN TO ESTABLISH COMMERCIAL GEOSPATIAL**
2 **INTELLIGENCE DATA AND SERVICES PRO-**
3 **GRAM OFFICE.**

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

- 7 (1) the congressional intelligence committees;
8 (2) the Committee on Armed Services and the
9 Committee on Appropriations of the Senate; and
10 (3) the Committee on Armed Services and the
11 Committee on Appropriations of the House of Rep-
12 resentatives.

13 (b) PLAN REQUIRED.—Not later than 90 days after
14 the date of the enactment of this Act, the Director of the
15 National Reconnaissance Office and the Director of the
16 National Geospatial-Intelligence Agency, in consultation
17 with the Director of National Intelligence, shall jointly de-
18 velop and submit to the appropriate committees of Con-
19 gress a plan to establish an office described in subsection
20 (c).

21 (c) OFFICE DESCRIBED.—An office described in this
22 subsection is a co-located joint commercial geospatial in-
23 telligence data and services program office at the National
24 Geospatial-Intelligence Agency, the head of which shall be
25 a representative from the National Geospatial-Intelligence

1 Agency and the deputy head of which shall be a represent-
2 ative from the National Reconnaissance Office.

3 (d) CONTENTS.—The plan required by subsection (b)
4 shall include the following:

5 (1) Milestones for implementation of the plan.

6 (2) An updated acquisition strategy that—

7 (A) provides for an annual evaluation of
8 new capabilities with opportunities to contract
9 with or terminate use of commercial providers
10 at least annually; and

11 (B) considers efficiencies to be gained from
12 closely coordinated acquisitions of geospatial in-
13 telligence data and services.

14 (3) A plan for the establishment of a commer-
15 cial geospatial intelligence data innovation fund
16 equaling at least 10 percent of the total commercial
17 data investment of the National Reconnaissance Of-
18 fice to enable the rapid procurement of data sup-
19 porting emerging global mission requirements.

20 **SEC. 304. INVESTMENT STRATEGY FOR COMMERCIAL**
21 **GEOSPATIAL INTELLIGENCE SERVICES AC-**
22 **QUISITION.**

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

- 1 (1) the congressional intelligence committees;
- 2 (2) the Committee on Armed Services and the
3 Committee on Appropriations of the Senate; and
- 4 (3) the Committee on Armed Services and the
5 Committee on Appropriations of the House of Rep-
6 resentatives.

7 (b) STRATEGY REQUIRED.—Not later than 90 days
8 after the date of the enactment of this Act, the Director
9 of the National Geospatial-Intelligence Agency, in con-
10 sultation with the Director of National Intelligence and
11 the Secretary of Defense, shall submit to the appropriate
12 committees of Congress an investment strategy for the ac-
13 quisition of commercial geospatial intelligence data serv-
14 ices and analytics by the National Geospatial-Intelligence
15 Agency.

16 (c) CONTENTS.—The strategy required by subsection
17 (b) shall include the following:

- 18 (1) A plan to increase purchases of unclassified
19 geospatial intelligence data services and analytics to
20 meet global mission requirements of the National
21 Geospatial-Intelligence Agency while maximizing en-
22 terprise access agreements for procured data and
23 services.

- 24 (2) An articulation of the relationship between
25 geospatial intelligence data and services and how

1 such data and services are purchased, identifying in
2 particular any challenges to procuring such services
3 independent of the underlying data.

4 **SEC. 305. CENTRAL INTELLIGENCE AGENCY ACQUISITION**
5 **INNOVATION CENTER REPORT, STRATEGY,**
6 **AND PLAN.**

7 (a) REQUIREMENT FOR REPORT AND STRATEGY.—
8 Not later than 120 days after the date of the enactment
9 of this Act, the Director of the Central Intelligence Agency
10 shall submit to the congressional intelligence commit-
11 tees—

12 (1) a report stating the mission and purpose of
13 the Acquisition Innovation Center of the Agency;
14 and

15 (2) a strategy for incorporating the Acquisition
16 Innovation Center into the standard operating proce-
17 dures and procurement and acquisition practices of
18 the Agency.

19 (b) REQUIREMENT FOR IMPLEMENTATION PLAN.—
20 Not later than 120 days after the date of the enactment
21 of this Act, the Director shall, using the findings of the
22 Director with respect to the report submitted under sub-
23 section (a)(1), submit to the congressional intelligence
24 committees an implementation plan that addresses—

1 (1) how the Director will ensure the contracting
2 officers of the Agency and the technical representa-
3 tives of the Acquisition Innovation Center for the
4 contracting officers have access to the technical ex-
5 pertise required to inform requirements develop-
6 ment, technology maturity assessments, and moni-
7 toring of acquisitions;

8 (2) how the plan specifically applies to technical
9 industries, including telecommunications, software,
10 aerospace, and large-scale construction; and

11 (3) projections for resources necessary to sup-
12 port the Acquisition Innovation Center, including
13 staff, training, and contracting support tools.

14 **SEC. 306. IMPROVING AUTHORITIES RELATING TO NA-**
15 **TIONAL COUNTERINTELLIGENCE AND SECU-**
16 **RITY.**

17 (a) DUTIES OF THE DIRECTOR OF THE NATIONAL
18 COUNTERINTELLIGENCE AND SECURITY CENTER.—Sec-
19 tion 902(c) of the Counterintelligence Enhancement Act
20 of 2002 (50 U.S.C. 3382(c)) is amended by adding at the
21 end the following:

22 “(5) To organize and lead strategic planning
23 for counterintelligence activities in support of Na-
24 tional Counterintelligence Strategy objectives and
25 other national counterintelligence priorities by inte-

1 grating all instruments of national power, including
2 diplomatic, financial, military, intelligence, homeland
3 security, and law enforcement activities, within and
4 among Federal agencies.”.

5 (b) CHANGES TO THE FUNCTIONS OF THE NATIONAL
6 COUNTERINTELLIGENCE AND SECURITY CENTER.—

7 (1) EVALUATION OF IMPLEMENTATION OF NA-
8 TIONAL COUNTERINTELLIGENCE STRATEGY.—Para-
9 graph (3) of section 904(d) of such Act (50 U.S.C.
10 3383(d)) is amended to read as follows:

11 “(3) IMPLEMENTATION OF NATIONAL COUN-
12 TERINTELLIGENCE STRATEGY.—To evaluate on an
13 ongoing basis the implementation of the National
14 Counterintelligence Strategy by the intelligence com-
15 munity and other appropriate elements of the United
16 States Government and to submit to the President,
17 the congressional intelligence committees (as defined
18 in section 3 of the National Security Act of 1947
19 (50 U.S.C. 3003)), the National Security Council,
20 the Director of the Office of Management and Budg-
21 et, and the National Counterintelligence Policy
22 Board periodic reports on such evaluation, including
23 a discussion of any shortfalls in the implementation
24 of the Strategy and recommendations for remedies
25 for such shortfalls.”.

1 (2) NATIONAL COUNTERINTELLIGENCE PRO-
2 GRAM BUDGET.—Paragraph (5) of such section is
3 amended—

4 (A) in subparagraph (A)—

5 (i) by inserting “oversee and” before
6 “coordinate”; and

7 (ii) by inserting “in furtherance of the
8 National Counterintelligence Strategy and
9 other strategic counterintelligence prior-
10 ities” before “of the Department of De-
11 fense”; and

12 (B) in subparagraph (C), by striking “the
13 National Security Council” and inserting “the
14 congressional intelligence committees (as de-
15 fined in section 3 of the National Security Act
16 of 1947 (50 U.S.C. 3003)), the National Secu-
17 rity Council, the Director of the Office of Man-
18 agement and Budget, and the National Coun-
19 terintelligence Policy Board”.

20 (3) NATIONAL COUNTERINTELLIGENCE OUT-
21 REACH, WATCH, AND WARNING.—

22 (A) COUNTERINTELLIGENCE VULNER-
23 ABILITY RISK ASSESSMENTS.—Subparagraph
24 (A) of paragraph (7) of such section is amended
25 by striking “surveys of the vulnerability of the

1 United States Government, and the private sec-
2 tor,” and inserting “counterintelligence risk as-
3 sessments and surveys of the vulnerability of
4 the United States”.

5 (B) OUTREACH.—Subparagraph (B) of
6 such paragraph is amended to read as follows:

7 “(B) OUTREACH.—

8 “(i) OUTREACH PROGRAMS AND AC-
9 TIVITIES.—To carry out and coordinate,
10 consistent with other applicable provisions
11 of law and in consultation with appropriate
12 Federal departments and agencies, out-
13 reach programs and outreach activities on
14 counterintelligence to other elements of the
15 United States Government, State, local,
16 and Tribal governments, foreign govern-
17 ments and allies of the United States, the
18 private sector, and United States academic
19 institutions.

20 “(ii) PUBLIC WARNINGS.—To coordi-
21 nate the dissemination to the public of
22 warnings on intelligence threats to the
23 United States.”.

1 **SEC. 307. REMOVAL OF CHIEF INFORMATION OFFICER OF**
2 **THE INTELLIGENCE COMMUNITY FROM**
3 **LEVEL IV OF THE EXECUTIVE SCHEDULE.**

4 Section 5315 of title 5, United States Code, is
5 amended by striking “Chief Information Officer of the In-
6 telligence Community”.

7 **SEC. 308. REQUIREMENTS RELATING TO CONSTRUCTION**
8 **OF FACILITIES TO BE USED PRIMARILY BY**
9 **INTELLIGENCE COMMUNITY.**

10 Section 602(a) of the Intelligence Authorization Act
11 for Fiscal Year 1995 (50 U.S.C. 3304(a)) is amended—

12 (1) in paragraph (1), by striking “\$5,000,000”
13 and inserting “\$6,000,000”; and

14 (2) in paragraph (2), by striking “\$5,000,000”
15 and inserting “\$6,000,000”.

16 **SEC. 309. DIRECTOR OF NATIONAL INTELLIGENCE SUP-**
17 **PORT FOR INTELLIGENCE COMMUNITY DI-**
18 **VERSITY, EQUITY, INCLUSION, AND ACCESSI-**
19 **BILITY ACTIVITIES.**

20 (a) IN GENERAL.—Title XI of the National Security
21 Act of 1947 (50 U.S.C. 3231 et. seq.) is amended by add-
22 ing at the end the following:

1 **“SEC. 1111. SUPPORT FOR INTELLIGENCE COMMUNITY DI-**
 2 **VERSITY, EQUITY, INCLUSION, AND ACCESSI-**
 3 **BILITY ACTIVITIES.**

4 “(a) DEFINITION OF COVERED WORKFORCE ACTIVI-
 5 TIES.—In this section, the term ‘covered workforce activi-
 6 ties’ includes—

7 “(1) activities relating to the recruitment or re-
 8 tention of personnel in the workforce of the intel-
 9 ligence community; and

10 “(2) activities relating to the workforce of the
 11 intelligence community and diversity, equity, inclu-
 12 sion, or accessibility.

13 “(b) AUTHORITY TO SUPPORT COVERED WORK-
 14 FORCE ACTIVITIES.—Notwithstanding any other provision
 15 of law and subject to the availability of appropriations
 16 made available to the Director of National Intelligence for
 17 covered workforce activities, the Director may, with or
 18 without reimbursement, support such covered workforce
 19 activities of the various elements of the intelligence com-
 20 munity as the Director determines will benefit the intel-
 21 ligence community as a whole.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
 23 at the beginning of such Act is amended by inserting after
 24 the item relating to section 1110 the following:

“Sec. 1111. Support for intelligence community diversity, equity, inclusion, and
 accessibility activities.”.

1 **SEC. 310. ESTABLISHMENT OF DIVERSITY, EQUITY, AND IN-**
2 **CLUSION OFFICER OF THE INTELLIGENCE**
3 **COMMUNITY.**

4 (a) IN GENERAL.—Title I of the National Security
5 Act of 1947 (50 U.S.C. 3021 et seq.) is amended by in-
6 serting after section 103J (50 U.S.C. 3034a) the fol-
7 lowing:

8 **“SEC. 103K. DIVERSITY, EQUITY, AND INCLUSION OFFICER**
9 **OF THE INTELLIGENCE COMMUNITY.**

10 “(a) DIVERSITY, EQUITY, AND INCLUSION OFFICER
11 OF THE INTELLIGENCE COMMUNITY.—Within the Office
12 of the Director of National Intelligence, there is a Diver-
13 sity, Equity, and Inclusion Officer of the Intelligence Com-
14 munity who shall be appointed by the Director of National
15 Intelligence.

16 “(b) DUTIES.—The Diversity, Equity, and Inclusion
17 Officer of the Intelligence Community shall—

18 “(1) serve as the principal advisor to the Direc-
19 tor of National Intelligence and the Principal Dep-
20 uty Director of National Intelligence on diversity,
21 equity, and inclusion in the intelligence community;

22 “(2) lead the development and implementation
23 of strategies and initiatives to advance diversity, eq-
24 uity, and inclusion in the intelligence community;
25 and

1 “(3) perform such other duties, consistent with
2 paragraphs (1) and (2), as may be prescribed by the
3 Director.

4 “(c) ANNUAL REPORTS TO CONGRESS.—Not less fre-
5 quently than once each year, the Diversity, Equity, and
6 Inclusion Officer of the Intelligence Community shall sub-
7 mit to the congressional intelligence communities a report
8 on the implementation of the strategies and initiatives de-
9 veloped pursuant to subsection (b)(2) and the execution
10 of related expenditures.

11 “(d) PROHIBITION ON SIMULTANEOUS SERVICE AS
12 OTHER DIVERSITY, EQUITY, AND INCLUSION OR EQUAL
13 EMPLOYMENT OPPORTUNITY OFFICER.—An individual
14 serving in the position of Diversity, Equity, and Inclusion
15 Officer of the Intelligence Community may not, while so
16 serving, serve as either the Diversity, Equity, and Inclu-
17 sion Officer or the Equal Employment Opportunity Officer
18 of any other department or agency, or component thereof,
19 of the United States Government.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 at the beginning of such Act is amended by inserting after
22 the item relating to section 103J the following:

“Sec. 103K. Diversity, Equity, and Inclusion Officer of the Intelligence Com-
munity.”.

23 (c) LIMITATION.—None of the funds authorized to be
24 appropriated by this Act may be used to increase the num-

1 ber of full-time equivalent employees of the Office of the
2 Director of National Intelligence in order to carry out sec-
3 tion 103K of such Act, as added by subsection (a).

4 **SEC. 311. CLARIFICATION OF AUTHORITY OF NATIONAL RE-**
5 **CONNAISSANCE OFFICE.**

6 Section 106A of the National Security Act of 1947
7 (50 U.S.C. 3041a) is amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) CLARIFICATION OF AUTHORITY.—

13 “(1) PROHIBITION ON TRANSFER OF ELE-
14 MENTS.—No element of the National Reconnaissance
15 Office may be transferred to the Space Force.

16 “(2) NO EFFECT ON AUTHORITIES.—Nothing
17 in chapter 908 of title 10, United States Code, shall
18 affect the authorities, duties, or responsibilities of
19 the Director of the National Reconnaissance Office,
20 including with respect to the authority of the Direc-
21 tor to operate a unified organization to carry out the
22 research, development, test, evaluation, acquisition,
23 launch, deployment, and operations of overhead re-
24 connaissance systems and related data processing fa-
25 cilities of the National Reconnaissance Office.”.

1 **SEC. 312. DIRECTOR OF NATIONAL INTELLIGENCE DECLASSIFICATION REVIEW OF INFORMATION RELATING TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**

2
3
4
5 (a) DECLASSIFICATION REVIEW REQUIRED.—Not
6 later than 30 days after the date of the enactment of this
7 Act, the Director of National Intelligence shall, in coordi-
8 nation with the Director of the Federal Bureau of Inves-
9 tigation, the Director of the Central Intelligence Agency,
10 and the heads of such other elements of the intelligence
11 community as the Director of National Intelligence con-
12 siders appropriate, commence a declassification review,
13 which the Director of National Intelligence shall complete
14 not later than 120 days after the date of the enactment
15 of this Act, to determine what additional information re-
16 lating to the terrorist attacks of September 11, 2001, can
17 be appropriately declassified and shared with the public.

18 (b) INFORMATION COVERED.—The information re-
19 viewed under subsection (a) shall include the following:

20 (1) Information relating to the direction, facili-
21 tation, and other support provided to the individuals
22 who carried out the terrorist attacks of September
23 11, 2001.

24 (2) Information from Operation Encore and the
25 PENTTBOM investigation of the Federal Bureau of
26 Investigation.

1 (c) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, the Director of National In-
3 telligence shall submit to the Select Committee on Intel-
4 ligence of the Senate and the Permanent Select Committee
5 on Intelligence of the House of Representatives a report
6 on the findings of the Director with respect to the declas-
7 sification review conducted under subsection (a).

8 **SEC. 313. ESTABLISHMENT OF CHAPLAIN CORPS OF THE**
9 **CENTRAL INTELLIGENCE AGENCY.**

10 The Central Intelligence Agency Act of 1949 (50
11 U.S.C. 3501 et seq.) is amended by adding at the end
12 the following:

13 **“SEC. 26. CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.**

14 “(a) ESTABLISHMENT OF CHAPLAIN CORPS.—There
15 is in the Agency a Chaplain Corps for the provision of
16 spiritual or religious pastoral services.

17 “(b) CHIEF OF CHAPLAINS.—The head of the Chap-
18 lain Corps shall be the Chief of Chaplains, who shall be
19 appointed by the Director.

20 “(c) STAFF AND ADMINISTRATION.—

21 “(1) STAFF.—The Director may appoint and
22 fix the compensation of such staff of the Chaplain
23 Corps as the Director considers appropriate, except
24 that the Director may not—

1 “(A) appoint more than 10 full-time equiv-
2 alent positions; or

3 “(B) provide basic pay to any member of
4 the staff of the Chaplain Corps at an annual
5 rate of basic pay in excess of the maximum rate
6 of basic pay for grade GS-15 as provided in
7 section 5332 of title 5, United States Code.

8 “(2) ADMINISTRATION.—The Director may—

9 “(A) reimburse members of the staff of the
10 Chaplain Corps for work-related travel ex-
11 penses;

12 “(B) provide security clearances to such
13 members; and

14 “(C) furnish such physical workspace at
15 the headquarters building of the Agency as the
16 Director considers appropriate.”.

17 **SEC. 314. PILOT PROGRAM ON RECRUITMENT AND RETEN-**
18 **TION IN OFFICE OF INTELLIGENCE AND**
19 **ANALYSIS OF THE DEPARTMENT OF THE**
20 **TREASURY.**

21 (a) PILOT PROGRAM REQUIRED.—The Assistant Sec-
22 retary for Intelligence and Analysis in the Department of
23 the Treasury shall carry out a pilot program to assess the
24 feasibility and advisability of using adjustments of rates
25 of pay to recruit and retain staff for high-demand posi-

1 tions in the Office of Intelligence and Analysis of the De-
2 partment of the Treasury.

3 (b) DURATION.—The Assistant Secretary shall carry
4 out the pilot program required by subsection (a) during
5 the 4-year period beginning on the date of the enactment
6 of this Act.

7 (c) ADDITIONAL PAY.—Under the pilot program re-
8 quired by subsection (a), the Assistant Secretary shall,
9 notwithstanding any provision of title 5, United States
10 Code, governing the rates of pay or classification of em-
11 ployees in the executive branch, prescribe the rate of basic
12 pay for financial and cyber intelligence analyst positions
13 designated under subsection (d) at rates—

14 (1) not greater than 130 percent of the max-
15 imum basic rate of pay and locality pay that such
16 positions would otherwise be eligible for; and

17 (2) not greater than the rate of basic pay pay-
18 able for level II of the Executive Schedule under sec-
19 tion 5313 of title 5, United States Code.

20 (d) DESIGNATED POSITIONS.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), under the pilot program required by sub-
23 section (a), the Assistant Secretary shall designate
24 not fewer than 5 percent and not more than 25 per-
25 cent of the total number of positions in the Office,

1 including positions to be filled by new hires, as fi-
2 nancial or cyber intelligence analyst positions eligible
3 for the additional pay under subsection (c).

4 (2) CURRENT EMPLOYEES.—The Assistant Sec-
5 retary may designate under paragraph (1) a position
6 filled by an employee who was employed in that posi-
7 tion on the day before the date of the enactment of
8 this Act only if the employee was in the top one-
9 third of performance rankings for the position within
10 the Office for the duration of the 2-year period end-
11 ing on the date of the enactment of this Act.

12 (e) BRIEFING ON THE PILOT PROGRAM.—Not later
13 than 180 days after the date of the enactment of this Act
14 and not less frequently than once each year thereafter for
15 the duration of the period set forth in subsection (b), the
16 Assistant Secretary shall provide the congressional intel-
17 ligence committees and the Director of National Intel-
18 ligence with a briefing on the pilot program required by
19 subsection (a).

20 (f) REPORT ON THE PILOT PROGRAM.—Not later
21 than 180 days before the last day of the period set forth
22 in subsection (b), the Assistant Secretary shall submit to
23 the congressional intelligence committees, the Committee
24 on Homeland Security and Governmental Affairs of the
25 Senate, the Committee on Oversight and Reform of the

1 House of Representatives, and the Director of National
2 Intelligence a report on the effectiveness of the pilot pro-
3 gram and recommendations on whether the pilot program
4 should be extended, modified, or ended.

5 (g) RECOMMENDATIONS OF DIRECTOR OF NATIONAL
6 INTELLIGENCE.—Not later than 3 years after the date of
7 the enactment of this Act, the Director shall submit to
8 the congressional intelligence committees recommenda-
9 tions as to—

10 (1) which, if any, other elements of the intel-
11 ligence community would benefit from a program
12 similar to the pilot program required by subsection
13 (a); and

14 (2) what, if any, modifications the Director
15 would recommend for such elements.

16 (h) RETENTION OF PRESCRIBED RATES OF PAY
17 AFTER TERMINATION OF PILOT PROGRAM.—After the pe-
18 riod set forth in subsection (b), the Assistant Secretary
19 may continue to pay a person, who received pay during
20 such period pursuant to a rate of basic pay prescribed
21 under subsection (c), at a rate of basic pay not to exceed
22 the rate of basic pay that was in effect for the person on
23 the day before the last day of such period, until such time
24 as the applicable rate of basic pay for the person under

1 the General Schedule exceeds the rate of basic pay that
2 was so in effect under subsection (c).

3 **SEC. 315. PILOT PROGRAM ON STUDENT LOAN REPAYMENT**

4 **AT OFFICE OF INTELLIGENCE AND ANALYSIS**
5 **OF DEPARTMENT OF THE TREASURY.**

6 (a) PILOT PROGRAM.—

7 (1) ESTABLISHMENT.—The Assistant Secretary
8 for Intelligence and Analysis in the Department of
9 the Treasury shall carry out a pilot program to as-
10 sess the feasibility and advisability of using repay-
11 ment of loans on behalf of persons that were used
12 by the persons to finance education as a recruitment
13 incentive for employment at the Office of Intel-
14 ligence and Analysis of China specialists, data sci-
15 entists, cyber specialists, and others with any other
16 analytic or technical capabilities that are in high de-
17 mand by the Office.

18 (b) LOAN REPAYMENTS.—

19 (1) IN GENERAL.—Under the pilot program,
20 the Assistant Secretary may repay the principal, in-
21 terest, and related expenses of a loan obtained by a
22 covered person to finance education.

23 (2) COVERED PERSONS.—For purposes of para-
24 graph (1), a covered person is a person who agrees
25 to an offer from the Assistant Secretary to partici-

1 pate in the pilot program before beginning employ-
2 ment in the Office.

3 (3) LIMITATION ON TOTAL AMOUNT.—Under
4 the pilot program, the Assistant Secretary may
5 repay not more than \$100,000 on behalf of any one
6 person.

7 (4) LIMITATION ON ANNUAL AMOUNT OF PAY-
8 MENTS.—Under the pilot program, the Assistant
9 Secretary may repay not more than \$15,000 on be-
10 half of any one person in any one fiscal year.

11 (5) TIMING AND PERIOD OF PAYMENTS.—In re-
12 paying a loan of a person under the pilot program,
13 the Assistant Secretary shall make payments—

14 (A) on a monthly basis; and

15 (B) only during the period beginning on
16 the date on which the person begins employ-
17 ment with the Office and ending on the date on
18 which the person leaves employment with the
19 Office.

20 (c) DURATION.—The Assistant Secretary shall carry
21 out the pilot program during the period of fiscal years
22 2022 through 2024.

23 (d) LIMITATION ON NUMBER OF PARTICIPANTS.—
24 The total number of individuals receiving a loan repay-

1 ment under the pilot program during any fiscal year may
2 not exceed 10.

3 (e) ADMINISTRATION.—

4 (1) IN GENERAL.—In carrying out the pilot
5 program, the Assistant Secretary shall—

6 (A) establish such requirements relating to
7 the academic or specialized training of partici-
8 pants as the Assistant Secretary considers ap-
9 propriate to ensure that participants are pre-
10 pared for employment as intelligence analysts;
11 and

12 (B) periodically review the areas of high
13 demand for particular analytic or technical ca-
14 pabilities and determine which academic areas
15 of specialization may be most useful in address-
16 ing that demand.

17 (2) USE OF EXISTING PROGRAMS.—The Assist-
18 ant Secretary shall assess the feasibility and advis-
19 ability of administering the pilot program by
20 leveraging student loan programs of the Department
21 of the Treasury that were in effect on the day before
22 the date of the enactment of this Act.

23 (f) REPORTS.—

24 (1) PRELIMINARY REPORT.—Not later than
25 120 days after the date of the enactment of this Act,

1 the Assistant Secretary shall submit to Congress a
2 preliminary report on the pilot program, including a
3 description of the pilot program and the authorities
4 to be utilized in carrying out the pilot program.

5 (2) ANNUAL REPORT.—

6 (A) IN GENERAL.—Not later than one year
7 after the commencement of the pilot program
8 and annually thereafter until the program ends,
9 the Assistant Secretary shall submit to the con-
10 gressional intelligence committees and the Di-
11 rector of National Intelligence a report on the
12 pilot program.

13 (B) CONTENTS.—Each report submitted
14 under subparagraph (A) shall include—

15 (i) a description of the activities under
16 the pilot program, including the number of
17 individuals who participated in the pilot
18 program;

19 (ii) an assessment of the effectiveness
20 of the pilot program as a recruitment tool;
21 and

22 (iii) such recommendations for legisla-
23 tive or administrative action as the Assist-
24 ant Secretary considers appropriate in
25 light of the pilot program.

1 (3) RECOMMENDATIONS.—Not later than 2
2 years after the commencement of the pilot program,
3 the Director of National Intelligence shall submit to
4 the congressional intelligence committees the rec-
5 ommendations of the Director as to which, if any,
6 other elements of the intelligence community would
7 benefit from establishing a loan repayment program
8 similar to the pilot program required by subsection
9 (a), and what, if any, modifications the Director
10 would recommend to the program if it were estab-
11 lished.

12 (g) FUNDING.—Of the amounts authorized to be ap-
13 propriated by this Act, \$1,300,000 shall be available until
14 expended to carry out this section. Of such amounts—

15 (1) \$1,000,000 shall be available for repayment
16 of loans; and

17 (2) \$300,000 shall be available for a period of
18 2 years during the pilot program to hire personnel
19 to administer the pilot program.

20 **SEC. 316. PROHIBITION ON COLLECTION AND ANALYSIS OF**
21 **UNITED STATES PERSONS' INFORMATION BY**
22 **INTELLIGENCE COMMUNITY BASED ON FIRST**
23 **AMENDMENT-PROTECTED ACTIVITIES.**

24 No element of the intelligence community may collect
25 or analyze a United States person's information solely

1 upon the basis of an activity protected by the First
2 Amendment to the Constitution of the United States.

3 **SEC. 317. SENSE OF THE SENATE ON THE USE OF INTEL-**
4 **LIGENCE COMMUNITY RESOURCES FOR COL-**
5 **LECTION, ASSESSMENT, AND ANALYSIS OF IN-**
6 **FORMATION PERTAINING EXCLUSIVELY TO**
7 **UNITED STATES PERSONS ABSENT A FOR-**
8 **EIGN NEXUS.**

9 It is the sense of the Senate that—

10 (1) the Federal Bureau of Investigation and the
11 Department of Homeland Security do vital work in
12 enforcing the rule of law and safeguarding the peo-
13 ple of the United States from harm;

14 (2) the Intelligence Reform and Terrorism Pre-
15 vention Act of 2004 (Public Law 108–458; 118
16 Stat. 3638) sought to facilitate greater information
17 sharing between law enforcement and intelligence
18 communities for the purpose of thwarting attacks on
19 the homeland from international terrorist organiza-
20 tions;

21 (3) National Intelligence Program funds should
22 be expended only in support of intelligence activities
23 with a foreign nexus consistent with the definition of
24 intelligence provided by Congress in section 3 of the

1 National Security Act of 1947 (50 U.S.C. 3003);
2 and

3 (4) the intelligence community should not en-
4 gage in the collection, assessment, or analysis of in-
5 formation that pertains exclusively to United States
6 persons absent a foreign nexus.

7 **Subtitle B—Inspector General of**
8 **the Intelligence Community**

9 **SEC. 321. SUBMITTAL OF COMPLAINTS AND INFORMATION**
10 **BY WHISTLEBLOWERS IN THE INTELLIGENCE**
11 **COMMUNITY TO CONGRESS.**

12 (a) AMENDMENTS TO INSPECTOR GENERAL ACT OF
13 1978.—

14 (1) APPOINTMENT OF SECURITY OFFICERS.—
15 Section 8H of the Inspector General Act of 1978 (5
16 U.S.C. App.) is amended—

17 (A) by redesignating subsection (h) as sub-
18 section (i); and

19 (B) by inserting after subsection (g) the
20 following:

21 “(h) APPOINTMENT OF SECURITY OFFICERS.—Each
22 Inspector General under this section, including the des-
23 ignees of the Inspector General of the Department of De-
24 fense pursuant to subsection (a)(3), shall appoint within
25 their offices security officers to provide, on a permanent

1 basis, confidential, security-related guidance and direction
2 to an employee of their respective establishment, an em-
3 ployee assigned or detailed to such establishment, or an
4 employee of a contractor of such establishment who in-
5 tends to report to Congress a complaint or information,
6 so that such employee can obtain direction on how to re-
7 port to Congress in accordance with appropriate security
8 practices.”.

9 (2) PROCEDURES.—Subsection (d) of such sec-
10 tion is amended—

11 (A) by amending paragraph (2) to read as
12 follows:

13 “(2)(A) Except as provided in subparagraph (B), the
14 employee may contact the intelligence committees directly
15 as described in paragraph (1) of this subsection or in sub-
16 section (a)(4) only if the employee—

17 “(i) before making such a contact, furnishes to
18 the head of the establishment, through the Inspector
19 General (or designee), a statement of the employee’s
20 complaint or information and notice of the employ-
21 ee’s intent to contact the intelligence committees di-
22 rectly; and

23 “(ii)(I) obtains and follows from the head of the
24 establishment, through the Inspector General (or
25 designee), procedural direction on how to contact the

1 intelligence committees in accordance with appro-
2 priate security practices; or

3 “(II) obtains and follows such procedural direc-
4 tion from the applicable security officer appointed
5 under subsection (h).

6 “(B) If an employee seeks procedural direction under
7 subparagraph (A)(ii) and does not receive such procedural
8 direction within 30 days, or receives insufficient direction
9 to report to Congress a complaint or information, the em-
10 ployee may contact the intelligence committees directly
11 without obtaining or following the procedural direction
12 otherwise required under such subparagraph.”; and

13 (B) by redesignating paragraph (3) as
14 paragraph (4); and

15 (C) by inserting after paragraph (2) the
16 following:

17 “(3) An employee of an element of the intelligence
18 community who intends to report to Congress a complaint
19 or information may report such complaint or information
20 to—

21 “(A) the Chairman and Vice Chairman of the
22 Select Committee on Intelligence of the Senate, a
23 nonpartisan member of the committee staff des-
24 ignated for purposes of receiving complaints or in-
25 formation under this section, or a member of the

1 majority staff and a member of the minority staff of
2 the committee; or

3 “(B) the Chairman and Ranking Member of the
4 Permanent Select Committee on Intelligence of the
5 House of Representatives, a nonpartisan member of
6 the committee staff designated for purposes of re-
7 ceiving complaints or information under this section,
8 or a member of the majority staff and a member of
9 the minority staff of the committee.”.

10 (3) CLARIFICATION OF RIGHT TO REPORT DI-
11 RECTLY TO CONGRESS.—Subsection (a) of such sec-
12 tion is amended by adding at the end the following:

13 “(4) Subject to paragraphs (2) and (3) of subsection
14 (d), an employee of an element of the intelligence commu-
15 nity who intends to report to Congress a complaint or in-
16 formation may report such complaint or information di-
17 rectly to Congress, regardless of whether the complaint or
18 information is with respect to an urgent concern—

19 “(A) in lieu of reporting such complaint or in-
20 formation under paragraph (1); or

21 “(B) in addition to reporting such complaint or
22 information under paragraph (1).”.

23 (b) AMENDMENTS TO NATIONAL SECURITY ACT OF
24 1947.—

1 (1) APPOINTMENT OF SECURITY OFFICERS.—
2 Section 103H(j) of the National Security Act of
3 1947 (50 U.S.C. 3033(j)) is amended by adding at
4 the end the following:

5 “(5) The Inspector General shall appoint within the
6 Office of the Inspector General security officers as re-
7 quired by subsection (h) of section 8H of the Inspector
8 General Act of 1978 (5 U.S.C. App.).”.

9 (2) PROCEDURES.—Subparagraph (D) of sec-
10 tion 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5))
11 is amended—

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

14 “(ii)(I) Except as provided in subclause (II), an em-
15 ployee may contact the congressional intelligence commit-
16 tees directly as described in clause (i) only if the em-
17 ployee—

18 “(aa) before making such a contact, furnishes
19 to the Director, through the Inspector General, a
20 statement of the employee’s complaint or informa-
21 tion and notice of the employee’s intent to contact
22 the congressional intelligence committees directly;
23 and

24 “(bb)(AA) obtains and follows from the Direc-
25 tor, through the Inspector General, procedural direc-

1 tion on how to contact the intelligence committees in
2 accordance with appropriate security practices; or

3 “(BB) obtains and follows such procedural di-
4 rection from the applicable security officer appointed
5 under section 8H(h) of the Inspector General Act of
6 1978 (5 U.S.C. App.).

7 “(II) If an employee seeks procedural direction under
8 subclause (I)(bb) and does not receive such procedural di-
9 rection within 30 days, or receives insufficient direction
10 to report to Congress a complaint or information, the em-
11 ployee may contact the congressional intelligence commit-
12 tees directly without obtaining or following the procedural
13 direction otherwise required under such subclause.”;

14 (B) by redesignating clause (iii) as clause
15 (iv); and

16 (C) by inserting after clause (ii) the fol-
17 lowing:

18 “(iii) An employee of an element of the intelligence
19 community who intends to report to Congress a complaint
20 or information may report such complaint or information
21 to—

22 “(I) the Chairman and Vice Chairman of the
23 Select Committee on Intelligence of the Senate, a
24 nonpartisan member of the committee staff des-
25 ignated for purposes of receiving complaints or in-

1 formation under this section, or a member of the
2 majority staff and a member of the minority staff of
3 the committee; or

4 “(II) the Chairman and Ranking Member of
5 the Permanent Select Committee on Intelligence of
6 the House of Representatives, a nonpartisan member
7 of the committee staff designated for purposes of re-
8 ceiving complaints or information under this section,
9 or a member of the majority staff and a member of
10 the minority staff of the committee.”.

11 (3) CLARIFICATION OF RIGHT TO REPORT DI-
12 RECTLY TO CONGRESS.—Subparagraph (A) of such
13 section is amended—

14 (A) by inserting “(i)” before “An employee
15 of”; and

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

17 “(ii) Subject to clauses (ii) and (iii) of subparagraph
18 (D), an employee of an element of the intelligence commu-
19 nity who intends to report to Congress a complaint or in-
20 formation may report such complaint or information di-
21 rectly to Congress, regardless of whether the complaint or
22 information is with respect to an urgent concern—

23 “(A) in lieu of reporting such complaint or in-
24 formation under clause (i); or

1 “(B) in addition to reporting such complaint or
2 information under clause (i).”.

3 (c) AMENDMENTS TO THE CENTRAL INTELLIGENCE
4 AGENCY ACT OF 1949.—

5 (1) APPOINTMENT OF SECURITY OFFICERS.—

6 Section 17(d)(5) of the Central Intelligence Agency
7 Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by
8 adding at the end the following:

9 “(I) The Inspector General shall appoint within the
10 Office of the Inspector General security officers as re-
11 quired by subsection (h) of section 8H of the Inspector
12 General Act of 1978 (5 U.S.C. App.).”.

13 (2) PROCEDURES.—Subparagraph (D) of such
14 section is amended—

15 (A) by amending clause (ii) to read as fol-
16 lows:

17 “(ii)(I) Except as provided in subclause (II), an em-
18 ployee may contact the intelligence committees directly as
19 described in clause (i) only if the employee—

20 “(aa) before making such a contact, furnishes
21 to the Director, through the Inspector General, a
22 statement of the employee’s complaint or informa-
23 tion and notice of the employee’s intent to contact
24 the intelligence committees directly; and

1 “(bb)(AA) obtains and follows from the Direc-
2 tor, through the Inspector General, procedural direc-
3 tion on how to contact the intelligence committees in
4 accordance with appropriate security practices; or

5 “(BB) obtains and follows such procedural di-
6 rection from the applicable security officer appointed
7 under section 8H(h) of the Inspector General Act of
8 1978 (5 U.S.C. App.).

9 “(II) If an employee seeks procedural direction under
10 subclause (I)(bb) and does not receive such procedural di-
11 rection within 30 days, or receives insufficient direction
12 to report to Congress a complaint or information, the em-
13 ployee may contact the congressional intelligence commit-
14 tees directly without obtaining or following the procedural
15 direction otherwise required under such subclause.”;

16 (B) by redesignating clause (iii) as clause
17 (iv); and

18 (C) by inserting after clause (ii) the fol-
19 lowing:

20 “(iii) An employee of the Agency who intends to re-
21 port to Congress a complaint or information may report
22 such complaint or information to—

23 “(I) the Chairman and Vice Chairman of the
24 Select Committee on Intelligence of the Senate, a
25 nonpartisan member of the committee staff des-

1 ignated for purposes of receiving complaints or in-
2 formation under this section, or a member of the
3 majority staff and a member of the minority staff of
4 the committee; or

5 “(II) the Chairman and Ranking Member of
6 the Permanent Select Committee on Intelligence of
7 the House of Representatives, a nonpartisan member
8 of the committee staff designated for purposes of re-
9 ceiving complaints or information under this section,
10 or a member of the majority staff and a member of
11 the minority staff of the committee.”.

12 (3) CLARIFICATION OF RIGHT TO REPORT DI-
13 RECTLY TO CONGRESS.—Subparagraph (A) of such
14 section is amended—

15 (A) by inserting “(i)” before “An employee
16 of”; and

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

18 “(ii) Subject to clauses (ii) and (iii) of subparagraph
19 (D), an employee of the Agency who intends to report to
20 Congress a complaint or information may report such
21 complaint or information directly to Congress, regardless
22 of whether the complaint or information is with respect
23 to an urgent concern—

24 “(A) in lieu of reporting such complaint or in-
25 formation under clause (i); or

1 “(B) in addition to reporting such complaint or
2 information under clause (i).”.

3 **SEC. 322. DEFINITIONS AND AUTHORITIES REGARDING**
4 **WHISTLEBLOWER COMPLAINTS AND INFOR-**
5 **MATION OF URGENT CONCERN RECEIVED BY**
6 **INSPECTORS GENERAL OF THE INTEL-**
7 **LIGENCE COMMUNITY.**

8 (a) DEFINITION OF URGENT CONCERN.—

9 (1) NATIONAL SECURITY ACT OF 1947.—Section
10 103H(k)(5)(G)(i) of the National Security Act of
11 1947 (50 U.S.C. 3033(k)(5)(G)(i)) is amended by
12 striking “within the” and all that follows through
13 “policy matters.” and inserting the following: “of the
14 Federal Government that is—

15 “(I) a matter of national security; and

16 “(II) not a difference of opinion concerning
17 public policy matters.”.

18 (2) INSPECTOR GENERAL ACT OF 1978.—Para-
19 graph (1)(A) of subsection (i) of section 8H of the
20 Inspector General Act of 1978 (5 U.S.C. App.), as
21 redesignated by section 321(a)(1)(A), is amended by
22 striking “involving” and all that follows through
23 “policy matters.” and inserting the following: “of the
24 Federal Government that is—

25 “(i) a matter of national security; and

1 “(ii) not a difference of opinion con-
2 cerning public policy matters.”.

3 (3) CENTRAL INTELLIGENCE AGENCY ACT OF
4 1949.—Section 17(d)(5)(G)(i)(I) of the Central Intel-
5 ligence Agency Act of 1949 (50 U.S.C.
6 3517(d)(5)(G)(i)(I)) is amended by striking “involv-
7 ing” and all that follows through “policy matters.”
8 and inserting the following: “of the Federal Govern-
9 ment that is—

10 “(aa) a matter of national security;

11 and

12 “(bb) not a difference of opinion con-
13 cerning public policy matters.”.

14 (b) AUTHORITY OF INSPECTORS GENERAL.—

15 (1) SCOPE OF AUTHORITY OF INSPECTOR GEN-
16 ERAL OF THE INTELLIGENCE COMMUNITY.—Section
17 103H(k)(5) of the National Security Act of 1947
18 (50 U.S.C. 3033(k)(5)) is amended by adding at the
19 end the following:

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

1 (2) AUTHORITY OF INSPECTOR GENERAL OF
2 THE INTELLIGENCE COMMUNITY TO DETERMINE
3 MATTERS OF URGENT CONCERN.—Section
4 103H(k)(5)(G) of such Act (50 U.S.C.
5 3033(k)(5)(G)) is amended—

6 (A) in clause (i), as amended by subsection
7 (a)(1), by redesignating subclauses (I) and (II)
8 as items (aa) and (bb), respectively;

9 (B) by redesignating clauses (i), (ii), and
10 (iii) as subclauses (I), (II), and (III), respec-
11 tively;

12 (C) in the matter before subclause (I), as
13 redesignated by subparagraph (B), by inserting
14 “(i)” before “In this”; and

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

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

20 (3) AUTHORITY OF INSPECTORS GENERAL TO
21 DETERMINE MATTERS OF URGENT CONCERN.—Sub-
22 section (i) of section 8H of the Inspector General
23 Act of 1978 (5 U.S.C. App.), as redesignated by sec-
24 tion 321(a)(1)(A), is amended—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A), as amended
2 by subsection (a)(2), by redesignating
3 clauses (i) and (ii) as subclauses (I) and
4 (II), respectively; and

5 (ii) by redesignating paragraphs (A),
6 (B), and (C) and clauses (i), (ii), and (iii),
7 respectively;

8 (B) by redesignating paragraphs (1) and
9 (2) as subparagraphs (A) and (B), respectively;
10 (C) in the matter before subparagraph (A),
11 as redesignated by subparagraph (B), by insert-
12 ing “(1)” before “In this”; and

13 (D) by adding at the end the following:

14 “(2) The Inspector General shall have sole authority
15 to determine whether any complaint or information re-
16 ported to the Inspector General is a matter of urgent con-
17 cern under this section.”.

18 (4) AUTHORITY OF INSPECTOR GENERAL OF
19 CENTRAL INTELLIGENCE AGENCY TO DETERMINE
20 MATTERS OF URGENT CONCERN.—Section
21 17(d)(5)(G) of the Central Intelligence Agency Act
22 of 1949 (50 U.S.C. 3517(d)(5)(G)) is amended—

23 (A) in clause (i)—

24 (i) in subclause (I), as amended by
25 subsection (a)(3), by redesignating items

1 (aa) and (bb) as subitems (AA) and (BB),
2 respectively; and

3 (ii) by redesignating subclauses (I),
4 (II), and (III) as items (aa), (bb), and
5 (cc), respectively;

6 (B) by redesignating clauses (i) and (ii) as
7 subclauses (I) and (II), respectively; and

8 (C) in the matter before clause (I), as re-
9 designated by subparagraph (B), by inserting
10 “(i)” before “In this”; and

11 (D) by adding at the end the following:

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

16 **SEC. 323. HARMONIZATION OF WHISTLEBLOWER PROTEC-**
17 **TIONS.**

18 (a) **PROHIBITED PERSONNEL PRACTICES IN THE IN-**
19 **TELLIGENCE COMMUNITY.—**

20 (1) **THREATS RELATING TO PERSONNEL AC-**
21 **TIONS.—**

22 (A) **AGENCY EMPLOYEES.—**Section
23 1104(b) of the National Security Act of 1947
24 (50 U.S.C. 3234(b)) is amended, in the matter
25 preceding paragraph (1), by inserting “, or

1 threaten to take or fail to take,” after “take or
2 fail to take”.

3 (B) CONTRACTOR EMPLOYEES.—Section
4 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1))
5 is amended, in the matter preceding subpara-
6 graph (A), by inserting “, or threaten to take
7 or fail to take,” after “take or fail to take”.

8 (2) PROTECTION FOR CONTRACTOR EMPLOYEES
9 AGAINST REPRISAL FROM AGENCY EMPLOYEES.—
10 Section 1104(c)(1) of such Act (50 U.S.C.
11 3234(c)(1)), as amended by paragraph (1)(B) of
12 this subsection, is further amended, in the matter
13 preceding subparagraph (A), by inserting “of an
14 agency or” after “Any employee”.

15 (3) ENFORCEMENT.—Subsection (d) of section
16 1104 of such Act (50 U.S.C. 3234) is amended to
17 read as follows:

18 “(d) ENFORCEMENT.—The President shall provide
19 for the enforcement of this section consistent, to the fullest
20 extent possible, with the policies and procedures used to
21 adjudicate alleged violations of section 2302(b)(8) of title
22 5, United States Code.”.

23 (b) RETALIATORY REVOCATION OF SECURITY
24 CLEARANCES AND ACCESS DETERMINATIONS.—

1 (1) ENFORCEMENT.—Section 3001(j) of the In-
2 telligence Reform and Terrorism Prevention Act of
3 2004 (50 U.S.C. 3341(j)) is amended—

4 (A) by redesignating paragraph (8) as
5 paragraph (9); and

6 (B) by inserting after paragraph (7) the
7 following:

8 “(8) ENFORCEMENT.—Except as otherwise pro-
9 vided in this subsection, the President shall provide
10 for the enforcement of this section consistent, to the
11 fullest extent possible, with the policies and proce-
12 dures used to adjudicate alleged violations of section
13 2302(b)(8) of title 5, United States Code.”.

14 (2) ELIMINATION OF DEADLINE FOR APPEAL
15 OF PROHIBITED REPRISAL.—Section 3001(j)(4)(A)
16 of such Act (50 U.S.C. 3341(j)(4)(A)) is amended
17 by striking “within 90 days”.

18 (3) ELIMINATION OF CAP ON COMPENSATORY
19 DAMAGES.—Section 3001(j)(4)(B) of such Act (50
20 U.S.C. 3341(j)(4)(B)) is amended, in the second
21 sentence, by striking “not to exceed \$300,000”.

22 (4) ESTABLISHING PROCESS PARITY FOR AD-
23 VERSE SECURITY CLEARANCE AND ACCESS DETER-
24 MINATIONS.—Subparagraph (C) of section

1 3001(j)(4) of such Act (50 U.S.C. 3341(j)(4)) is
2 amended to read as follows:

3 “(C) BURDENS OF PROOF.—

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

14 “(ii) CIRCUMSTANTIAL EVIDENCE.—

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

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

24 “(II) the determination occurred
25 within a period such that a reasonable

1 person could conclude that the disclo-
2 sure was a contributing factor in the
3 determination.

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

15 (c) CORRECTION OF DEFINITION OF AGENCY.—Sec-
16 tion 3001(a)(1)(B) of the Intelligence Reform and Ter-
17 rorism Prevention Act of 2004 (50 U.S.C. 3341(a)(1)(B))
18 is amended by striking “and” and inserting “or”.

19 (d) ESTABLISHING CONSISTENCY WITH RESPECT TO
20 PROTECTIONS FOR DISCLOSURES OF MISMANAGE-
21 MENT.—

22 (1) SECURITY CLEARANCE AND ACCESS DETER-
23 MINATIONS.—Section 3001(j)(1) of the Intelligence
24 Reform and Terrorism Prevention Act of 2004 (50
25 U.S.C. 3341(j)(1)) is amended—

1 (A) in subparagraph (A)(ii), by striking
2 “gross mismanagement” and inserting “mis-
3 management”; and

4 (B) in subparagraph (B)(ii), by striking
5 “gross mismanagement” and inserting “mis-
6 management”.

7 (2) PERSONNEL ACTIONS AGAINST CON-
8 TRACTOR EMPLOYEES.—Section 1104(c)(1)(B) of
9 the National Security Act of 1947 (50 U.S.C.
10 3234(c)(1)(B)) is amended by striking “gross mis-
11 management” and inserting “mismanagement”.

12 (e) PROTECTED DISCLOSURES TO SUPERVISORS.—

13 (1) PERSONNEL ACTIONS.—

14 (A) DISCLOSURES BY AGENCY EMPLOYEES
15 TO SUPERVISORS.—Section 1104(b) of the Na-
16 tional Security Act of 1947 (50 U.S.C.
17 3234(b)), as amended by subsection (a)(1)(A),
18 is further amended, in the matter preceding
19 paragraph (1), by inserting “a supervisor in the
20 employee’s direct chain of command, or a su-
21 pervisor of the employing agency with responsi-
22 bility for the subject matter of the disclosure,
23 up to and including” before “the head of the
24 employing agency”.

1 (B) DISCLOSURES BY CONTRACTOR EM-
2 PLOYEES TO SUPERVISORS.—Section
3 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)),
4 as amended by subsection (a), is further
5 amended, in the matter preceding subparagraph
6 (A), by inserting “a supervisor in the contractor
7 employee’s direct chain of command up to and
8 including” before “the head of the contracting
9 agency”.

10 (2) SECURITY CLEARANCE AND ACCESS DETER-
11 MINATIONS.—Section 3001(j)(1)(A) of the Intel-
12 ligence Reform and Terrorism Prevention Act of
13 2004 (50 U.S.C. 3341(j)(1)(A)) is amended, in the
14 matter preceding clause (i), by inserting “a super-
15 visor in the employee’s direct chain of command, or
16 a supervisor of the employing agency with responsi-
17 bility for the subject matter of the disclosure, up to
18 and including” before “the head of the employing
19 agency”.

20 (f) ESTABLISHING PARITY FOR PROTECTED DISCLO-
21 SURES.—Section 1104 of the National Security Act of
22 1947 (50 U.S.C. 3234) is amended—

23 (1) in subsection (b), as amended by sub-
24 sections (a)(1)(A) and (e)(1)(A)—

1 (A) by redesignating paragraphs (1) and
2 (2) as subparagraphs (A) and (B), respectively,
3 and moving such subparagraphs, as so redesign-
4 nated, 2 ems to the right;

5 (B) in the matter preceding subparagraph
6 (A), as redesignated and moved by subpara-
7 graph (B) of this paragraph, by striking “for a
8 lawful disclosure” and inserting the following:
9 “for—
10 “(1) any lawful disclosure”; and

11 (C) by adding at the end the following:
12 “(2) any lawful disclosure that complies with—
13 “(A) subsections (a)(1), (d), and (g) of
14 section 8H of the Inspector General Act of
15 1978 (5 U.S.C. App.);

16 “(B) subparagraphs (A), (D), and (H) of
17 section 17(d)(5) of the Central Intelligence
18 Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

19 “(C) subparagraphs (A), (D), and (I) of
20 section 103H(k)(5); or

21 “(3) if the actions do not result in the employee
22 unlawfully disclosing information specifically re-
23 quired by Executive order to be kept classified in the
24 interest of national defense or the conduct of foreign
25 affairs, any lawful disclosure in conjunction with—

1 “(A) the exercise of any appeal, complaint,
2 or grievance right granted by any law, rule, or
3 regulation;

4 “(B) testimony for or otherwise lawfully
5 assisting any individual in the exercise of any
6 right referred to in subparagraph (A); or

7 “(C) cooperation with or disclosing infor-
8 mation to the Inspector General of an agency,
9 in accordance with applicable provisions of law
10 in connection with an audit, inspection, or in-
11 vestigation conducted by the Inspector Gen-
12 eral.”; and

13 (2) in subsection (c)(1), as amended by sub-
14 sections (a) and (e)(1)(B)—

15 (A) by redesignating subparagraphs (A)
16 and (B) as clauses (i) and (ii), respectively, and
17 moving such clauses, as so redesignated, 2 ems
18 to the right;

19 (B) in the matter preceding clause (i), as
20 redesignated and moved by subparagraph (B)
21 of this paragraph, by striking “for a lawful dis-
22 closure” and inserting the following: “for—
23 “(A) any lawful disclosure”; and

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

25 “(B) any lawful disclosure that complies with—

1 “(i) subsections (a)(1), (d), and (g) of sec-
2 tion 8H of the Inspector General Act of 1978
3 (5 U.S.C. App.);

4 “(ii) subparagraphs (A), (D), and (H) of
5 section 17(d)(5) of the Central Intelligence
6 Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

7 “(iii) subparagraphs (A), (D), and (I) of
8 section 103H(k)(5); or

9 “(C) if the actions do not result in the con-
10 tractor employee unlawfully disclosing information
11 specifically required by Executive order to be kept
12 classified in the interest of national defense or the
13 conduct of foreign affairs, any lawful disclosure in
14 conjunction with—

15 “(i) the exercise of any appeal, complaint,
16 or grievance right granted by any law, rule, or
17 regulation;

18 “(ii) testimony for or otherwise lawfully as-
19 sisting any individual in the exercise of any
20 right referred to in clause (i); or

21 “(iii) cooperation with or disclosing infor-
22 mation to the Inspector General of an agency,
23 in accordance with applicable provisions of law
24 in connection with an audit, inspection, or in-

1 vestigation conducted by the Inspector Gen-
2 eral.”.

3 (g) CLARIFICATION RELATING TO PROTECTED DIS-
4 CLOSURES.—Section 1104 of the National Security Act of
5 1947 (50 U.S.C. 3234) is amended—

6 (1) by redesignating subsections (d) and (e) as
7 subsections (f) and (g), respectively; and

8 (2) by inserting after subsection (c) the fol-
9 lowing:

10 “(d) RULE OF CONSTRUCTION.—Consistent with the
11 protection of sources and methods, nothing in subsection
12 (b) or (c) shall be construed to authorize—

13 “(1) the withholding of information from Con-
14 gress; or

15 “(2) the taking of any personnel action against
16 an employee who lawfully discloses information to
17 Congress.

18 “(e) DISCLOSURES.—A disclosure shall not be ex-
19 cluded from this section because—

20 “(1) the disclosure was made to an individual,
21 including a supervisor, who participated in an activ-
22 ity that the employee reasonably believed to be cov-
23 ered under subsection (b)(1)(B) or the contractor
24 employee reasonably believed to be covered under
25 subsection (c)(1)(A)(ii);

1 “(2) the disclosure revealed information that
2 had been previously disclosed;

3 “(3) the disclosure was not made in writing;

4 “(4) the disclosure was made while the em-
5 ployee was off duty;

6 “(5) of the amount of time which has passed
7 since the occurrence of the events described in the
8 disclosure; or

9 “(6) the disclosure was made during the normal
10 course of duties of an employee or contractor em-
11 ployee.”.

12 (h) CORRECTION RELATING TO NORMAL COURSE
13 DISCLOSURES.—Section 3001(j)(3) of the Intelligence Re-
14 form and Terrorism Prevention Act of 2004 (50 U.S.C.
15 3341(j)(3)) is amended—

16 (1) by striking “DISCLOSURES.—” and all that
17 follows through “because—” and inserting “DISCLO-
18 SURES.—A disclosure shall not be excluded from
19 paragraph (1) because—”;

20 (2) by striking subparagraph (B);

21 (3) by redesignating clauses (i) through (v) as
22 subparagraphs (A) through (E), respectively, and
23 moving such subparagraphs, as so redesignated, 2
24 ems to the left;

1 (4) in subparagraph (D), as so redesignated, by
2 striking “or” at the end;

3 (5) in subparagraph (E), as redesignated by
4 paragraph (3), by striking the period at the end and
5 inserting “; or”; and

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

7 “(F) the disclosure was made during the
8 normal course of duties of an employee.”.

9 (i) CLARIFICATION RELATING TO RULE OF CON-
10 STRUCTION.—Section 3001(j)(2) of the Intelligence Re-
11 form and Terrorism Prevention Act of 2004 (50 U.S.C.
12 3341(j)(2)) is amended by inserting “or clearance action”
13 after “personnel action”.

14 (j) CLARIFICATION RELATING TO PROHIBITED PRAC-
15 TICES.—

16 (1) INTELLIGENCE REFORM AND TERRORISM
17 PREVENTION ACT OF 2004.—Section 3001(j)(1) of
18 the Intelligence Reform and Terrorism Prevention
19 Act of 2004 (50 U.S.C. 3341(j)(1)), as amended by
20 this section, is further amended by striking “over”
21 and inserting “to take, materially impact, direct oth-
22 ers to take, recommend, or approve”.

23 (2) NATIONAL SECURITY ACT OF 1947.—

24 (A) AGENCY EMPLOYEES.—Section
25 1104(b) of the National Security Act of 1947

1 (50 U.S.C. 3234(b)), as amended by this sec-
2 tion, is further amended by inserting “materi-
3 ally impact,” after “authority to take,”

4 (B) CONTRACTOR EMPLOYEES.—Section
5 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)),
6 as amended by this section, is further amended
7 by inserting “materially impact,” after “author-
8 ity to take,”.

9 (k) TECHNICAL CORRECTION.—Section
10 3001(j)(1)(C)(i) of the Intelligence Reform and Terrorism
11 Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(C)(i)) is
12 amended by striking “(h)” and inserting “(g)”.

13 (l) REPORT REQUIRED.—Not later than 180 days
14 after the date of the enactment of this Act, the Inspector
15 General of the Intelligence Community shall submit to the
16 congressional intelligence committees a report assessing
17 the extent to which protections provided under Presi-
18 dential Policy Directive 19 (relating to protecting whistle-
19 blowers with access to classified information) have been
20 codified in statutes.

1 **SEC. 324. PROHIBITION AGAINST DISCLOSURE OF WHIS-**
2 **TLBLOWER IDENTITY AS REPRISAL**
3 **AGAINST WHISTLEBLOWER DISCLOSURE BY**
4 **EMPLOYEES AND CONTRACTORS IN INTEL-**
5 **LIGENCE COMMUNITY.**

6 (a) IN GENERAL.—Section 1104 of the National Se-
7 curity Act of 1947 (50 U.S.C. 3234) is amended—

8 (1) in subsection (a)(3) of such section—

9 (A) in subparagraph (I), by striking “; or”
10 and inserting a semicolon;

11 (B) by redesignating subparagraph (J) as
12 subparagraph (K); and

13 (C) by inserting after subparagraph (I) the
14 following:

15 “(J) a knowing and willful disclosure re-
16 vealing the identity or other personally identifi-
17 able information of an employee or contractor
18 employee; or”;

19 (2) by redesignating subsections (f) and (g), as
20 redesignated by section 323(g)(1), as subsections (g)
21 and (h), respectively; and

22 (3) by inserting after subsection (e), as added
23 by section 323(g)(2), the following:

24 “(f) PERSONNEL ACTIONS INVOLVING DISCLOSURES
25 OF WHISTLEBLOWER IDENTITY.—A personnel action de-
26 scribed in subsection (a)(3)(J) shall not be considered in

1 violation of subsection (b) or (c) under the following cir-
2 cumstances:

3 “(1) The personnel action was taken with the
4 express consent of the employee or contractor em-
5 ployee.

6 “(2) An Inspector General with oversight re-
7 sponsibility for a covered intelligence community ele-
8 ment determines that—

9 “(A) the personnel action was unavoidable
10 under section 103H(g)(3)(A) of this Act (50
11 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of
12 the Central Intelligence Agency Act of 1949 (50
13 U.S.C. 3517(e)(3)(A)), or section 8M(b)(2)(B)
14 of the Inspector General Act of 1978 (5 U.S.C.
15 App.);

16 “(B) the personnel action was made to an
17 official of the Department of Justice responsible
18 for determining whether a prosecution should
19 be undertaken; or

20 “(C) the personnel action was required by
21 statute or an order from a court of competent
22 jurisdiction.”.

23 (b) APPLICABILITY TO DETAILEES.—Subsection (a)
24 of section 1104 of such Act (50 U.S.C. 3234) is amended
25 by adding at the end the following:

1 “(5) EMPLOYEE.—The term ‘employee’, with
2 respect to an agency or a covered intelligence com-
3 munity element, includes an individual who has been
4 detailed to such agency or covered intelligence com-
5 munity element.”.

6 (c) PRIVATE RIGHT OF ACTION FOR UNLAWFUL DIS-
7 CLOSURE OF WHISTLEBLOWER IDENTITY.—Subsection
8 (g) of such section, as amended by subsection (a)(3) of
9 section 323(a)(3), redesignated by subsection (g)(1) of
10 such section, and further redesignated by subsection
11 (a)(2) of this section, is amended to read as follows:

12 “(g) ENFORCEMENT.—

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

16 “(2) HARMONIZATION WITH OTHER ENFORCE-
17 MENT.—To the fullest extent possible, the President
18 shall provide for enforcement of this section in a
19 manner that is consistent with the enforcement of
20 section 2302(b)(8) of title 5, United States Code, es-
21 pecially with respect to policies and procedures used
22 to adjudicate alleged violations of such section.

23 “(3) PRIVATE RIGHT OF ACTION FOR DISCLO-
24 SURES OF WHISTLEBLOWER IDENTITY IN VIOLATION
25 OF PROHIBITION AGAINST REPRISALS.—Subject to

1 paragraph (4), in a case in which an employee of an
2 agency takes a personnel action described in sub-
3 section (a)(3)(J) against an employee of a covered
4 intelligence community element as a reprisal in vio-
5 lation of subsection (b) or in a case in which an em-
6 ployee or contractor employee takes a personnel ac-
7 tion described in subsection (a)(3)(J) against an-
8 other contractor employee as a reprisal in violation
9 of subsection (c), the employee or contractor em-
10 ployee against whom the personnel action was taken
11 may, consistent with section 1221 of title 5, United
12 States Code, bring a private action for all appro-
13 priate remedies, including injunctive relief and com-
14 pensatory and punitive damages, in an amount not
15 to exceed \$250,000, against the agency of the em-
16 ployee or contracting agency of the contractor em-
17 ployee who took the personnel action, in a Federal
18 district court of competent jurisdiction.

19 “(4) REQUIREMENTS.—

20 “(A) REVIEW BY INSPECTOR GENERAL
21 AND BY EXTERNAL REVIEW PANEL.—Before
22 the employee or contractor employee may bring
23 a private action under paragraph (3), the em-
24 ployee or contractor employee shall exhaust ad-
25 ministrative remedies by—

1 “(i) first, obtaining a disposition of
2 their claim by requesting review of the ap-
3 propriate inspector general; and

4 “(ii) second, submitting to the Inspec-
5 tor General of the Intelligence Community
6 a request for a review of the claim by an
7 external review panel under section 1106.

8 “(B) PERIOD TO BRING ACTION.—The em-
9 ployee or contractor employee may bring a pri-
10 vate right of action under paragraph (3) during
11 the 180-day period beginning on the date on
12 which the employee or contractor employee is
13 notified of the final disposition of their claim
14 under section 1106.”.

15 **Subtitle C—Reports and Assess-**
16 **ments Pertaining to the Intel-**
17 **ligence Community**

18 **SEC. 331. REPORT ON EFFORTS TO BUILD AN INTEGRATED**
19 **HYBRID SPACE ARCHITECTURE.**

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

- 23 (1) the congressional intelligence committees;
24 (2) the Committee on Armed Services and the
25 Committee on Appropriations of the Senate; and

1 (3) the Committee on Armed Services and the
2 Committee on Appropriations of the House of Rep-
3 resentatives.

4 (b) REPORT REQUIRED.—Not later than 180 days
5 after the date of the enactment of this Act, and annually
6 for 2 years thereafter, the Director of National Intel-
7 ligence, in coordination with the Under Secretary of De-
8 fense for Intelligence and Security and the Director of the
9 National Reconnaissance Office, shall submit to the appro-
10 prium committees of Congress a report on the efforts of
11 the intelligence community to build an integrated hybrid
12 space architecture that combines national and commercial
13 capabilities and large and small satellites.

14 (c) ELEMENTS.—The report required by subsection
15 (b) shall include the following:

16 (1) An assessment of how the integrated hybrid
17 space architecture approach is being realized in the
18 overhead architecture of the National Reconnaissance
19 Office.

20 (2) An assessment of the benefits to the mis-
21 sion of the National Reconnaissance Office and the
22 cost of integrating capabilities from smaller, pro-
23 liferated satellites and data from commercial sat-
24 ellites with the national technical means architec-
25 ture.

1 **SEC. 332. REPORT ON PROJECT MAVEN TRANSITION.**

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

- 5 (1) the congressional intelligence committees;
6 (2) the Committee on Armed Services and the
7 Committee on Appropriations of the Senate; and
8 (3) the Committee on Armed Services and the
9 Committee on Appropriations of the House of Rep-
10 resentatives.

11 (b) REPORT REQUIRED.—Not later than 120 days
12 after the date of the enactment of this Act, the Director
13 of the National Geospatial-Intelligence Agency, in con-
14 sultation with such other Federal Government entities as
15 the Director considers appropriate, shall submit to the ap-
16 propriate committees of Congress a report on the transi-
17 tion of Project Maven to operational mission support.

18 (c) PLAN OF ACTION AND MILESTONES.—The report
19 required by subsection (b) shall include a detailed plan of
20 action and milestones that identifies—

- 21 (1) the milestones and decision points leading
22 up to the transition of successful geospatial intel-
23 ligence capabilities developed under Project Maven
24 to the National Geospatial-Intelligence Agency; and
25 (2) the metrics of success regarding the transi-
26 tion described in paragraph (1) and mission support

1 provided to the National Geospatial-Intelligence
2 Agency for each of fiscal years 2022 and 2023.

3 (d) FORM.—The report required by subsection (b)
4 shall be submitted in unclassified form, but may include
5 a classified annex.

6 **SEC. 333. ASSESSMENT OF INTELLIGENCE COMMUNITY**
7 **COUNTERNARCOTICS CAPABILITIES.**

8 (a) ASSESSMENT REQUIRED.—Not later than 120
9 days after the date of the enactment of this Act, the Direc-
10 tor of National Intelligence shall, in consultation with such
11 other Federal Government entities as the Director con-
12 siders appropriate, submit to the congressional intelligence
13 committees an assessment on the status of the intelligence
14 community's—

15 (1) counternarcotics capabilities and resourcing
16 with regard to intelligence collection and analysis;

17 (2) operational support to foreign liaison part-
18 ners; and

19 (3) operational capacity to support the counter-
20 narcotics mission of the Federal Government.

21 (b) FORM.—The assessment required by subsection
22 (a) shall be submitted in unclassified form, but may in-
23 clude a classified annex.

1 **SEC. 334. ASSESSMENT OF INTELLIGENCE COMMUNITY'S**
2 **INTELLIGENCE-SHARING RELATIONSHIPS**
3 **WITH LATIN AMERICAN PARTNERS IN COUN-**
4 **TERNARCOTICS.**

5 (a) ASSESSMENT REQUIRED.—Not later than 120
6 days after the date of the enactment of this Act, the Direc-
7 tor of National Intelligence shall, in consultation with such
8 other Federal Government entities as the Director con-
9 siders appropriate, submit to the congressional intelligence
10 committees an assessment on the intelligence-sharing rela-
11 tionships of the intelligence community with foreign part-
12 ners in Latin America on counternarcotics matters.

13 (b) FORM.—The assessment required by subsection
14 (a) shall be submitted in unclassified form, but may in-
15 clude a classified annex.

16 **SEC. 335. REPORT ON UNITED STATES SOUTHERN COM-**
17 **MAND INTELLIGENCE CAPABILITIES.**

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

- 21 (1) the congressional intelligence committees;
- 22 (2) the Committee on Armed Services and the
23 Committee on Appropriations of the Senate; and
- 24 (3) the Committee on Armed Services and the
25 Committee on Appropriations of the House of Rep-
26 resentatives.

1 (b) REPORT REQUIRED.—Not later than 120 days
2 after the date of the enactment of this Act, the Director
3 of the Defense Intelligence Agency, in consultation with
4 such other Federal Government entities as the Director
5 considers relevant, shall submit to the appropriate com-
6 mittees of Congress a report detailing the status of United
7 States Southern Command’s intelligence collection, anal-
8 ysis, and operational capabilities to support Latin Amer-
9 ica-based missions.

10 (c) FORM.—The report required by subsection (b)
11 shall be submitted in unclassified form, but may include
12 a classified annex.

13 **SEC. 336. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**
14 **ON TRENDS IN TECHNOLOGIES OF STRA-**
15 **TEGIC IMPORTANCE TO UNITED STATES.**

16 (a) IN GENERAL.—Not less frequently than once
17 every 2 years until the date that is 4 years after the date
18 of the enactment of this Act, the Director of National In-
19 telligence shall submit to Congress a report assessing com-
20 mercial and foreign trends in technologies the Director
21 considers of strategic importance to the national and eco-
22 nomic security of the United States.

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

1 (1) A list of the top technology focus areas that
2 the Director considers to be of the most strategic
3 importance to the United States.

4 (2) A list of the top technology focus areas in
5 which countries that are adversarial to the United
6 States are poised to match or surpass the techno-
7 logical leadership of the United States.

8 (c) FORM.—Each report submitted under subsection
9 (a) may take the form of a National Intelligence Estimate
10 and shall be submitted in classified form, but may include
11 an unclassified summary.

12 **SEC. 337. REPORT ON NORD STREAM II COMPANIES AND IN-**
13 **TELLIGENCE TIES.**

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

17 (1) the congressional intelligence committees;

18 (2) the Committee on Armed Services, the
19 Committee on Commerce, Science, and Transpor-
20 tation, the Committee on Banking, Housing, and
21 Urban Affairs, the Committee on Foreign Relations,
22 and the Committee on Appropriations of the Senate;
23 and

24 (3) the Committee on Armed Services, the
25 Committee on Energy and Commerce, the Com-

1 (1) the congressional intelligence committees;

2 (2) the Committee on Foreign Relations, the
3 Committee on the Judiciary, and the Committee on
4 Appropriations of the Senate; and

5 (3) the Committee on Foreign Affairs, the
6 Committee on the Judiciary, and the Committee on
7 Appropriations of the House of Representatives.

8 (b) REPORT.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of the enactment of this Act, the Di-
11 rector of National Intelligence, in consultation with
12 the head of any other appropriate Government enti-
13 ty, shall submit to the appropriate committees of
14 Congress a report on intelligence matters relating to
15 the Visas Mantis program, including efforts by—

16 (A) the intelligence community to provide
17 and plan for effective intelligence support to
18 such program; and

19 (B) hostile intelligence services to exploit
20 such program or any other program by which
21 visas for admission to the United States are
22 issued.

23 (2) FORM.—The report required by paragraph
24 (1) shall be submitted in unclassified form but may
25 include a classified annex, as necessary.

1 **SEC. 340. PLAN FOR ARTIFICIAL INTELLIGENCE DIGITAL**
2 **ECOSYSTEM.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Director of National
5 Intelligence shall—

6 (1) develop a plan for the development and
7 resourcing of a modern digital ecosystem that em-
8 braces state-of-the-art tools and modern processes to
9 enable development, testing, fielding, and continuous
10 updating of artificial intelligence-powered applica-
11 tions at speed and scale from headquarters to the
12 tactical edge; and

13 (2) submit to the Select Committee on Intel-
14 ligence of the Senate and the Permanent Select
15 Committee on Intelligence of the House of Rep-
16 resentatives the plan developed under paragraph (1).

17 (b) CONTENTS OF PLAN.—At a minimum, the plan
18 required by subsection (a) shall include the following:

19 (1) A roadmap for adopting a hoteling model to
20 allow trusted small- and medium-sized artificial in-
21 telligence companies access to classified facilities on
22 a flexible basis.

23 (2) An open architecture and an evolving ref-
24 erence design and guidance for needed technical in-
25 vestments in the proposed ecosystem that address
26 issues, including common interfaces, authentication,

1 applications, platforms, software, hardware, and
2 data infrastructure.

3 (3) A governance structure, together with asso-
4 ciated policies and guidance, to drive the implemen-
5 tation of the reference throughout the intelligence
6 community on a federated basis.

7 (4) Recommendations to ensure that use of ar-
8 tificial intelligence and associated data in Federal
9 Government operations comport with rights relating
10 to freedom of expression, equal protection, privacy,
11 and due process.

12 (c) FORM.—The plan submitted under subsection
13 (a)(2) shall be submitted in unclassified form, but may
14 include a classified annex.

15 **SEC. 341. STUDY ON UTILITY OF EXPANDED PERSONNEL**
16 **MANAGEMENT AUTHORITY.**

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

20 (1) the congressional intelligence committees;

21 (2) the Committee on Armed Services of the
22 Senate; and

23 (3) the Committee on Armed Services of the
24 House of Representatives.

1 (b) IN GENERAL.—Not later than 180 days after the
2 date of the enactment of this Act, the Under Secretary
3 of Defense for Intelligence and Security and the Director
4 of National Intelligence shall jointly submit to the appro-
5 priate committees of Congress a study on the utility of
6 providing elements of the intelligence community of the
7 Department of Defense, other than the National
8 Geospatial-Intelligence Agency, personnel management
9 authority to attract experts in science and engineering
10 under section 1599h of title 10, United States Code.

11 **SEC. 342. ASSESSMENT OF ROLE OF FOREIGN GROUPS IN**
12 **DOMESTIC VIOLENT EXTREMISM.**

13 (a) ASSESSMENT REQUIRED.—Not later than 180
14 days after the date of the enactment of this Act, the Direc-
15 tor of National Intelligence shall—

16 (1) complete an assessment to identify the role
17 of foreign groups, including entities, adversaries,
18 governments, or other groups, in domestic violent ex-
19 tremist activities in the United States; and

20 (2) submit to the congressional intelligence
21 committees the findings of the assessment completed
22 under paragraph (1).

23 (b) FORM.—The findings submitted under subsection
24 (a)(2) shall be submitted in unclassified form, but may
25 include a classified annex.

1 **SEC. 343. REPORT ON THE ASSESSMENT OF ALL-SOURCE**
2 **CYBER INTELLIGENCE INFORMATION, WITH**
3 **AN EMPHASIS ON SUPPLY CHAIN RISKS.**

4 (a) **REPORT REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, the Director
6 of National Intelligence shall submit to the congressional
7 intelligence committees a report on the potential to
8 strengthen all-source intelligence integration relating to
9 foreign cyber threats, with an emphasis on cyber supply
10 chain risks.

11 (b) **CONTENTS.**—The report required under sub-
12 section (a) shall include the following:

13 (1) An assessment of the effectiveness of the
14 all-source cyber intelligence integration capabilities
15 of the Office of the Director of National Intelligence
16 and recommendations for such changes as the Direc-
17 tor considers necessary to strengthen those capabili-
18 ties.

19 (2) An assessment of the effectiveness of the
20 Office of the Director of National Intelligence in
21 analyzing and reporting on cyber supply chain risks,
22 including efforts undertaken by the National Coun-
23 terintelligence and Security Center.

24 (3) Mitigation plans for any gaps or deficiencies
25 identified in the assessments included under para-
26 graphs (1) and (2).

1 **SEC. 344. REVIEW OF NATIONAL SECURITY AGENCY AND**
2 **UNITED STATES CYBER COMMAND.**

3 (a) REVIEW REQUIRED.—Not later than 180 days
4 after the date of the enactment of this Act, the Inspector
5 General of the Intelligence Community and the Inspector
6 General of the Department of Defense shall jointly com-
7 plete a review of the National Security Agency and the
8 United States Cyber Command.

9 (b) ELEMENTS.—The review required by subsection
10 (a) shall include assessment of the following:

11 (1) Whether resources, authorities, activities,
12 missions, facilities, and personnel are appropriately
13 being delineated and used to conduct the intelligence
14 and cybersecurity missions at the National Security
15 Agency as well as the cyber offense and defense mis-
16 sions of United States Cyber Command.

17 (2) The extent to which current resource-shar-
18 ing arrangements between the National Security
19 Agency and United States Cyber Command lead to
20 conflicts of interest in directing intelligence collec-
21 tion in support of United States Cyber Command
22 missions rather than foreign intelligence collection.

23 (3) The intelligence analysis and production
24 conducted by United States Cyber Command using
25 National Security Agency authorities, with a focus

1 on analytic integrity and intelligence oversight to en-
2 sure proper analysis is informing mission operations.

3 (c) REPORT AND BRIEF.—Not later than 180 days
4 after the date of the enactment of this Act, the Inspector
5 General of the Intelligence Community and the Inspector
6 General of the Department of Defense shall jointly submit
7 to the congressional intelligence committees and the con-
8 gressional defense committees (as defined in section
9 101(a) of title 10, United States Code) a report and pro-
10 vide such committees a briefing on the findings of the in-
11 spectors general with respect to the review completed
12 under subsection (a).

13 **SEC. 345. SUPPORT FOR AND OVERSIGHT OF UNIDENTI-**
14 **FIED AERIAL PHENOMENA TASK FORCE.**

15 (a) DEFINITIONS.—In this section:

16 (1) APPROPRIATE COMMITTEES OF CON-
17 GRESS.—The term “appropriate committees of Con-
18 gress” includes:

19 (A) The congressional intelligence commit-
20 tees.

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

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

1 (2) UNIDENTIFIED AERIAL PHENOMENA TASK
2 FORCE.—The term “Unidentified Aerial Phenomena
3 Task Force” means the task force established by the
4 Department of Defense on August 4, 2020, to be led
5 by the Department of the Navy, under the Office of
6 the Under Secretary of Defense for Intelligence and
7 Security.

8 (b) AVAILABILITY OF DATA ON UNIDENTIFIED AER-
9 IAL PHENOMENA.—The Director of National Intelligence
10 and the Secretary of Defense shall each, in coordination
11 with each other, require each element of the intelligence
12 community and the Department of Defense with data re-
13 lating to unidentified aerial phenomena to make such data
14 available immediately to the Unidentified Aerial Phe-
15 nomena Task Force and to the National Air and Space
16 Intelligence Center.

17 (c) QUARTERLY REPORTS TO CONGRESS.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act and not less
20 frequently than quarterly thereafter, the Unidenti-
21 fied Aerial Phenomena Task Force, or such other
22 entity as the Deputy Secretary of Defense may des-
23 ignate to be responsible for matters relating to un-
24 identified aerial phenomena, shall submit to the ap-
25 propriate committees of Congress quarterly reports

1 on the findings of the Unidentified Aerial Phe-
2 nomena Task Force, or such other designated entity
3 as the case may be.

4 (2) CONTENTS.—Each report submitted under
5 paragraph (1) shall include, at a minimum, the fol-
6 lowing:

7 (A) All reported unidentified aerial phe-
8 nomena-related events that occurred during the
9 previous 90 days.

10 (B) All reported unidentified aerial phe-
11 nomena-related events that occurred during a
12 time period other than the previous 90 days but
13 were not included in an earlier report.

14 (3) FORM.—Each report submitted under para-
15 graph (1) shall be submitted in classified form.

16 **SEC. 346. PUBLICATION OF UNCLASSIFIED APPENDICES**
17 **FROM REPORTS ON INTELLIGENCE COMMU-**
18 **NITY PARTICIPATION IN VULNERABILITIES**
19 **EQUITIES PROCESS.**

20 Section 6720(e) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2020 (50 U.S.C. 3316a(e)) is
22 amended by adding at the end the following:

23 “(4) PUBLICATION.—The Director of National
24 Intelligence shall make available to the public each

1 unclassified appendix submitted with a report under
2 paragraph (1) pursuant to paragraph (2).”.

3 **SEC. 347. REPORT ON FUTURE STRUCTURE AND RESPON-**
4 **SIBILITIES OF FOREIGN MALIGN INFLUENCE**
5 **CENTER.**

6 (a) ASSESSMENT AND REPORT REQUIRED.—Not
7 later than one year after the date of the enactment of this
8 Act, the Director of National Intelligence shall—

9 (1) conduct an assessment as to the future
10 structure and responsibilities of the Foreign Malign
11 Influence Center; and

12 (2) submit to the congressional intelligence
13 committees a report on the findings of the Director
14 with respect to the assessment conducted under
15 paragraph (1).

16 (b) ELEMENTS.—The assessment conducted under
17 subsection (a)(1) shall include an assessment of whether—

18 (1) the Director of the Foreign Malign Influe-
19 nce Center should continue to report directly to the
20 Director of National Intelligence; or

21 (2) the Foreign Malign Influence Center should
22 become an element of the National Counterintel-
23 ligence and Security Center and the Director of the
24 Foreign Malign Influence Center should report to

1 the Director of the National Counterintelligence and
2 Security Center.

3 **Subtitle D—People’s Republic of**
4 **China**

5 **SEC. 351. ASSESSMENT OF POSTURE AND CAPABILITIES OF**
6 **INTELLIGENCE COMMUNITY WITH RESPECT**
7 **TO ACTIONS OF THE PEOPLE’S REPUBLIC OF**
8 **CHINA TARGETING TAIWAN.**

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

- 12 (1) the congressional intelligence committees;
13 (2) the Committee on Armed Services and the
14 Committee on Appropriations of the Senate; and
15 (3) the Committee on Armed Services and the
16 Committee on Appropriations of the House of Rep-
17 resentatives.

18 (b) ASSESSMENT REQUIRED.—Not later than 180
19 days after the date of the enactment of this Act, the Direc-
20 tor of National Intelligence and the Director of the Cen-
21 tral Intelligence Agency shall jointly—

- 22 (1) complete an assessment to identify whether
23 the posture and capabilities of the intelligence com-
24 munity are adequate to provide—

1 (A) sufficient indications and warnings re-
2 garding actions of the People's Republic of
3 China targeting Taiwan; and

4 (B) policymakers with sufficient lead time
5 to respond to actions described in subparagraph
6 (A); and

7 (2) submit to the appropriate committees of
8 Congress the findings of the assessment completed
9 under paragraph (1).

10 (c) FORM.—The findings submitted under subsection
11 (b)(2) shall be submitted in unclassified form, but may
12 include a classified annex.

13 **SEC. 352. PLAN TO COOPERATE WITH INTELLIGENCE AGEN-**
14 **CIES OF KEY DEMOCRATIC COUNTRIES RE-**
15 **GARDING TECHNOLOGICAL COMPETITION**
16 **WITH PEOPLE'S REPUBLIC OF CHINA.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Director of National Intelligence
19 shall submit to the congressional intelligence committees
20 a plan to increase cooperation with the intelligence agen-
21 cies of key democratic countries and key partners and al-
22 lies of the United States in order to track and analyze
23 the following:

24 (1) Technology capabilities and gaps among al-
25 lied and partner countries of the United States.

1 (2) Current capabilities of the People’s Republic
2 of China in critical technologies and components.

3 (3) The efforts of the People’s Republic of
4 China to buy startups, conduct joint ventures, and
5 invest in specific technologies globally.

6 (4) The technology development of the People’s
7 Republic of China in key technology sectors.

8 (5) The efforts of the People’s Republic of
9 China relating to standard-setting forums.

10 (6) Supply chain vulnerabilities for key tech-
11 nology sectors.

12 **SEC. 353. ASSESSMENT OF PEOPLE’S REPUBLIC OF CHINA**
13 **GENOMIC COLLECTION.**

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

17 (1) the congressional intelligence committees;

18 (2) the Committee on Armed Services, the
19 Committee on Health, Education, Labor, and Pen-
20 sions, and the Committee on Foreign Relations of
21 the Senate; and

22 (3) the Committee on Armed Services, the
23 Committee on Labor and Education, and the Com-
24 mittee on Foreign Affairs of the House of Rep-
25 resentatives.

1 (b) ASSESSMENT REQUIRED.—Not later than 180
2 days after the date of the enactment of this Act, the Direc-
3 tor of National Intelligence, in consultation with other ap-
4 propriate Federal Government entities, shall submit to the
5 appropriate committees of Congress an assessment of the
6 People’s Republic of China’s plans, intentions, capabilities,
7 and resources devoted to biotechnology, and the objectives
8 underlying those activities. The assessment shall include—

9 (1) a detailed analysis of efforts undertaken by
10 the People’s Republic of China (PRC) to acquire for-
11 eign-origin biotechnology, research and development,
12 and genetic information, including technology owned
13 by United States companies, research by United
14 States institutions, and the genetic information of
15 United States citizens;

16 (2) identification of PRC-based organizations
17 conducting or directing these efforts, including infor-
18 mation about the ties between those organizations
19 and the PRC government, the Chinese Communist
20 Party, or the People’s Liberation Army; and

21 (3) a detailed analysis of the intelligence com-
22 munity resources devoted to biotechnology, including
23 synthetic biology and genomic-related issues, and a
24 plan to improve understanding of these issues and

1 ensure the intelligence community has the requisite
2 expertise.

3 (c) FORM.—The assessment required under sub-
4 section (b) shall be submitted in unclassified form, but
5 may include a classified annex, if necessary.

6 **SEC. 354. UPDATES TO ANNUAL REPORTS ON INFLUENCE**
7 **OPERATIONS AND CAMPAIGNS IN THE**
8 **UNITED STATES BY THE CHINESE COM-**
9 **MUNIST PARTY.**

10 Section 1107(b) of the National Security Act of 1947
11 (50 U.S.C. 3237(b)) is amended—

12 (1) by redesignating paragraph (9) as para-
13 graph (10); and

14 (2) by inserting after paragraph (8) the fol-
15 lowing:

16 “(9) A listing of all known Chinese talent re-
17 cruitment programs operating in the United States
18 as of the date of the report.”.

19 **SEC. 355. REPORT ON INFLUENCE OF PEOPLE’S REPUBLIC**
20 **OF CHINA THROUGH BELT AND ROAD INITIA-**
21 **TIVE PROJECTS WITH OTHER COUNTRIES.**

22 (a) REPORT REQUIRED.—Not later than 180 days
23 after the date of the enactment of this Act, the Director
24 of National Intelligence shall submit to the congressional
25 intelligence committees a report on recent projects nego-

1 tiated by the People’s Republic of China with other coun-
2 tries as part of the Belt and Road Initiative of the People’s
3 Republic of China. Such report shall include information
4 about the types of such projects, costs of such projects,
5 and the potential national security implications of such
6 projects.

7 (b) FORM.—The report submitted under subsection
8 (a) shall be submitted in unclassified form, but may in-
9 clude a classified annex.

10 **SEC. 356. STUDY ON THE CREATION OF AN OFFICIAL DIG-**
11 **ITAL CURRENCY BY THE PEOPLE’S REPUBLIC**
12 **OF CHINA.**

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

- 16 (1) the congressional intelligence committees;
17 (2) the Committee on Banking, Housing, and
18 Urban Affairs, the Committee on Foreign Relations,
19 and the Committee on Appropriations of the Senate;
20 and
21 (3) the Committee on Financial Services, the
22 Committee on Foreign Affairs, and the Committee
23 on Appropriations of the House of Representatives.

24 (b) IN GENERAL.—Not later than one year after the
25 date of the enactment of this Act, the President shall sub-

1 mit to the appropriate committees of Congress a report
2 on the short-, medium-, and long-term national security
3 risks associated with the creation and use of the official
4 digital renminbi of the People's Republic of China, includ-
5 ing—

6 (1) risks arising from potential surveillance of
7 transactions;

8 (2) risks related to security and illicit finance;
9 and

10 (3) risks related to economic coercion and social
11 control by the People's Republic of China.

12 (c) FORM OF REPORT.—The report required by sub-
13 section (b) shall be submitted in unclassified form, but
14 may include a classified annex.

15 **SEC. 357. REPORT ON EFFORTS OF CHINESE COMMUNIST**
16 **PARTY TO ERODE FREEDOM AND AUTONOMY**
17 **IN HONG KONG.**

18 (a) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Director
20 of National Intelligence shall submit to the congressional
21 intelligence committees a report on efforts of the Chinese
22 Communist Party to stifle political freedoms in Hong
23 Kong, influence or manipulate the judiciary of Hong
24 Kong, destroy freedom of the press and speech in Hong

1 Kong, and take actions to otherwise undermine the demo-
2 cratic processes of Hong Kong.

3 (b) CONTENTS.—The report submitted under sub-
4 section (a) shall include an assessment of the implications
5 of the efforts of the Chinese Communist Party described
6 in such subsection for international business, investors,
7 academic institutions, and other individuals operating in
8 Hong Kong.

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

12 **SEC. 358. REPORT ON TARGETING OF RENEWABLE SEC-**
13 **TORS BY CHINA.**

14 (a) REPORT REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the Director
16 of National Intelligence shall submit to the congressional
17 intelligence committees a report assessing the efforts and
18 advancements of China in the wind power, solar power,
19 and electric vehicle battery production sectors (or key com-
20 ponents of such sectors).

21 (b) CONTENTS.—The report submitted under sub-
22 section (a) shall include the following:

23 (1) An assessment of how China is targeting
24 rare earth minerals and the effect of such targeting
25 on the sectors described in subsection (a).

1 (2) Details of the use by the Chinese Com-
2 munist Party of state-sanctioned forced labor
3 schemes, including forced labor and the transfer of
4 Uyghurs and other ethnic groups, and other human
5 rights abuses in such sectors.

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

9 **TITLE IV—ANOMALOUS HEALTH** 10 **INCIDENTS**

11 **SEC. 401. DEFINITION OF ANOMALOUS HEALTH INCIDENT.**

12 In this title, the term “anomalous health incident”
13 means an unexplained health event characterized by any
14 of a collection of symptoms and clinical signs that includes
15 the sudden onset of perceived loud sound, a sensation of
16 intense pressure or vibration in the head, possibly with
17 a directional character, followed by the onset of tinnitus,
18 hearing loss, acute disequilibrium, unsteady gait, visual
19 disturbances, and ensuing cognitive dysfunction.

20 **SEC. 402. ASSESSMENT AND REPORT ON INTERAGENCY** 21 **COMMUNICATION RELATING TO EFFORTS TO** 22 **ADDRESS ANOMALOUS HEALTH INCIDENTS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Director of National
25 Intelligence shall—

1 (1) conduct an assessment of how the various
2 elements of the intelligence community are coordi-
3 nating or collaborating with each other and with ele-
4 ments of the Federal Government that are not part
5 of the intelligence community in their efforts to ad-
6 dress anomalous health incidents; and

7 (2) submit to the congressional intelligence
8 committees a report on the findings of the Director
9 with respect to the assessment conducted under
10 paragraph (1).

11 (b) FORM.—The report submitted pursuant to sub-
12 section (a)(2) shall be submitted in unclassified form, but
13 may include a classified annex.

14 **SEC. 403. ADVISORY PANEL ON THE OFFICE OF MEDICAL**
15 **SERVICES OF THE CENTRAL INTELLIGENCE**
16 **AGENCY.**

17 (a) ESTABLISHMENT.—Not later than 180 days after
18 the date of the enactment of this Act, the Director of Na-
19 tional Intelligence shall establish, under the sponsorship
20 of the National Institutes of Health and such other enti-
21 ties as the Director considers appropriate, an advisory
22 panel to assess the capabilities, expertise, and qualifica-
23 tions of the Office of Medical Services of the Central Intel-
24 ligence Agency in relation to the care and health manage-
25 ment of personnel of the intelligence community who are

1 reporting symptoms consistent with anomalous health in-
2 cidents.

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The advisory panel shall be
5 composed of at least 9 individuals selected by the
6 Director of National Intelligence from among indi-
7 viduals who are recognized experts in the medical
8 profession and intelligence community.

9 (2) DIVERSITY.—In making appointments to
10 the advisory panel, the Director shall ensure that the
11 members of the panel reflect diverse experiences in
12 the public and private sectors.

13 (c) DUTIES.—The duties of the advisory panel estab-
14 lished under subsection (a) are as follows:

15 (1) To review the performance of the Office of
16 Medical Services of the Central Intelligence Agency,
17 specifically as it relates to the medical care of per-
18 sonnel of the intelligence community who are report-
19 ing symptoms consistent with anomalous health inci-
20 dents during the period beginning on January 1,
21 2016, and ending on December 31, 2021.

22 (2) To assess the policies and procedures that
23 guided external treatment referral practices for Of-
24 fice of Medical Services patients who reported symp-

1 toms consistent with anomalous health incidents
2 during the period described in paragraph (1).

3 (3) To develop recommendations regarding ca-
4 pabilities, processes, and policies to improve patient
5 treatment by the Office of Medical Services with re-
6 gard to anomalous health incidents, including with
7 respect to access to external treatment facilities and
8 specialized medical care.

9 (4) To prepare and submit a report as required
10 by subsection (e)(1).

11 (d) ADMINISTRATIVE MATTERS.—

12 (1) IN GENERAL.—The Director of the Central
13 Intelligence Agency shall provide the advisory panel
14 established pursuant to subsection (a) with timely
15 access to appropriate information, data, resources,
16 and analysis so that the advisory panel may carry
17 out the duties of the advisory panel under subsection
18 (e).

19 (2) INAPPLICABILITY OF FACCA.—The require-
20 ments of the Federal Advisory Committee Act (5
21 U.S.C. App.) shall not apply to the advisory panel
22 established pursuant to subsection (a).

23 (e) REPORTS.—

24 (1) FINAL REPORT.—Not later than 1 year
25 after the date on which the Director of National In-

1 intelligence establishes the advisory panel pursuant to
2 subsection (a), the advisory panel shall submit to the
3 Director of National Intelligence, the Director of the
4 Central Intelligence Agency, and the congressional
5 intelligence committees a final report on the activi-
6 ties of the advisory panel under this section.

7 (2) ELEMENTS.—The final report submitted
8 under paragraph (1) shall contain a detailed state-
9 ment of the findings and conclusions of the panel,
10 including—

11 (A) a history of anomalous health inci-
12 dents; and

13 (B) such additional recommendations for
14 legislation or administrative action as the advi-
15 sory panel considers appropriate.

16 (3) INTERIM REPORT OR BRIEFING.—Not later
17 than 180 days after the date of the enactment of
18 this Act, the Director of National Intelligence shall
19 submit to the congressional intelligence committees a
20 report or provide such committees a briefing on the
21 interim findings of the advisory panel with respect
22 to the elements set forth in paragraph (2).

23 (4) COMMENTS OF THE DIRECTOR OF NA-
24 TIONAL INTELLIGENCE.—Not later than 30 days
25 after receiving the final report of the advisory panel

1 under paragraph (1), the Director of National Intel-
2 ligence shall submit to the congressional intelligence
3 committees such comments as the Director may have
4 with respect to such report.

5 **SEC. 404. JOINT TASK FORCE TO INVESTIGATE ANOMA-**
6 **LOUS HEALTH INCIDENTS.**

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

- 10 (1) the congressional intelligence committees;
11 (2) the Committee on Armed Services and the
12 Committee on Appropriations of the Senate; and
13 (3) the Committee on Armed Services and the
14 Committee on Appropriations of the House of Rep-
15 resentatives.

16 (b) JOINT TASK FORCE REQUIRED.—The Director of
17 National Intelligence and the Director of the Federal Bu-
18 reau of Investigation shall jointly establish a task force
19 to investigate anomalous health incidents.

20 (c) CONSULTATION.—In carrying out an investiga-
21 tion under subsection (b), the task force established under
22 such subsection shall consult with the Secretary of De-
23 fense.

24 (d) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, the task force
3 established under subsection (b) shall complete the
4 investigation required by such subsection and submit
5 to the appropriate committees of Congress a written
6 report on the findings of the task force with respect
7 to such investigation.

8 (2) FORM.—The report submitted pursuant to
9 paragraph (1) shall be submitted in unclassified
10 form, but may include a classified annex.

11 **SEC. 405. REPORTING ON OCCURRENCE OF ANOMALOUS**
12 **HEALTH INCIDENTS.**

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

- 16 (1) the congressional intelligence committees;
17 (2) the Committee on Appropriations of the
18 Senate; and
19 (3) the Committee on Appropriations of the
20 House of Representatives.

21 (b) IN GENERAL.—Whenever the head of an element
22 of the intelligence community becomes aware of a report
23 of an anomalous health incident occurring among the em-
24 ployees or contractors of the element, the head of the ele-

1 ment shall submit to the appropriate committees of Con-
2 gress a brief report on the reported incident.

3 **SEC. 406. ACCESS TO CERTAIN FACILITIES OF UNITED**
4 **STATES GOVERNMENT FOR ASSESSMENT OF**
5 **ANOMALOUS HEALTH CONDITIONS.**

6 (a) ASSESSMENT.—The Director of National Intel-
7 ligence shall ensure that elements of the intelligence com-
8 munity provide to employees of elements of the intelligence
9 community and their family members who are experi-
10 encing symptoms of anomalous health conditions timely
11 access for medical assessment to facilities of the United
12 States Government with expertise in traumatic brain in-
13 jury.

14 (b) PROCESS FOR ASSESSMENT AND TREATMENT.—
15 The Director of National Intelligence shall coordinate with
16 the Secretary of Defense and the heads of such Federal
17 agencies as the Director considers appropriate to ensure
18 there is a process to provide employees and their family
19 members described in subsection (a) with timely access to
20 the National Intrepid Center of Excellence at Walter Reed
21 National Military Medical Center for assessment and, if
22 necessary, treatment, by not later than 60 days after the
23 date of the enactment of this Act.

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

4 **SEC. 501. 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 part 2001 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 2022, each head
20 of an agency shall, consistent with the interests 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 3 employees of the agency selected by
5 the agency head, two of whom shall not be
6 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.—If, in the course of
23 proceedings under this subsection, the head of an
24 agency or a panel established by the agency head
25 under paragraph (3) decides that a covered person's

1 eligibility for access to classified information was im-
2 properly denied or revoked by the agency, the agency
3 shall take corrective action to return the covered
4 person, as nearly as practicable and reasonable, to
5 the position such covered person would have held
6 had the improper denial or revocation not occurred.

7 “(6) PUBLICATION OF DECISIONS.—

8 “(A) IN GENERAL.—Each head of an
9 agency shall publish each final decision on an
10 appeal under this subsection.

11 “(B) REQUIREMENTS.—In order to ensure
12 transparency, oversight by Congress, and mean-
13 ingful information for those who need to under-
14 stand how the clearance process works, each
15 publication under subparagraph (A) shall be—

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

21 “(ii) published to explain the facts of
22 the case, redacting personally identifiable
23 information and sensitive program infor-
24 mation; and

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

3 “(c) HIGHER LEVEL REVIEW.—

4 “(1) PANEL.—

5 “(A) ESTABLISHMENT.—Not later than
6 180 days after the date of the enactment of the
7 Intelligence Authorization Act for Fiscal Year
8 2022, the Security Executive Agent shall estab-
9 lish a panel to review decisions made on appeals
10 pursuant to the processes established under
11 subsection (b).

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

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

18 “(ii) to the extent to which an agency
19 properly conducted a review of an appeal
20 under subsection (b).

21 “(C) COMPOSITION.—The panel estab-
22 lished pursuant to subparagraph (A) shall be
23 composed of three individuals selected by the
24 Security Executive Agent for purposes of the

1 panel, of whom at least one shall be an attor-
2 ney.

3 “(2) APPEALS AND TIMELINESS.—

4 “(A) APPEALS.—

5 “(i) INITIATION.—On or before the
6 date that is 30 days after the date on
7 which a covered person receives a written
8 decision on an appeal under subsection (b),
9 the covered person may initiate oversight
10 of that decision by filing a written appeal
11 with the Security Executive Agent.

12 “(ii) FILING.—A written appeal filed
13 under clause (i) relating to a decision of an
14 agency shall be filed in such form, in such
15 manner, and containing such information
16 as the Security Executive Agent may re-
17 quire, including—

18 “(I) a description of—

19 “(aa) any alleged violations
20 of section 801A(b) relating to the
21 denial or revocation of the cov-
22 ered person’s eligibility for access
23 to classified information; and

24 “(bb) any allegations of how
25 the decision may have been the

1 result of the agency failing to
2 properly conduct a review under
3 subsection (b); and

4 “(II) supporting materials and
5 information for the allegations de-
6 scribed under subclause (I).

7 “(B) TIMELINESS.—The Security Execu-
8 tive Agent shall ensure that, on average, review
9 of each appeal filed under this subsection is
10 completed not later than 180 days after the
11 date on which the appeal is filed.

12 “(3) DECISIONS AND REMANDS.—

13 “(A) IN GENERAL.—If, in the course of re-
14 viewing under this subsection a decision of an
15 agency under subsection (b), the panel estab-
16 lished under paragraph (1) decides that there is
17 sufficient evidence of a violation of section
18 801A(b) to merit a new hearing or decides that
19 the decision of the agency was the result of an
20 improperly conducted review under subsection
21 (b), the panel shall vacate the decision made
22 under subsection (b) and remand to the agency
23 by which the covered person shall be eligible for
24 a new appeal under subsection (b).

1 “(B) WRITTEN DECISIONS.—Each decision
2 of the panel established under paragraph (1)
3 shall be in writing and contain a justification of
4 the decision.

5 “(C) CONSISTENCY.—The panel under
6 paragraph (1) shall ensure that each decision of
7 the panel is consistent with the interests of na-
8 tional security and applicable provisions of law.

9 “(D) FINALITY.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), each decision of the
12 panel established under paragraph (1)
13 shall be final.

14 “(ii) OVERTURN.—The Security Exec-
15 utive Agent may overturn a decision of the
16 panel if, not later than 30 days after the
17 date on which the panel issues the deci-
18 sion, the Security Executive Agent person-
19 ally exercises the authority granted by this
20 clause to overturn such decision.

21 “(E) NATURE OF REMANDS.—In remand-
22 ing a decision under subparagraph (A), the
23 panel established under paragraph (1) may not
24 direct the outcome of any further appeal under
25 subsection (b).

1 “(F) NOTICE OF DECISIONS.—For each
2 decision of the panel established under para-
3 graph (1) regarding a covered person, the Secu-
4 rity Executive Agent shall provide the covered
5 person with a written notice of the decision that
6 includes a detailed description of the reasons
7 for the decision, consistent with the interests of
8 national security and applicable provisions of
9 law.

10 “(4) REPRESENTATION BY COUNSEL.—

11 “(A) IN GENERAL.—The Security Execu-
12 tive Agent shall ensure that, under this sub-
13 section, a covered person appealing a decision
14 under subsection (b) has an opportunity to re-
15 tain counsel or other representation at the cov-
16 ered person’s expense.

17 “(B) ACCESS TO CLASSIFIED INFORMA-
18 TION.—

19 “(i) IN GENERAL.—Upon the request
20 of the covered person and a showing that
21 the ability to review classified information
22 is essential to the resolution of an appeal
23 under this subsection, the Security Execu-
24 tive Agent shall sponsor an application by
25 the counsel or other representation re-

1 tained under this paragraph for access to
2 classified information for the limited pur-
3 poses of such appeal.

4 “(ii) EXTENT OF ACCESS.—Counsel
5 or another representative who is cleared
6 for access under this subparagraph may be
7 afforded access to relevant classified mate-
8 rials to the extent consistent with the in-
9 terests of national security.

10 “(5) ACCESS TO DOCUMENTS AND EMPLOY-
11 EES.—

12 “(A) AFFORDING ACCESS TO MEMBERS OF
13 PANEL.—The Security Executive Agent shall
14 afford access to classified information to the
15 members of the panel established under para-
16 graph (1)(A) as the Security Executive Agent
17 determines—

18 “(i) necessary for the panel to review
19 a decision described in such paragraph;
20 and

21 “(ii) consistent with the interests of
22 national security.

23 “(B) AGENCY COMPLIANCE WITH RE-
24 QUESTS OF PANEL.—Each head of an agency
25 shall comply with each request by the panel for

1 a document and each request by the panel for
2 access to employees of the agency necessary for
3 the review of an appeal under this subsection,
4 to the degree that doing so is, as determined by
5 the head of the agency and permitted by appli-
6 cable provisions of law, consistent with the in-
7 terests of national security.

8 “(6) PUBLICATION OF DECISIONS.—

9 “(A) IN GENERAL.—For each final deci-
10 sion on an appeal under this subsection, the
11 head of the agency with respect to which the
12 appeal pertains and the Security Executive
13 Agent shall each publish the decision, consistent
14 with the interests of national security.

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

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

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

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

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

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), any covered person who has been the sub-
11 ject of a decision made by the head of an agency to
12 deny or revoke eligibility for access to classified in-
13 formation shall retain all rights to appeal under this
14 section until the conclusion of the appeals process
15 under this section.

16 “(2) WAIVER OF RIGHTS.—

17 “(A) PERSONS.—Any covered person may
18 voluntarily waive the covered person’s right to
19 appeal under this section and such waiver shall
20 be conclusive.

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

1 “(e) WAIVER OF AVAILABILITY OF PROCEDURES FOR
2 NATIONAL SECURITY INTEREST.—

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

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

13 “(3) REPORTING.—

14 “(A) CASE-BY-CASE.—

15 “(i) IN GENERAL.—In each case in
16 which the head of an agency determines
17 under paragraph (1) that a procedure es-
18 tablished under subsection (b) cannot be
19 made available to a covered person, the
20 agency head shall, not later than 30 days
21 after the date on which the agency head
22 makes such determination, submit to the
23 Security Executive Agent and to the con-
24 gressional intelligence committees a report
25 stating the reasons for the determination.

1 “(ii) FORM.—A report submitted
2 under clause (i) may be submitted in clas-
3 sified form as necessary.

4 “(B) ANNUAL REPORTS.—

5 “(i) IN GENERAL.—Not less fre-
6 quently than once each fiscal year, the Se-
7 curity Executive Agent shall submit to the
8 congressional intelligence committees a re-
9 port on the determinations made under
10 paragraph (1) during the previous fiscal
11 year.

12 “(ii) CONTENTS.—Each report sub-
13 mitted under clause (i) shall include, for
14 the period covered by the report, the fol-
15 lowing:

16 “(I) The number of cases and
17 reasons for determinations made
18 under paragraph (1), disaggregated
19 by agency.

20 “(II) Such other matters as the
21 Security Executive Agent considers
22 appropriate.

23 “(f) DENIALS AND REVOCATIONS UNDER OTHER
24 PROVISIONS OF LAW.—

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

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

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

19 “(4) 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 (2) that a determination
24 relating to a denial or revocation of eligi-
25 bility for access to classified information or

1 denial of reciprocity of clearance could not
2 be made pursuant to a process established
3 under this section, the agency head shall,
4 not later than 30 days after the date on
5 which the agency head makes such a deter-
6 mination under paragraph (2), submit to
7 the Security Executive Agent and to the
8 congressional intelligence committees a re-
9 port stating the reasons for the determina-
10 tion.

11 “(ii) FORM.—A report submitted
12 under clause (i) may be submitted in clas-
13 sified form as necessary.

14 “(B) ANNUAL REPORTS.—

15 “(i) IN GENERAL.—Not less fre-
16 quently than once each fiscal year, the Se-
17 curity Executive Agent shall submit to the
18 congressional intelligence committees a re-
19 port on the determinations made under
20 paragraph (2) during the previous fiscal
21 year.

22 “(ii) CONTENTS.—Each report sub-
23 mitted under clause (i) shall include, for
24 the period covered by the report, the fol-
25 lowing:

1 “(I) The number of cases and
2 reasons for determinations made
3 under paragraph (2), disaggregated
4 by agency.

5 “(II) Such other matters as the
6 Security Executive Agent considers
7 appropriate.

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

15 “(h) PRESERVATION OF ROLES AND RESPONSIBIL-
16 ITIES UNDER EXECUTIVE ORDER 10865 AND OF THE DE-
17 FENSE OFFICE OF HEARINGS AND APPEALS.—Nothing in
18 this section shall be construed to diminish or otherwise
19 affect the procedures in effect on the day before the date
20 of the enactment of this Act for denial and revocation pro-
21 cedures provided to individuals by Executive Order 10865
22 (50 U.S.C. 3161 note; relating to safeguarding classified
23 information within industry), or successor order, including
24 those administered through the Defense Office of Hear-
25 ings and Appeals of the Department of Defense under De-

1 partment of Defense Directive 5220.6, or successor direc-
2 tive.

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

9 (2) **CLERICAL AMENDMENT.**—The table of con-
10 tents in the matter preceding section 2 of the Na-
11 tional Security Act of 1947 (50 U.S.C. 3002), as
12 amended by subsection (c), is further amended by
13 inserting after the item relating to section 801A the
14 following:

“Sec. 801B. Right to appeal.”.

15 **SEC. 502. FEDERAL POLICY ON SHARING OF DEROGATORY**
16 **INFORMATION PERTAINING TO CONTRACTOR**
17 **EMPLOYEES IN THE TRUSTED WORKFORCE.**

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

1 (b) CONSENT REQUIREMENT.—

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

10 (2) COVERED DEROGATORY INFORMATION.—

11 For purposes of this section, covered derogatory in-
12 formation—

13 (A) is information that—

14 (i) contravenes National Security Ad-
15 judicative Guidelines as specified in Secu-
16 rity Executive Agent Directive 4 (appendix
17 A to part 710 of title 10, Code of Federal
18 Regulations), or any successor Federal pol-
19 icy;

20 (ii) a Federal Government agency cer-
21 tifies is accurate and reliable;

22 (iii) is relevant to a contractor's abil-
23 ity to protect against insider threats as re-
24 quired by section 1–202 of the National
25 Industrial Security Program Operating

1 Manual (NISPOM), or successor manual;
2 and

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

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

13 (c) ELEMENTS.—The policy issued under subsection
14 (a) shall—

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

1 (2) require that covered derogatory information
2 shared with a contractor employer as described in
3 subsection (b)(1) be used by the contractor employer
4 exclusively for risk mitigation purposes under section
5 1–202 of the National Industrial Security Program
6 Operating Manual, or successor manual;

7 (3) require Federal agencies to share any miti-
8 gation measures in place to address the derogatory
9 information;

10 (4) establish standards for timeliness for shar-
11 ing the derogatory information;

12 (5) specify the methods by which covered derog-
13 atory information will be shared with the contractor
14 employer of the contractor employee;

15 (6) allow the contractor employee, within a
16 specified timeframe, the right—

17 (A) to contest the accuracy and reliability
18 of covered derogatory information;

19 (B) to address or remedy any concerns
20 raised by the covered derogatory information;
21 and

22 (C) to provide documentation pertinent to
23 subparagraph (A) or (B) for an agency to place
24 in relevant security clearance databases;

1 (7) establish a procedure by which the con-
2 tractor employer of the contractor employee may
3 consult with the Federal Government prior to taking
4 any remedial action under section 1–202 of the Na-
5 tional Industrial Security Program Operating Man-
6 ual, or successor manual, to address the derogatory
7 information the Federal agency has provided;

8 (8) stipulate that the chief security officer of
9 the contractor employer is prohibited from sharing
10 or discussing covered derogatory information with
11 other parties, including nonsecurity professionals at
12 the contractor employer; and

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

15 (d) CONSIDERATION OF LESSONS LEARNED FROM
16 INFORMATION-SHARING PROGRAM FOR POSITIONS OF
17 TRUST AND SECURITY CLEARANCES.—In developing the
18 policy issued under subsection (a), the Director shall con-
19 sider, to the extent available, lessons learned from actions
20 taken to carry out section 6611(f) of the National Defense
21 Authorization Act for Fiscal Year 2020 (50 U.S.C.
22 3352f(f)).

1 **SEC. 503. PERFORMANCE MEASURES REGARDING TIMELI-**
2 **NESS FOR PERSONNEL MOBILITY.**

3 (a) **POLICY REQUIRED.**—Not later than 180 days
4 after the date of the enactment of this Act, the Director
5 of National Intelligence shall issue a policy for measuring
6 the total time it takes to transfer personnel with security
7 clearances and eligibility for access to information com-
8 monly referred to as “sensitive compartmented informa-
9 tion” (SCI) from one Federal agency to another, or from
10 one contract to another in the case of a contractor.

11 (b) **REQUIREMENTS.**—The policy issued under sub-
12 section (a) shall—

13 (1) to the degree practicable, cover all personnel
14 who are moving to positions that require a security
15 clearance and access to sensitive compartmented in-
16 formation;

17 (2) cover the period from the first time a Fed-
18 eral agency or company submits a request to a Fed-
19 eral agency for the transfer of the employment of an
20 individual with a clearance access or eligibility deter-
21 mination to another Federal agency, to the time the
22 individual is authorized by that receiving agency to
23 start to work in the new position; and

24 (3) include analysis of all appropriate phases of
25 the process, including polygraph, suitability deter-
26 mination, fitness determination, human resources re-

1 view, transfer of the sensitive compartmented infor-
2 mation access, and contract actions.

3 (c) UPDATED POLICIES.—

4 (1) MODIFICATIONS.—Not later than 1 year
5 after the date on which the Director issues the pol-
6 icy under subsection (a), the Director shall issue
7 modifications to such policies as the Director deter-
8 mines were issued before the issuance of the policy
9 under such subsection and are relevant to such up-
10 dated policy, as the Director considers appropriate.

11 (2) RECOMMENDATIONS.—Not later than 1
12 year after the date on which the Director issues the
13 policy under subsection (a), the Director shall sub-
14 mit to Congress recommendations for legislative ac-
15 tion to update metrics specified elsewhere in statute
16 to measure parts of the process that support trans-
17 fers described in subsection (a).

18 (d) ANNUAL REPORTS.—Not later than 180 days
19 after issuing the policy required by subsection (a) and not
20 less frequently than once each year thereafter until the
21 date that is 3 years after the date of such issuance, the
22 Director shall submit to Congress a report on the imple-
23 mentation of such policy. Such report shall address per-
24 formance by agency and by clearance type in meeting such
25 policy.

1 **SEC. 504. GOVERNANCE OF TRUSTED WORKFORCE 2.0 INI-**
2 **TIATIVE.**

3 (a) GOVERNANCE.—The Director of National Intel-
4 ligence, acting as the Security Executive Agent, and the
5 Director of the Office of Personnel Management, acting
6 as the Suitability and Credentialing Executive Agent, in
7 coordination with the Deputy Director for Management in
8 the Office of Management and Budget, acting as the direc-
9 tor of the Performance Accountability Council, and the
10 Under Secretary of Defense for Intelligence and Security
11 shall jointly—

12 (1) not later than 180 days after the date of
13 the enactment of this Act, publish in the Federal
14 Register a policy with guidelines and standards for
15 Federal Government agencies and industry partners
16 to implement the Trusted Workforce 2.0 initiative;

17 (2) not later than 2 years after the date of the
18 enactment of this Act and not less frequently than
19 once every 6 months thereafter, submit to Congress
20 a report on the timing, delivery, and adoption of
21 Federal Government agencies' policies, products, and
22 services to implement the Trusted Workforce 2.0 ini-
23 tiative, including those associated with the National
24 Background Investigation Service; and

25 (3) not later than 90 days after the date of the
26 enactment of this Act, submit to Congress perform-

1 ance management metrics for the implementation of
2 the Trusted Workforce 2.0 initiative, including per-
3 formance metrics regarding timeliness, cost, and
4 measures of effectiveness.

5 (b) INDEPENDENT STUDY ON TRUSTED WORKFORCE
6 2.0.—

7 (1) STUDY REQUIRED.—Not later than 60 days
8 after the date of the enactment of this Act, the Di-
9 rector of National Intelligence shall enter into an
10 agreement with an entity that is not part of the
11 Federal Government to conduct a study on the effec-
12 tiveness of the initiatives of the Federal Government
13 known as Trusted Workforce 1.25, 1.5, and 2.0.

14 (2) ELEMENTS.—The study required by para-
15 graph (1) shall include the following:

16 (A) An assessment of how effective such
17 initiatives are or will be in determining who
18 should or should not have access to classified
19 information.

20 (B) A comparison of the effectiveness of
21 such initiatives with the system of periodic re-
22 investigations that was in effect on the day be-
23 fore the date of the enactment of this Act.

1 (C) Identification of what is lost from the
2 suspension of universal periodic reinvestigations
3 in favor of a system of continuous vetting.

4 (D) An assessment of the relative effective-
5 ness of Trusted Workforce 1.25, Trusted Work-
6 force 1.5, and Trusted Workforce 2.0.

7 (3) REPORT.—Not later than 180 days after
8 the date of the enactment of this Act, the Director
9 shall submit a report on the findings from the study
10 conducted under paragraph (1) to the following:

11 (A) The congressional intelligence commit-
12 tees.

13 (B) The Committee on Armed Services of
14 the Senate.

15 (C) The Committee on Homeland Security
16 and Governmental Affairs of the Senate.

17 (D) The Committee on Armed Services of
18 the House of Representatives.

19 (E) The Committee on Homeland Security
20 of the House of Representatives.

21 **TITLE VI—OTHER**
22 **INTELLIGENCE MATTERS**

23 **SEC. 601. NATIONAL TECHNOLOGY STRATEGY.**

24 (a) IN GENERAL.—Each year, the President shall
25 submit to Congress a comprehensive report on the tech-

1 nology strategy of the United States designed to maintain
2 United States leadership in critical and emerging tech-
3 nologies essential to United States national security and
4 economic prosperity.

5 (b) ELEMENTS.—Each National Technology Strategy
6 developed and submitted under subsection (a) shall con-
7 tain at least the following elements:

8 (1) An assessment of the efforts of the United
9 States Government to preserve United States leader-
10 ship in key emerging technologies and prevent
11 United States strategic competitors from leveraging
12 advanced technologies to gain strategic military or
13 economic advantages over the United States.

14 (2) A review of existing United States Govern-
15 ment technology policy, including long-range goals.

16 (3) An analysis of technology trends and assess-
17 ment of the relative competitiveness of United States
18 technology sectors in relation to strategic competi-
19 tors.

20 (4) Identification of sectors critical for the long-
21 term resilience of United States innovation leader-
22 ship across design, manufacturing, supply chains,
23 and markets.

24 (5) Recommendations for domestic policy incen-
25 tives to sustain an innovation economy and develop

1 specific, high-cost sectors necessary for long-term
2 national security ends.

3 (6) Recommendations for policies to protect
4 United States and leadership of allies of the United
5 States in critical areas through targeted export con-
6 trols, investment screening, and counterintelligence
7 activities.

8 (7) Identification of priority domestic research
9 and development areas critical to national security
10 and necessary to sustain United States leadership,
11 and directing funding to fill gaps in basic and ap-
12 plied research where the private sector does not
13 focus.

14 (8) Recommendations for talent programs to
15 grow United States talent in key critical and emerg-
16 ing technologies and enhance the ability of the Fed-
17 eral Government to recruit and retain individuals
18 with critical skills into Federal service.

19 (9) Methods to foster the development of inter-
20 national partnerships to reinforce domestic policy ac-
21 tions, build new markets, engage in collaborative re-
22 search, and create an international environment that
23 reflects United States values and protects United
24 States interests.

1 (10) A technology annex, which may be classi-
2 fied, to establish an integrated and enduring ap-
3 proach to the identification, prioritization, develop-
4 ment, and fielding of emerging technologies.

5 (11) Such other information as may be nec-
6 essary to help inform Congress on matters relating
7 to the technology strategy of the United States and
8 related implications for United States national secu-
9 rity.

10 **SEC. 602. IMPROVEMENTS RELATING TO CONTINUITY OF**
11 **PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
12 **BOARD MEMBERSHIP.**

13 Paragraph (4) of section 1061(h) of the Intelligence
14 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.
15 2000ee(h)) is amended to read as follows:

16 “(4) TERM.—

17 “(A) COMMENCEMENT.—Each member of
18 the Board shall serve a term of 6 years, com-
19 mencing on the date of the appointment of the
20 member to the Board.

21 “(B) REAPPOINTMENT.—A member may
22 be reappointed to one or more additional terms.

23 “(C) VACANCY.—A vacancy in the Board
24 shall be filled in the manner in which the origi-
25 nal appointment was made.

1 “(D) EXTENSION.—Upon the expiration of
2 the term of office of a member, the member
3 may continue to serve, at the election of the
4 member—

5 “(i) during the period preceding the
6 reappointment of the member pursuant to
7 subparagraph (B); or

8 “(ii) until the member’s successor has
9 been appointed and qualified.”.

10 **SEC. 603. AIR AMERICA.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) Air America, Incorporated (referred to in
13 this section as “Air America”) and its related cover
14 corporate entities were wholly owned and controlled
15 by the United States Government and directed and
16 managed by the Department of Defense, the Depart-
17 ment of State, and the Central Intelligence Agency
18 from 1950 to 1976.

19 (2) Air America, a corporation owned by the
20 Government of the United States, constituted a
21 “Government corporation”, as defined in section 103
22 of title 5, United States Code.

23 (3) It is established that the employees of Air
24 America and the other entities described in para-
25 graph (1) were Federal employees.

1 (4) The employees of Air America were retro-
2 actively excluded from the definition of the term
3 “employee” under section 2105 of title 5, United
4 States Code, on the basis of an administrative policy
5 change in paperwork requirements implemented by
6 the Office of Personnel Management 10 years after
7 the service of the employees had ended and, by ex-
8 tension, were retroactively excluded from the defini-
9 tion of the term “employee” under section 8331 of
10 title 5, United States Code, for retirement credit
11 purposes.

12 (5) The employees of Air America were paid as
13 Federal employees, with salaries subject to—

14 (A) the General Schedule under subchapter
15 III of chapter 53 of title 5, United States Code;
16 and

17 (B) the rates of basic pay payable to mem-
18 bers of the Armed Forces.

19 (6) The service and sacrifice of the employees
20 of Air America included—

21 (A) suffering a high rate of casualties in
22 the course of employment;

23 (B) saving thousands of lives in search and
24 rescue missions for downed United States air-
25 men and allied refugee evacuations; and

1 (C) lengthy periods of service in chal-
2 lenging circumstances abroad.

3 (b) DEFINITIONS.—In this section:

4 (1) AFFILIATED COMPANY.—The term “affili-
5 ated company”, with respect to Air America, in-
6 cludes Air Asia Company Limited, CAT Incor-
7 porated, Civil Air Transport Company Limited, and
8 the Pacific Division of Southern Air Transport.

9 (2) QUALIFYING SERVICE.—The term “quali-
10 fying service” means service that—

11 (A) was performed by a United States cit-
12 izen as an employee of Air America or an affili-
13 ated company during the period beginning on
14 January 1, 1950, and ending on December 31,
15 1976; and

16 (B) is documented in the attorney-certified
17 corporate records of Air America or any affili-
18 ated company.

19 (c) TREATMENT AS FEDERAL EMPLOYMENT.—Any
20 period of qualifying service—

21 (1) is deemed to have been service of an em-
22 ployee (as defined in section 2105 of title 5, United
23 States Code) with the Federal Government; and

1 (2) shall be treated as creditable service by an
2 employee for purposes of subchapter III of chapter
3 83 of title 5, United States Code.

4 (d) RIGHTS.—An individual who performed quali-
5 fying service, or a survivor of such an individual, shall be
6 entitled to the rights, retroactive as applicable, provided
7 to employees and their survivors for creditable service
8 under the Civil Service Retirement System under sub-
9 chapter III of chapter 83 of title 5, United States Code,
10 with respect to that qualifying service.

11 (e) DEDUCTION, CONTRIBUTION, AND DEPOSIT RE-
12 QUIREMENTS.—The deposit of funds in the Treasury of
13 the United States made by Air America in the form of
14 a lump-sum payment apportioned in part to the Civil Serv-
15 ice Disability & Retirement Fund in 1976 is deemed to
16 satisfy the deduction, contribution, and deposit require-
17 ments under section 8334 of title 5, United States Code,
18 with respect to all periods of qualifying service.

19 (f) APPLICATION TIME LIMIT.—Section 8345(i)(2) of
20 title 5, United States Code, shall be applied with respect
21 to the death of an individual who performed qualifying
22 service by substituting “2 years after the effective date
23 under section 603(g) of the Intelligence Authorization Act
24 for Fiscal Year 2022” for “30 years after the death or
25 other event which gives rise to title to the benefit”.

1 (g) EFFECTIVE DATE.—This section shall take effect
2 on the date that is 30 days after the date of the enactment
3 of this Act.

4 **SEC. 604. ACCESS BY COMPTROLLER GENERAL OF THE**
5 **UNITED STATES TO CERTAIN CYBERSECU-**
6 **RITY RECORDS.**

7 Section 5710 of the National Defense Authorization
8 Act for Fiscal Year 2020 (2 U.S.C. 4111) is amended—

9 (1) by redesignating subsection (d) as sub-
10 section (e);

11 (2) by inserting after subsection (e) the fol-
12 lowing:

13 “(d) RIGHT OF ACCESS.—Notwithstanding any other
14 provision of law, for the purpose of preparing each report
15 required by subsection (a), the Comptroller General may
16 obtain from the Architect of the Capitol, the Congressional
17 Budget Office, the Library of Congress, the Office of Con-
18 gressional Workplace Rights, the Sergeant at Arms and
19 Doorkeeper of the Senate, the Sergeant at Arms of the
20 House of Representatives, the Chief Administrative Offi-
21 cer of the House of Representatives, the Secretary of the
22 Senate, and the United States Capitol Police, and any con-
23 tractor of any such entity, such records as the Comptroller
24 General may require to prepare the report.”; and

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

1 “(f) RELATIONSHIP TO EXISTING AUTHORITY.—
 2 Nothing in this section shall be construed to limit, amend,
 3 supersede, or restrict in any manner any authority of the
 4 Comptroller General, except as specifically provided for in
 5 subsection (d).”.

6 **SEC. 605. REPORTS ON INTELLIGENCE SUPPORT FOR AND**
 7 **CAPACITY OF THE SERGEANTS AT ARMS OF**
 8 **THE SENATE AND THE HOUSE OF REP-**
 9 **RESENTATIVES AND THE UNITED STATES**
 10 **CAPITOL POLICE.**

11 (a) DEFINITIONS.—In this section:

12 (1) RELEVANT CONGRESSIONAL INTELLIGENCE
 13 COMMITTEES.—The term “relevant congressional in-
 14 telligence committees” means—

15 (A) the Select Committee on Intelligence,
 16 the Committee on Rules and Administration,
 17 the Committee on Appropriations, and the
 18 Committee on the Judiciary of the Senate; and

19 (B) the Permanent Select Committee on
 20 Intelligence, the Committee on House Adminis-
 21 tration, the Committee on Appropriations, and
 22 the Committee on the Judiciary of the House of
 23 Representatives.

24 (2) SERGEANTS AT ARMS.—The term “Ser-
 25 geants at Arms” means the Sergeant at Arms and

1 Doorkeeper of the Senate and the Sergeant at Arms
2 of the House of Representatives.

3 (b) REPORT ON INTELLIGENCE SUPPORT.—

4 (1) REPORT REQUIRED.—Not later than 60
5 days after the date of the enactment of this Act, the
6 Director of National Intelligence, in coordination
7 with the Director of the Federal Bureau of Inves-
8 tigation and the Secretary of Homeland Security,
9 shall submit to the relevant congressional intel-
10 ligence committees a report on intelligence support
11 provided to the Sergeants at Arms and the United
12 States Capitol Police.

13 (2) ELEMENTS.—The report required by para-
14 graph (1) shall include a description of the following:

15 (A) Policies related to the Sergeants at
16 Arms and the United States Capitol Police as
17 customers of intelligence.

18 (B) How the intelligence community, the
19 Federal Bureau of Investigation, and the De-
20 partment of Homeland Security, including the
21 Cybersecurity and Infrastructure Security
22 Agency, are structured, staffed, and resourced
23 to provide intelligence support to the Sergeants
24 at Arms and the United States Capitol Police.

1 (C) The classified electronic and telephony
2 interoperability of the intelligence community,
3 the Federal Bureau of Investigation, and the
4 Department of Homeland Security with the
5 Sergeants at Arms and the United States Cap-
6 itol Police.

7 (D) Any expedited security clearances pro-
8 vided for the Sergeants at Arms and the United
9 States Capitol Police.

10 (E) Counterterrorism intelligence and
11 other intelligence relevant to the physical secu-
12 rity of Congress that are provided to the Ser-
13 geants at Arms and the United States Capitol
14 Police, including—

15 (i) strategic analysis and real-time
16 warning; and

17 (ii) access to classified systems for
18 transmitting and posting intelligence.

19 (F) Cyber intelligence relevant to the pro-
20 tection of cyber networks of Congress and the
21 personal devices and accounts of Members and
22 employees of Congress, including—

23 (i) strategic and real-time warnings,
24 such as malware signatures and other indi-
25 cations of attack; and

1 (ii) access to classified systems for
2 transmitting and posting intelligence.

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

6 (c) GOVERNMENT ACCOUNTABILITY OFFICE RE-
7 PORT.—

8 (1) REPORT REQUIRED.—Not later than 180
9 days after the date of the enactment of this Act, the
10 Comptroller General of the United States shall sub-
11 mit to the relevant congressional intelligence com-
12 mittees a report on the capacity of the Sergeants at
13 Arms and the United States Capitol Police to access
14 and use intelligence and threat information relevant
15 to the physical and cyber security of Congress.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include the following:

18 (A) An assessment of the extent to which
19 the Sergeants at Arms and the United States
20 Capitol Police have the resources, including fa-
21 cilities, cleared personnel, and necessary train-
22 ing, and authorities to adequately access, ana-
23 lyze, manage, and use intelligence and threat
24 information necessary to defend the physical
25 and cyber security of Congress.

1 (B) The extent to which the Sergeants at
2 Arms and the United States Capitol Police
3 communicate and coordinate threat data with
4 each other and with other local law enforcement
5 entities.

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

9 **SEC. 606. STUDY ON VULNERABILITY OF GLOBAL POSI-**
10 **TIONING SYSTEM TO HOSTILE ACTIONS.**

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

14 (1) the congressional intelligence committees;

15 (2) the Committee on Armed Services, the
16 Committee on Commerce, Science, and Transpor-
17 tation, and the Committee on Appropriations of the
18 Senate; and

19 (3) the Committee on Armed Services, the
20 Committee on Science, Space, and Technology, and
21 the Committee on Appropriations of the House of
22 Representatives.

23 (b) STUDY REQUIRED.—The Director of National In-
24 telligence shall, in consultation with the Secretary of De-
25 fense and the Secretary of Commerce, conduct a study on

1 the vulnerability of the Global Positioning System (GPS)
2 to hostile actions, as well as any actions being undertaken
3 by the intelligence community, the Department of De-
4 fense, the Department of Commerce, and any other ele-
5 ments of the Federal Government to mitigate any risks
6 stemming from the potential unavailability of the Global
7 Positioning System.

8 (c) ELEMENTS.—The study conducted under sub-
9 section (b) shall include net assessments and baseline
10 studies of the following:

11 (1) The vulnerability of the Global Positioning
12 System to hostile actions.

13 (2) The potential negative effects of a pro-
14 longed Global Positioning System outage, including
15 with respect to the entire society, to the economy of
16 the United States, and to the capabilities of the
17 Armed Forces.

18 (3) Alternative systems that could back up or
19 replace the Global Positioning System, especially for
20 the purpose of providing positioning, navigation, and
21 timing, to United States civil, commercial, and gov-
22 ernment users.

23 (4) Any actions being planned or undertaken by
24 the intelligence community, the Department of De-
25 fense, the Department of Commerce, and other ele-

1 ments of the Federal Government to mitigate any
2 risks to the entire society, to the economy of the
3 United States, and to the capabilities of the Armed
4 Forces, stemming from a potential unavailability of
5 the Global Positioning System.

6 (d) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Director of National In-
8 telligence shall submit to the appropriate committees of
9 Congress a report in writing and provide such committees
10 a briefing on the findings of the Director with respect to
11 the study conducted under subsection (b).

12 **SEC. 607. AUTHORITY FOR TRANSPORTATION OF FEDER-**
13 **ALLY OWNED CANINES ASSOCIATED WITH**
14 **FORCE PROTECTION DUTIES OF INTEL-**
15 **LIGENCE COMMUNITY.**

16 Section 1344(a)(2)(B) of title 31, United States
17 Code, is amended by inserting “, or transportation of fed-
18 erally owned canines associated with force protection du-
19 ties of any part of the intelligence community (as defined
20 in section 3 of the National Security Act of 1947 (50
21 U.S.C. 3003))” after “duties”.

Calendar No. 116

117TH CONGRESS
1ST Session
S. 2610

A BILL

To authorize appropriations for fiscal year 2022 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.

AUGUST 4, 2021

Read twice and placed on the calendar