

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR  
2018

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JULY 24, 2017.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. NUNES, from the Permanent Select Committee on Intelligence,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3180]

[Including cost estimate of the Congressional Budget Office]

The Committee on Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 3180) to authorize appropriations for fiscal year 2018 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2018”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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. Personnel ceiling adjustments.  
Sec. 104. Intelligence Community Management Account.

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

- Sec. 201. Authorization of appropriations.  
 Sec. 202. Computation of annuities for employees of the Central Intelligence Agency.

## TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

- Sec. 301. Restriction on conduct of intelligence activities.  
 Sec. 302. Increase in employee compensation and benefits authorized by law.  
 Sec. 303. Congressional oversight of intelligence community contractors.  
 Sec. 304. Enhanced personnel security programs.

## TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

## Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Authority for protection of current and former employees of the Office of the Director of National Intelligence.  
 Sec. 402. Designation of the program manager-information sharing environment.  
 Sec. 403. Technical correction to the executive schedule.

## Subtitle B—Other Elements

- Sec. 411. Requirements relating to appointment of General Counsel of National Security Agency.  
 Sec. 412. Transfer or elimination of certain components and functions of the Defense Intelligence Agency.  
 Sec. 413. Technical amendments related to the Department of Energy.

## TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

- Sec. 501. Assessment of significant Russian influence campaigns directed at foreign elections and referenda.  
 Sec. 502. Foreign counterintelligence and cybersecurity threats to Federal election campaigns.  
 Sec. 503. Assessment of threat finance relating to the Russian Federation.

## TITLE VI—REPORTS AND OTHER MATTERS

- Sec. 601. Period of overseas assignments for certain foreign service officers.  
 Sec. 602. Semiannual reports on investigations of unauthorized public disclosures of classified information.  
 Sec. 603. Intelligence community reports on security clearances.  
 Sec. 604. Report on expansion of Security Protective Services jurisdiction.  
 Sec. 605. Report on role of Director of National Intelligence with respect to certain foreign investments.  
 Sec. 606. Report on Cyber Exchange Program.  
 Sec. 607. Review of intelligence community participation in vulnerabilities equities process.  
 Sec. 608. Review of Intelligence Community whistleblower matters.  
 Sec. 609. Sense of Congress on notifications of certain disclosures of classified information.

**SEC. 2. DEFINITIONS.**

In this Act:

- (1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—  
 (A) the Select Committee on Intelligence of the Senate; and  
 (B) the Permanent Select Committee on Intelligence of the House of Representatives.  
 (2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

**TITLE I—INTELLIGENCE ACTIVITIES****SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2018 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

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

(a) **SPECIFICATIONS OF AMOUNTS.**—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2018, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this Act.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—

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

(2) **DISTRIBUTION BY THE PRESIDENT.**—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) **LIMITS ON DISCLOSURE.**—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

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

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

(C) as otherwise required by law.

**SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) **AUTHORITY FOR INCREASES.**—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2018 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such schedule for such element.

(b) **TREATMENT OF CERTAIN PERSONNEL.**—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long-term, full-time training.

(c) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

**SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2018 the sum of \$526,900,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2019.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 804 positions as of September 30, 2018. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2018 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts made available for advanced research and development shall remain available until September 30, 2019.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2018, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

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

### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2018 the sum of \$514,000,000.

### SEC. 202. COMPUTATION OF ANNUITIES FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

#### (a) COMPUTATION OF ANNUITIES.—

(1) IN GENERAL.—Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2031) is amended—

(A) in subsection (a)(3)(B), by striking the period at the end and inserting “, as determined by using the annual rate of basic pay that would be payable for full-time service in that position.”;

(B) in subsection (b)(1)(C)(i), by striking “12-month” and inserting “2-year”;

(C) in subsection (f)(2), by striking “one year” and inserting “two years”;

(D) in subsection (g)(2), by striking “one year” each place such term appears and inserting “two years”;

(E) by redesignating subsections (h), (i), (j), (k), and (l) as subsections (i), (j), (k), (l), and (m), respectively; and

(F) by inserting after subsection (g) the following:

“(h) CONDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.—

“(1) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant’s death, except that any such election to provide an insurable interest survivor annuity to the participant’s spouse shall only be effective if the participant’s spouse waives the spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant’s reduced annuity.

“(2) REDUCTION IN PARTICIPANT’S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

“(3) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

“(4) RECOMPUTATION OF PARTICIPANT’S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.”

#### (2) CONFORMING AMENDMENTS.—

(A) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) is amended—

(i) in section 232(b)(1) (50 U.S.C. 2052(b)(1)), by striking “221(h),” and inserting “221(i),”;

(ii) in section 252(h)(4) (50 U.S.C. 2082(h)(4)), by striking “221(k)” and inserting “221(l).”

(B) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Subsection (a) of section 14 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3514(a)) is amended by striking “221(h)(2), 221(i), 221(l),” and inserting “221(i)(2), 221(j), 221(m).”

(b) ANNUITIES FOR FORMER SPOUSES.—Subparagraph (B) of section 222(b)(5) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032(b)(5)(B)) is amended by striking “one year” and inserting “two years”.

(c) PRIOR SERVICE CREDIT.—Subparagraph (A) of section 252(b)(3) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(b)(3)(A)) is amended by striking “October 1, 1990” both places that term appears and inserting “March 31, 1991”.

(d) REEMPLOYMENT COMPENSATION.—Section 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2113) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) **PART-TIME REEMPLOYED ANNUITANTS.**—The Director shall have the authority to reemploy an annuitant in a part-time basis in accordance with section 8344(l) of title 5, United States Code.”.

(e) **EFFECTIVE DATE AND APPLICATION.**—The amendments made by subsection (a)(1)(A) and subsection (c) shall take effect as if enacted on October 28, 2009, and shall apply to computations or participants, respectively, as of such date.

## **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

### **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

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

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

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

### **SEC. 303. CONGRESSIONAL OVERSIGHT OF INTELLIGENCE COMMUNITY CONTRACTORS.**

(a) **OVERSIGHT BY CONGRESS.**—

(1) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 506J the following new section:

#### **“SEC. 506K. OVERSIGHT OF INTELLIGENCE COMMUNITY CONTRACTORS.**

“Notwithstanding the terms of any contract awarded by the head of an element of the intelligence community, the head may not—

“(1) prohibit a contractor of such element from contacting or meeting with either of the congressional intelligence committees (including a member or an employee thereof) to discuss matters relating to a contract;

“(2) take any adverse action against a contractor of such element, including by suspending or debarring the contractor or terminating a contract, based on the contractor contacting or meeting with either of the congressional intelligence committees (including a member or an employee thereof) to discuss matters relating to a contract; or

“(3) require the approval of the head before a contractor of such element contacts or meets with either of the congressional intelligence committees (including a member or an employee thereof) to discuss matters relating to a contract.”.

(2) **CLERICAL AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506J the following new item:

“Sec. 506K. Oversight of intelligence community contractors.”.

(b) **APPLICATION.**—The amendment made by subsection (a)(1) shall apply with respect to a contract awarded by the head of an element of the intelligence community on or after the date of the enactment of this Act.

### **SEC. 304. ENHANCED PERSONNEL SECURITY PROGRAMS.**

Section 11001(d) of title 5, United States Code, is amended—

(1) in the subsection heading, by striking “AUDIT” and inserting “REVIEW”;

(2) in paragraph (1), by striking “audit” and inserting “review”; and

(3) in paragraph (2), by striking “audit” and inserting “review”.

## TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

### Subtitle A—Office of the Director of National Intelligence

**SEC. 401. AUTHORITY FOR PROTECTION OF CURRENT AND FORMER EMPLOYEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506(a)(4)) is amended by striking “such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;” and inserting “current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate;”.

**SEC. 402. DESIGNATION OF THE PROGRAM MANAGER-INFORMATION SHARING ENVIRONMENT.**

(a) **INFORMATION SHARING ENVIRONMENT.**—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)) is amended—

(1) in paragraph (1), by striking “President” and inserting “Director of National Intelligence”; and

(2) in paragraph (2), by striking “President” both places that term appears and inserting “Director of National Intelligence”.

(b) **PROGRAM MANAGER.**—Section 1016(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)) is amended by striking “The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President’s sole discretion).” and inserting “Beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2018, each individual designated as the program manager shall be appointed by the Director of National Intelligence.”.

**SEC. 403. TECHNICAL CORRECTION TO THE EXECUTIVE SCHEDULE.**

Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Director of the National Counterintelligence and Security.”.

### Subtitle B—Other Elements

**SEC. 411. REQUIREMENTS RELATING TO APPOINTMENT OF GENERAL COUNSEL OF NATIONAL SECURITY AGENCY.**

(a) **IN GENERAL.**—Section 2 of the National Security Agency Act of 1959 (Public Law 86–36; 50 U.S.C. 3602) is amended by adding at the end the following new subsection:

“(c)(1) There is a General Counsel of the National Security Agency.

“(2) The General Counsel of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.”.

(b) **EFFECTIVE DATE.**—Subsection (c) of section 2 of the National Security Agency Act of 1959 (Public Law 86–36; 50 U.S.C. 3602) shall apply with respect to any person who is appointed to serve as General Counsel of the National Security Agency on or after January 21, 2021.

**SEC. 412. TRANSFER OR ELIMINATION OF CERTAIN COMPONENTS AND FUNCTIONS OF THE DEFENSE INTELLIGENCE AGENCY.**

(a) **INFORMATION REVIEW TASK FORCE.**—

(1) **TRANSFER REQUIRED.**—Effective on the date that is 180 days after the date of the enactment of this Act, there is transferred from the Director of the Defense Intelligence Agency to the Chairman of the Joint Chiefs of Staff all functions performed by the Information Review Task Force and all assigned responsibilities performed by the Information Review Task Force. Upon such transfer, such Task Force shall be designated as a chairman’s controlled activity.

(2) **TRANSITION PLAN.**—

(A) **CONGRESSIONAL BRIEFING.**—Not later than 60 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency and the Chairman of the Joint Chiefs of Staff shall jointly brief the congressional intelligence committees and the congressional defense committees on the plan to carry out the transfer required under paragraph (1).

(B) SUBMITTAL OF FORMAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional intelligence committees and the congressional defense committees a formal plan for the transfer required under paragraph (1).

(3) LIMITATION ON USE OF FUNDS.—The Director of the Defense Intelligence Agency may not obligate or expend any funds authorized to be appropriated for the Information Review Task Force for fiscal year 2018 after the date that is 180 days after the date of the enactment of this Act. Any such funds that are unobligated or unexpended as of such date shall be transferred to the Chairman of the Joint Chiefs of Staff.

(b) IDENTITY INTELLIGENCE PROJECT OFFICE.—

(1) ELIMINATION.—Effective on the date that is 180 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall eliminate the Identity Intelligence Project Office, including all functions and assigned responsibilities performed by the Identity Intelligence Project Office. All personnel and assets pertaining to such Office shall be transferred to other elements of the Defense Intelligence Agency, as determined by the Director.

(2) TRANSITION PLAN.—

(A) CONGRESSIONAL BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall brief the congressional intelligence committees and the congressional defense committees on the plan to carry out the elimination required under paragraph (1).

(B) SUBMITTAL OF FORMAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees and the congressional defense committees a formal plan for the elimination required under paragraph (1).

(3) LIMITATION ON USE OF FUNDS.—The Director of the Defense Intelligence Agency may not obligate or expend any funds authorized to be appropriated for the Identity Intelligence Project Office for fiscal year 2018 after the date that is 180 days after the date of the enactment of this Act. Any such funds that are unobligated or unexpended as of such date shall be transferred to other elements of the Defense Intelligence Agency, as determined by the Director.

(c) WATCHLISTING BRANCH.—

(1) TRANSFER REQUIRED.—Effective on the date that is 180 days after the date of the enactment of this Act, there is transferred from the Director of the Defense Intelligence Agency to the Director for Intelligence of the Joint Staff all functions and all assigned responsibilities performed by the Watchlisting Branch.

(2) TRANSITION PLAN.—

(A) CONGRESSIONAL BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency and the Director for Intelligence of the Joint Staff shall jointly brief the congressional intelligence committees and the congressional defense committees on the plan to carry out the transfer required under paragraph (1).

(B) SUBMITTAL OF FORMAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency and the Director for Intelligence of the Joint Staff shall jointly submit to the congressional intelligence committees and the congressional defense committees a formal plan for the transfer required under paragraph (1).

(3) LIMITATION ON USE OF FUNDS.—The Director of the Defense Intelligence Agency may not obligate or expend any funds authorized to be appropriated for the Watchlisting Branch for fiscal year 2018 after the date that is 180 days after the date of the enactment of this Act. Any such funds that are unobligated or unexpended as of such date shall be transferred to the Director for Intelligence of the Joint Staff.

(d) COUNTER-THREAT FINANCE.—

(1) ELIMINATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall eliminate the Counter-Threat Finance analysis function of the Defense Intelligence Agency. All personnel and assets pertaining to such function shall be transferred to other elements of the Defense Intelligence Agency, as determined by the Director.

(2) TRANSITION PLAN.—

(A) CONGRESSIONAL BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall brief the congressional intelligence committees and the congressional

defense committees on the plan to eliminate the Counter-Threat Finance analysis function under paragraph (1).

(B) SUBMITTAL OF FORMAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees and the congressional defense committees a formal plan to eliminate such function under paragraph (1).

(3) LIMITATION ON USE OF FUNDS.—The Director of the Defense Intelligence Agency may not obligate or expend any funds authorized to be appropriated for the Counter-Threat Finance analysis function for fiscal year 2018 after the date that is 180 days after the date of the enactment of this Act. Any such funds that are unobligated or unexpended as of such date shall be transferred to other elements of the Defense Intelligence Agency, as determined by the Director.

(e) NATIONAL INTELLIGENCE UNIVERSITY.—

(1) TRANSFER REQUIRED.—Effective on October 1, 2020, there is transferred from the Director of the Defense Intelligence Agency to the Director of National Intelligence all functions and all assigned responsibilities performed by the National Intelligence University.

(2) TRANSITION PLAN.—

(A) CONGRESSIONAL BRIEFING.—Not later than October 1, 2018, the Director of the Defense Intelligence Agency and the Director of National Intelligence shall jointly brief the congressional intelligence committees and the congressional defense committees on the plan to carry out the transfer required under paragraph (1).

(B) SUBMITTAL OF FORMAL PLAN.—Not later than April 1, 2019, the Director of the Defense Intelligence Agency and the Director of National Intelligence shall jointly submit to the congressional intelligence committees and the congressional defense committees a formal plan for the transfer required under paragraph (1).

(3) LIMITATION ON USE OF FUNDS.—The Director of the Defense Intelligence Agency may not obligate or expend any funds authorized to be appropriated for the National Intelligence University after October 1, 2020. Any such funds that are unobligated or unexpended as of such date shall be transferred to the Director of National Intelligence.

(f) CONGRESSIONAL NOTICE FOR REPROGRAMMING.—Not later than 30 days before transferring any funds relating to transferring or eliminating any function under this section, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees and the congressional defense committees notice in writing of such transfer.

(g) TREATMENT OF CERTAIN FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—In the case of any function or executive agent responsibility that is transferred to the Director of National Intelligence pursuant to this section, the Director of National Intelligence may not delegate such function or responsibility to another element of the intelligence community.

(2) EXECUTIVE AGENT RESPONSIBILITY.—In this subsection, the term “executive agent responsibility” means the specific responsibilities, functions, and authorities assigned by the Director of National Intelligence to the head of an intelligence community element to provide defined levels of support for intelligence operations, or administrative or other designated activities.

(h) DEADLINE FOR POLICY UPDATES.—Not later than October 1, 2020, the Director of National Intelligence, the Under Secretary of Defense for Intelligence, and the Chairman of the Joint Chiefs of Staff shall ensure that all relevant policies of the intelligence community and Department of Defense are updated to reflect the transfers required to be made pursuant to this section.

(i) TREATMENT OF TRANSFERRED FUNCTIONS.—No transferred functions or assigned responsibility referred to in subsection (a), (c), or (e) shall be considered a new start by the receiving element, including in the case of any lapse of appropriation for such transferred function or assigned responsibility.

(j) REPORTS ON OTHER ELEMENTS OF DEFENSE INTELLIGENCE AGENCY.—

(1) NATIONAL CENTER FOR CREDIBILITY ASSESSMENT.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that—

(i) the assignment of executive agency for the National Center for Credibility Assessment to the Director of the Defense Intelligence Agency may be limiting the ability of the Center to effectively serve the Federal customer base of the Center;

(ii) the failure of the Director of National Intelligence, in the role of the Director as security executive for the Federal Government, to define in policy the term “Executive Agent” may be further limiting the ability

of the Center to receive sufficient resources to carry out the critical Federal mission of the Center; and

(iii) the evolution of the Center from an organization of the Army to an organization serving 27 departments and agencies and responsible for all Federal credibility assessment training, oversight, and research and development, has resulted in a convoluted oversight structure based on legacy reporting requirements.

(B) REPORT.—Not later than October 1, 2018, the Director of the Defense Intelligence Agency, the Director of National Intelligence, and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees a report on—

(i) the current and projected missions and functions of the National Center for Credibility Assessment;

(ii) the effectiveness of the current organizational assignment of the Center to the Director of the Defense Intelligence Agency;

(iii) the effectiveness of the current oversight structure between the Center, the Defense Intelligence Agency, the Under Secretary of Defense for Intelligence, and the Director of National Intelligence; and

(iv) the resources and authorities necessary to most effectively execute the missions and functions of the Center.

(2) UNDERGROUND FACILITIES ANALYSIS CENTER.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that—

(i) the assignment of executive agency for the Underground Facilities Analysis Center to the Director of the Defense Intelligence Agency may be limiting the ability of the Center to effectively serve the broader intelligence community customer base of the Center;

(ii) the failure of the Director of National Intelligence to define in policy the term “Executive Agent” may be further limiting the ability of the Center to receive sufficient resources to carry out the critical mission of the Center; and

(iii) the requirements of the intelligence community and Department of Defense with respect to underground facilities are not adequately being met given the scale and complexity of the problem set and the relatively small amount of funding currently received by the Center.

(B) REPORT.—Not later than October 1, 2018, the Director of the Defense Intelligence Agency, the Director of National Intelligence, and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional intelligence committees and the congressional defense committees a report on—

(i) the missions and functions of the Underground Facilities Analysis Center;

(ii) the state of the requirements of the intelligence community and Department of Defense with respect to underground facilities and the ability of the Center to meet such requirements;

(iii) the effectiveness of the current organizational assignment of the Center to the Director of the Defense Intelligence Agency;

(iv) the effectiveness of the current oversight structure between the Center, the Defense Intelligence Agency, the Secretary of Defense, and the Director of National Intelligence; and

(v) the resources and authorities necessary to most effectively execute the missions and functions of the Center.

(k) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term “congressional defense committees” means—

(1) the Committees on Armed Services of the Senate and House of Representatives; and

(2) the Committees on Appropriations of the Senate and House of Representatives.

**SEC. 413. TECHNICAL AMENDMENTS RELATED TO THE DEPARTMENT OF ENERGY.**

(a) ATOMIC ENERGY DEFENSE ACT.—Section 4524(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2674(b)(2)) is amended by inserting “Intelligence and” after “The Director of”.

(b) NATIONAL SECURITY ACT OF 1947.—Paragraph (2) of section 106(b) of the National Security Act of 1947 (50 U.S.C. 3041(b)(2)) is amended—

(1) in subparagraph (E), by inserting “and Counterintelligence” after “Office of Intelligence”;

(2) by striking subparagraph (F);

(3) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(4) in subparagraph (H), as redesignated by paragraph (3), by realigning the margin of such subparagraph two ems to the left.

## **TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES**

### **SEC. 501. ASSESSMENT OF SIGNIFICANT RUSSIAN INFLUENCE CAMPAIGNS DIRECTED AT FOREIGN ELECTIONS AND REFERENDA.**

(a) **ASSESSMENT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing an analytical assessment of the most significant Russian influence campaigns, if any, conducted during the 3-year period preceding the date of the enactment of this Act, as well as the most significant current or planned such Russian influence campaigns, if any. Such assessment shall include—

(1) a summary of such significant Russian influence campaigns, including, at a minimum, the specific means by which such campaigns were conducted, are being conducted, or likely will be conducted, as appropriate, and the specific goal of each such campaign;

(2) a summary of any defenses against or responses to such Russian influence campaigns by the foreign state holding the elections or referenda;

(3) a summary of any relevant activities by elements of the intelligence community undertaken for the purpose of assisting the government of such foreign state in defending against or responding to such Russian influence campaigns; and

(4) an assessment of the effectiveness of such defenses and responses described in paragraphs (2) and (3).

(b) **FORM.**—The report required by subsection (a) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

(c) **RUSSIAN INFLUENCE CAMPAIGN DEFINED.**—In this section, the term “Russian influence campaign” means any effort, covert or overt, and by any means, attributable to the Russian Federation directed at an election, referendum, or similar process in a country other than the Russian Federation or the United States.

### **SEC. 502. FOREIGN COUNTERINTELLIGENCE AND CYBERSECURITY THREATS TO FEDERAL ELECTION CAMPAIGNS.**

(a) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—As provided in paragraph (2), for each Federal election, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an internet website an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices. Each such report shall include, consistent with the protection of sources and methods, each of the following:

(A) A description of foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices.

(B) A summary of best practices that election campaigns for Federal offices can employ in seeking to counter such threats.

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

(2) **SCHEDULE FOR SUBMITTAL.**—A report under this subsection shall be made available as follows:

(A) In the case of a report regarding an election held for the office of Senator or Member of the House of Representatives during 2018, not later than the date that is 60 days after the date of the enactment of this Act.

(B) In the case of a report regarding an election for a Federal office during any subsequent year, not later than the date that is one year before the date of the election.

(3) **INFORMATION TO BE INCLUDED.**—A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

(b) **TREATMENT OF CAMPAIGNS SUBJECT TO HEIGHTENED THREATS.**—If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that an election campaign for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.

**SEC. 503. ASSESSMENT OF THREAT FINANCE RELATING TO THE RUSSIAN FEDERATION.**

(a) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, acting through the National Intelligence Manager for Threat Finance, shall submit to the congressional intelligence committees a report containing an assessment of the financing of threat activity by the Russian Federation.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include, at a minimum, the following:

(1) A summary of leading examples from the 3-year period prior to the date of the report of any threat finance activities conducted by, for the benefit of, or at the behest of officials of the Government of Russia, persons subject to sanctions under any provision of law imposing sanctions with respect to Russia, or Russian nationals subject to sanctions under any other provision of law.

(2) An assessment with respect to any trends or patterns in threat finance activities relating to Russia, including common methods of conducting such activities.

(3) A summary of engagement and coordination with international partners on threat finance relating to Russia, especially in Europe, including examples of such engagement and coordination.

(4) An identification of any resource and collection gaps.

(c) **FORM.**—The report submitted under subsection (a) may be submitted in classified form.

(d) **THREAT FINANCE DEFINED.**—In this section, the term “threat finance” means—

(1) the financing of cyber operations, global influence campaigns, intelligence service activities, proliferation, terrorism, or transnational crime and drug organizations;

(2) the methods and entities used to spend, store, move, raise, or conceal money or value on behalf of threat actors;

(3) sanctions evasion; or

(4) other forms of threat financing domestically or internationally, as defined by the President.

**TITLE VI—REPORTS AND OTHER MATTERS****SEC. 601. PERIOD OF OVERSEAS ASSIGNMENTS FOR CERTAIN FOREIGN SERVICE OFFICERS.**

(a) **LENGTH OF PERIOD OF ASSIGNMENT.**—Subsection (a) of section 502 of the Foreign Service Act of 1980 (22 U.S.C. 3982) is amended by adding at the end the following new paragraph:

“(3) In making assignments under paragraph (1), and in accordance with section 903, and, if applicable, section 503, the Secretary shall assure that a member of the Service may serve at a post for a period of not more than six consecutive years.”.

(b) **FOREIGN LANGUAGE DEPLOYMENT REQUIREMENTS.**—Section 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022) is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) **FOREIGN LANGUAGE DEPLOYMENT REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary of State, with the assistance of other relevant officials, shall require all members of the Service who receive foreign language training in Arabic, Farsi, Chinese (Mandarin or Cantonese), Turkish, Korean, and Japanese by the institution or otherwise in accordance with subsection (b) to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department.

“(2) **OVERSEAS DEPLOYMENTS.**—In carrying out paragraph (1), at least one of the three successive tours referred to in such paragraph shall be an overseas deployment.

“(3) **WAIVER.**—The Secretary of State may waive the application of paragraph (1) for medical or family hardship or in the interest of national security.

“(4) **CONGRESSIONAL NOTIFICATION.**—The Secretary of State shall notify the Committees on Appropriations and Foreign Affairs of the House of Representatives and Committees on Appropriations and Foreign Relations of the Senate at the end of each fiscal year of any instances during the prior twelve months in which the waiver authority described in paragraph (3) was invoked.”.

**SEC. 602. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED PUBLIC DISCLOSURES OF CLASSIFIED INFORMATION.**

(a) **IN GENERAL.**—Title XI of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by adding at the end the following new section:

**“SEC. 1105. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED PUBLIC DISCLOSURES OF CLASSIFIED INFORMATION.**

“(a) IN GENERAL.—On a semiannual basis, each covered official shall submit to the congressional intelligence committees a report that includes, with respect to the preceding 6-month period—

“(1) the number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information;

“(2) the number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information; and

“(3) of the number of such completed investigations identified under paragraph (2), the number referred to the Attorney General for criminal investigation.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘covered official’ means—

“(A) the heads of each element of the intelligence community; and

“(B) the inspectors general with oversight responsibility for an element of the intelligence community.

“(2) The term ‘investigation’ means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.

“(3) The term ‘unauthorized public disclosure of classified information’ means the unauthorized disclosure of classified information to a journalist or media organization.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1104 the following new item:

“Sec. 1105. Semiannual reports on investigations of unauthorized public disclosures of classified information.”

**SEC. 603. INTELLIGENCE COMMUNITY REPORTS ON SECURITY CLEARANCES.**

Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(ii), by inserting “and” after the semicolon;

(B) in subparagraph (B)(ii), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

“(b) INTELLIGENCE COMMUNITY REPORTS.—(1) Not later than March 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the security clearances processed by each element of the intelligence community during the preceding calendar year. Each such report shall separately identify security clearances processed by each such element and shall cover Federal employees and contractor employees.

“(2) Each report submitted under paragraph (1) shall include each of the following for each element of the intelligence community for the year covered by the report:

“(A) The total number of initial security clearance background investigations opened for new applicants.

“(B) The total number of security clearance periodic re-investigations opened for existing employees.

“(C) The total number of initial security clearance background investigations for new applicants that were finalized and adjudicated with notice of a determination provided to the prospective applicant, including—

“(i) the total number that were adjudicated favorably and granted access to classified information; and

“(ii) the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(D) The total number of security clearance periodic background investigations that were finalized and adjudicated with notice of a determination provided to the existing employee, including—

“(i) the total number that were adjudicated favorably; and

“(ii) the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(E) The total number of pending security clearance background investigations, including initial applicant investigations and periodic re-investigations, that were not finalized and adjudicated as of the last day of such year and that remained pending as follows:

“(i) For 180 days or less.

“(ii) For 180 days or longer, but less than 12 months.

“(iii) For 12 months or longer, but less than 18 months.

“(iv) For 18 months or longer, but less than 24 months.

“(v) For 24 months or longer.

“(F) In the case of security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—

“(i) the cause of the delay for such determinations; and

“(ii) the number of such determinations for which polygraph examinations were required.

“(G) The percentage of security clearance investigations, including initial and periodic re-investigations, that resulted in a denial or revocation of a security clearance.

“(H) The percentage of security clearance investigations that resulted in incomplete information.

“(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

“(3) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.”; and

(4) in subsection (c), as redesignated by paragraph (2), by inserting “and (b)” after “subsection (a)(1)”.

**SEC. 604. REPORT ON EXPANSION OF SECURITY PROTECTIVE SERVICES JURISDICTION.**

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the feasibility, justification, costs, and benefits of expanding the jurisdiction of the protective services of the Central Intelligence Agency under section 15(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)). The report shall include—

(1) an explanation of the need for expanding such jurisdiction beyond the 500-foot limit specified in such section 15(a)(1); and

(2) an identification of any comparable departments or agencies of the Federal Government in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code) whose protective services jurisdictions exceed 500 feet.

(b) FORM.—The report under subsection (a) may be submitted in classified form.

**SEC. 605. REPORT ON ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE WITH RESPECT TO CERTAIN FOREIGN INVESTMENTS.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on the role of the Director in preparing analytic materials in connection with the evaluation by the Federal Government of national security risks associated with potential foreign investments into the United States.

(b) MATTERS INCLUDED.—The report under subsection (a) shall—

(1) describe the current process for the provision of the analytic materials described in subsection (a);

(2) identify the most significant benefits and drawbacks of such process with respect to the role of the Director, including any benefits or drawbacks relating to the time allotted to the Director to prepare such materials; and

(3) include recommendations to improve such process.

**SEC. 606. REPORT ON CYBER EXCHANGE PROGRAM.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the potential establishment of a fully voluntary exchange program between elements of the intelligence community and private technology companies under which—

(1) an employee of an element of the intelligence community with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to a private technology company that has elected to receive the detailee; and

(2) an employee of a private technology company with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to an element of the intelligence community that has elected to receive the detailee.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) The feasibility of establishing the exchange program described in such subsection.

(2) Identification of any challenges in establishing the exchange program.

(3) An evaluation of the benefits to the intelligence community that would result from the exchange program.

**SEC. 607. REVIEW OF INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESS.**

(a) **REVIEW.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall review, with respect to the 3-year period preceding the date of the review, the roles and responsibilities of the elements of the intelligence community in the process of the Federal Government for determining whether, when, how, and to whom information about a vulnerability that is not publicly known will be shared with or released to a non-Federal entity or the public.

(b) **REPORT.**—

(1) **SUBMISSION.**—Not later than 240 days after the date of the enactment of this Act, the Inspector General shall submit to the congressional intelligence committees a report on the results of the review under subsection (a).

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) A description of the roles and responsibilities of the elements of the intelligence community in the process of determining whether, when, how, and to whom information about a vulnerability that is not publicly known will be shared or released to a non-Federal entity or the public.

(B) The criteria used by the Federal Government, including elements of the intelligence community, in making such determination.

(C) With respect to the period covered by the review—

(i) a summary of vulnerabilities known to elements of the intelligence community that were reviewed by the Federal Government pursuant to such process, including—

(I) the number of vulnerabilities known to the intelligence community that were reviewed; and

(II) of such number of reviewed vulnerabilities, the number for which information was shared with or released to a non-Federal entity or the public;

(ii) an assessment of whether there were any vulnerabilities known to elements of the intelligence community that were not reviewed pursuant to such process, and if so, the basis and rationale for not conducting such a review; and

(iii) a summary of the most significant incidents in which a vulnerability known to the intelligence community, but not shared with or released to a non-Federal entity or the public, was exploited by an individual, an entity, or a foreign country in the course of carrying out a cyber intrusion.

(D) A description of any current mechanisms for overseeing such process.

(E) Recommendations to improve the efficiency, effectiveness, accountability, and, consistent with national security, transparency of such process.

(F) Any other matters the Inspector General determines appropriate.

(3) **FORM.**—The report may be submitted in classified form.

(c) **VULNERABILITY DEFINED.**—In this section, the term “vulnerability” means, with respect to information technology, a design, configuration, or implementation weakness in a technology, product, system, service, or application that can be exploited or triggered to cause unexpected or unintended behavior.

**SEC. 608. REVIEW OF INTELLIGENCE COMMUNITY WHISTLEBLOWER MATTERS.**

(a) **REVIEW OF WHISTLEBLOWER MATTERS.**—The Inspector General of the Intelligence Community, in consultation with the inspectors general for the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the Defense Intelligence Agency, and the National Reconnaissance Office, shall conduct a review of the authorities, policies, investigatory standards, and other practices and procedures relating to intelligence community whistleblower matters, with respect to such inspectors general.

(b) **OBJECTIVE OF REVIEW.**—The objective of the review required under subsection (a) is to identify any discrepancies, inconsistencies, or other issues, which frustrate the timely and effective reporting of intelligence community whistleblower matters to appropriate inspectors general and to the congressional intelligence committees, and the fair and expeditious investigation and resolution of such matters.

(c) **CONDUCT OF REVIEW.**—The Inspector General of the Intelligence Community shall take such measures as the Inspector General determines necessary in order to ensure that the review required by subsection (a) is conducted in an independent and objective fashion.

(d) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congres-

sional intelligence committees a written report containing the results of the review required under subsection (a), along with recommendations to improve the timely and effective reporting of Intelligence Community whistleblower matters to inspectors general and to the congressional intelligence committees and the fair and expeditious investigation and resolution of such matters.

**SEC. 609. SENSE OF CONGRESS ON NOTIFICATIONS OF CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.**

(a) **FINDINGS.**—Congress finds that section 502 of the National Security Act of 1947 (50 U.S.C. 3092) requires elements of the intelligence community to keep the congressional intelligence committees “fully and currently informed” about all “intelligence activities” of the United States, and to “furnish to the congressional intelligence committees any information or material concerning intelligence activities. . . which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the authorities described in subsection (a), together with other intelligence community authorities, obligate an element of the intelligence community to submit to the congressional intelligence committees written notification, by not later than 7 days after becoming aware, that an individual in the executive branch has disclosed covered classified information to an official of an adversary foreign government using methods other than established intelligence channels; and

(2) each such notification should include—

- (A) the date and place of the disclosure of classified information covered by the notification;
- (B) a description of such classified information;
- (C) identification of the individual who made such disclosure and the individual to whom such disclosure was made; and
- (D) a summary of the circumstances of such disclosure.

(c) **DEFINITIONS.**—In this section:

(1) The term “adversary foreign government” means the government of any of the following foreign countries:

- (A) North Korea.
- (B) Iran.
- (C) China.
- (D) Russia.
- (E) Cuba.

(2) The term “covered classified information” means classified information that was—

- (A) collected by an element of the intelligence community; or
- (B) provided by the intelligence service or military of a foreign country to an element of the intelligence community.

(3) The term “established intelligence channels” means methods to exchange intelligence to coordinate foreign intelligence relationships, as established pursuant to law by the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, or other head of an element of the intelligence community.

(4) The term “individual in the executive branch” means any officer or employee of the executive branch, including individuals—

- (A) occupying a position specified in article II of the Constitution;
- (B) appointed to a position by an individual described in subparagraph (A); or
- (C) serving in the civil service or the senior executive service (or similar service for senior executives of particular departments or agencies).

**PURPOSE**

The purpose of H.R. 3180 is to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2018. These activities enhance the national security of the United States, support and assist the armed forces of the United States, and support the President in the execution of the foreign policy of the United States.

## CLASSIFIED ANNEX AND COMMITTEE INTENT

The classified annex to this report includes the classified schedule of authorizations and associated explanatory language. The Committee views the classified annex as an integral part of this legislation. The classified annex contains thorough discussions of the issues considered by the Committee underlying the funding authorizations found in the classified schedules of authorizations. All intelligence programs discussed in the classified annex to this report will follow the guidance and limitations set forth as associated language therein. The classified schedule of authorizations is incorporated directly into this legislation by virtue of Section 102 of the bill. The classified annex is available for review by all Members of the House of Representatives, subject to the requirements of clause 13 of rule XXIII of the Rules of the House of Representatives and rule 14 of the Rules of Procedure for the House Permanent Select Committee on Intelligence.

## SCOPE OF COMMITTEE REVIEW

The bill authorizes U.S. intelligence and intelligence-related activities within the jurisdiction of the Committee, including the National Intelligence Program (NIP) and the Military Intelligence Program (MIP), the Homeland Security Intelligence Program (HSIP), and the Information Systems Security Program (ISSP). The NIP consists of all activities of the Office of the Director of National Intelligence (ODNI), as well as intelligence, intelligence-related, and counterintelligence activities conducted by: the Central Intelligence Agency; the Department of Defense, including the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and certain activities of the Departments of the Army, Navy, and Air Force; the Department of Energy; the Department of Justice, including the Federal Bureau of Investigation and the Drug Enforcement Administration; the Department of Homeland Security, including the U.S. Coast Guard and intelligence elements of DHS; Department of State; and the Department of the Treasury. The Committee has exclusive legislative, authorizing, and oversight jurisdiction of these programs.

## COMMITTEE STATEMENT AND VIEWS

H.R. 3180, the Intelligence Authorization Act for Fiscal Year 2018 (the Act) authorizes the activities of, and funding for, the 17 agencies that comprise the U.S. Intelligence Community (IC). These activities include: deterring nation state adversaries like Russia and China; countering an increasingly provocative North Korea; countering proliferators of weapons of mass destruction; defeating the Islamic State of Iraq and Syria (ISIS) and other terrorist groups; defending against world-wide cyber-attacks; and protecting the Homeland from overseas threats.

The Act authorizes the resources necessary to face these challenges and provides for needed future capabilities. The total funding levels authorized by the classified Schedule of Authorizations are slightly below the Administration's budget request, balancing fiscal discipline and national security. However, the Committee remains concerned that the funding levels for Fiscal Year 2019 and

beyond specified in the Budget Control Act of 2011 could prevent the IC from fully carrying out its missions at a time when the United States and its allies face increasingly complex security challenges.

The provisions of the Act consist of changes to statute and direction to the IC to enable effective, efficient, and constitutional intelligence activities. Because most of the intelligence budget involves classified programs, the bulk of the Committee's recommendations each year are found in the classified annex accompanying the bill. H.R. 3180 funds high-priority initiatives not included in the President's budget request, trims requested increases that lack clear justifications, and reflects the Committee's determinations of which programs represent the best value for intelligence dollars. Specific recommendations for the MIP and ISSP are consistent with H.R. 2810, the Committee on Armed Services (HASC)-passed National Defense Authorization Act for Fiscal Year 2018 (FY 2018 NDAA).

Ultimately, H.R. 3180 ensures that during Fiscal Year 2018, the dedicated men and women of the IC have the funding, authorities, and support they need to carry out their mission and keep America safe, while ensuring accountability and strict oversight of intelligence programs and activities.

#### *Defense Intelligence Agency (DIA)—Roles and missions review*

In the last 70 years, many reform efforts have targeted defense intelligence within the Department of Defense (DoD), but today's defense intelligence apparatus is cumbersome, duplicative, and expensive. As a result, the Committee is examining the defense intelligence enterprise, beginning with a review of Defense Intelligence Agency (DIA) roles and missions.

DIA was created in 1961 to de-conflict, coordinate, and oversee DoD intelligence functions executed independently by the military services. Its purpose was to achieve unity of effort in the production of military intelligence while realizing significant cost savings through more effective management of DoD intelligence resources. However, in recent years, DIA's roles and missions have expanded from 19 discrete functions to more than 100. Moreover, DIA continues to receive a variety of administrative and enterprise management responsibilities. The Committee believes these assigned tasks and functions have detracted from DIA's ability to execute its primary mission: providing intelligence on foreign militaries and operating environments that delivers an information advantage to prevent and decisively win wars.

Based on initial findings from its review of DIA roles and missions, the Committee has determined that several functions currently assigned to DIA should be eliminated or transferred to other IC or DoD components. The Committee selected the following functions and organizations for transfer or elimination because they are tangential to DIA's core missions and responsibilities in support of the DoD and IC, or are duplicative of functions conducted elsewhere:

1. The Information Review Task Force (IRTF). The IRTF was originally established in August 2010 by the Secretary of Defense to lead a comprehensive department-wide review and determine the impact of a mass unauthorized disclosure and public release of classified information. The Task Force, which

is now responsible for impact assessments for multiple unauthorized disclosures and related leaks affecting DoD, should be transferred to the Chairman of the Joint Chiefs of Staff as a Chairman's Controlled Activity.

2. The Identity Intelligence Project Office (I2PO). Housed within the Defense Combating Terrorism Center (DCTC), I2PO is DIA's focal point for DoD identity intelligence and coordinates DoD identity intelligence requirements and capabilities. Sufficient processes are in place for DoD identity intelligence management. The existence of a separate office that serves solely as a coordinating body for this function is unnecessary and should be eliminated.

3. Watchlisting Branch. DCTC's Watchlisting Branch is responsible for submitting Terrorism Identity Nominations for DoD. This function should be transferred to the Director for Intelligence of the Joint Staff because it better aligns with the Joint Staff's warning mission.

4. Counter Threat Finance (CTF) Branch. The CTF Branch within DIA's Americas Regional Center should be eliminated because CTF is not a core defense intelligence mission and is redundant of identical functions performed by other DoD components and IC agencies, including the Department of the Treasury.

5. National Intelligence University (NIU). NIU is the IC's sole accredited, federal degree-granting institution. NIU focuses on the profession of intelligence and is the only institution of higher education in the nation that allows its students to study and complete research in the Top Secret/Sensitive Compartmented Information (TS/SCI) domain. Since NIU operates in support of the entire IC, it should be transferred back to the Office of the Director of National Intelligence (ODNI).

In addition, the Committee has concerns regarding the assignment of two other IC Centers to DIA and has asked the IC and DoD to provide a report to the congressional intelligence and defense committees on their missions and effectiveness:

1. The Underground Facilities Analysis Center (UFAC). UFAC uses national intelligence and non-intelligence resources to find, characterize, and assess underground facilities used by adversarial state and non-state actors.

2. The National Center for Credibility Assessment (NCCA). Located at Fort Jackson, South Carolina, NCCA is the federal center responsible for polygraph examiner education and training, continuing education certification, quality assurance, and credibility assessment research and development.

#### *Unauthorized disclosures of classified information*

The Committee is extremely concerned by the widespread, recent media reports that purport to contain unauthorized disclosures of classified information. Protecting the nation's secrets from unauthorized disclosure is essential to safeguarding our nation's intelligence sources and methods. An unlawful disclosure of classified information can destroy sensitive collection capabilities and endanger American lives, including those individuals who take great personal risks to assist the United States in collecting vital foreign intelligence.

Federal law prohibits the unauthorized disclosure of classified information, but enforcement is often lacking or inconsistent. Accordingly, the Committee desires to better understand the number of potential unauthorized disclosures discovered and investigated on a routine basis. Moreover, the Committee has little visibility into the number of investigations initiated by each IC agency or the number of criminal referrals to the Department of Justice. Accordingly, Section 602 of the Act requires all IC agencies to provide the congressional intelligence committees with a semi-annual report of the number of investigations of unauthorized disclosures to journalists or media organizations, including subsequent referrals to the Attorney General.

Additionally, the Committee also wishes to better understand the role of Inspectors General (IGs) within elements of the IC, with respect to unauthorized disclosures of classified information at those elements.

Therefore, the Committee directs the IC IG, within 180 days of enactment of this Act, to provide the congressional intelligence committees with a report regarding the role of IGs with respect to unauthorized disclosures. The report shall address: the roles of IC elements' security personnel and law enforcement regarding unauthorized disclosures; the disclosures; the current role of IGs within IC elements regarding such disclosures; what, if any, specific actions could be taken by such IGs to increase their involvement in the investigation of such matters; any laws, rules or procedures that currently prevent IGs from increasing their involvement; and the benefits and drawbacks of increased IG involvement, to include potential impacts to IG's roles and missions.

#### *Security clearance investigation delays*

Although the Committee understands and supports fully vetting IC civilian employees and contractors for access to classified information, the Committee remains concerned about the continued backlog of security clearance cases for both sets of personnel. Some IC agencies are experiencing delays in excess of one year for processing new security clearances. Further complicating this growing backlog is the fact that many IC agencies refuse to accept active, adjudicated security clearances from other agencies. The inability of various IC elements to timely grant new security clearances or accept existing ones leaves funded billets unmanned, and causes agencies to lose top talent who are unwilling or unable to wait a year or more to begin new careers in the IC. Moreover, lost government and contractor efforts hinder IC missions threatening our national security. While the recently established National Background Investigative Bureau (NBIB) is working to reduce the security clearance backlog at the Office of Personnel Management (OPM), processes at various IC agencies that utilize OPM remain inefficient.

Therefore, in addition to the requirements of Section 602, the Committee directs ODNI, within 90 days of enactment of this Act, to brief the congressional intelligence and defense committees on the amount of time required for processing initial security clearances, periodic re-investigations, and reciprocal actions for IC agencies started during fiscal years 2016 and 2017. Such briefing shall include the average time required for each of the following:

1. Passage of the Standard Form (SF)–86 or security clearance questionnaire package to OPM or other applicable investigative service provider;
2. The completion of the investigation by OPM or the applicable investigative service provider;
3. The completion of final adjudication; and
4. Notification to the applicant or employee that the clearance request was granted or denied.

#### *Presidential Policy Guidance*

The Presidential Policy Guidance (PPG) dated May 22, 2013, and entitled “*Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities*” provides for the participation by elements of the IC in reviews of certain proposed counterterrorism operations. The Committee desires to remain fully and currently informed about the status of the PPG and its implementation.

Therefore, the Committee directs ODNI, within five days of any change to the PPG, or to any successor policy guidance, to submit to the congressional intelligence committees a written notification thereof, that shall include a summary of the change and the specific legal and policy justification(s) for the change.

#### *Foreign service officer tour lengths*

Committee members and staff frequently meet with foreign service officers worldwide during oversight travel and recognize the difficulties faced by the Department of State in staffing embassies and consulates with officers with the necessary language and cultural expertise. The Committee believes that the current standard tour length for foreign service officers exacerbates these challenges by moving officers with significant language and cultural experience after only two years of service in each country, and therefore must be lengthened. The Committee further believes that the Department of State could achieve significant cost savings by reducing the number of permanent-changes-of-station and extending the tour length of officers overseas.

Therefore, consistent with H.R. 6271, *The Foreign Service Optimization Act of 2016*, introduced by Chairman Nunes in the 114th Congress, Section 601 of the Act amends the Foreign Service Act of 1980 to permit the Secretary of State to allow foreign service officers to serve at an overseas post for a period of not more than six consecutive years. In addition, it requires the Secretary of State, with the assistance of other relevant officials, to require all members of the foreign service who receive language training in Arabic, Farsi, Chinese (Mandarin or Cantonese), Turkish, Korean, and Japanese to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department of State—though the Secretary of State may waive that requirement for medical or family hardship reasons, or in the interest of national security.

#### *Centers for Academic Excellence*

The Committee commends the commitment demonstrated by ODNI’s Centers for Academic Excellence (CAE) program managers, IC agencies that sponsored CAE interns, and all other personnel

who contributed to making the inaugural edition of the CAE Internship Program a reality in summer 2017. The Committee expects the CAE Program to build on this foundation by showing measurable, swift progress, and ultimately fulfilling Congress's intent that the Program serve as a pipeline of the next generation of IC professionals.

Therefore, the Committee directs that the IC take all viable action to expand the CAE Program by increasing, to the fullest extent possible:

1. The number and racial and gender diversity of CAE interns;
2. The number of CAE academic institutions and their qualified internship candidates participating in the Program; and
3. The number of IC elements that sponsor CAE interns.

*Report on violent extremist groups*

Violent extremist groups like ISIS continue to exploit the Internet for nefarious purposes: to inspire lone wolves; to spread propaganda; to recruit foreign fighters; and to plan and publicize atrocities. As the Director of the National Counterterrorism Center (NCTC) has stated publicly:

[W]e need to counter our adversaries' successful use of social media platforms to advance their propaganda goals, raise funds, recruit, coordinate travel and attack plans, and facilitate operations. . . . Our future work must focus on denying our adversaries the capability to spread their messages to at-risk populations that they can reach through the use of these platforms.

Section 403 of the Intelligence Authorization Act for Fiscal Year 2017 required the Director of National Intelligence (DNI), consistent with the protection of sources and methods, to assist public and private sector entities in recognizing online violent extremist content—specifically, by making publicly available a list of insignias and logos associated with foreign extremist groups designated by the Secretary of State. The Committee believes that further steps can be taken.

Therefore, the Committee directs the Director of NCTC, in coordination with appropriate other officials designated by the DNI, within 180 days of enactment of this Act, to brief the congressional intelligence committees on options for a pilot program to develop and continually update best practices for private technology companies to quickly recognize and lawfully take down violent extremist content online.

Such briefing shall address:

1. The feasibility, risks, costs, and benefits of such a program;
2. The U.S. Government agencies and private sector entities that would participate; and
3. Any additional authorities that would be required by the program's establishment.

*South China Sea*

The South China Sea is an area of great geostrategic importance to the United States and its allies. However, China's controversial

territorial claims and other actions stand to undercut international norms and erode the region's stability. It is thus imperative the United States uphold respect for international law in the South China Sea. Fulfilling that objective in turn will require an optimal intelligence collection posture.

Therefore, the Committee directs DoD, in coordination with DNI, within 30 days of enactment of this Act, to brief the congressional intelligence and defense committees on known intelligence collection gaps, if any, with respect to adversary operations and aims in the South China Sea. The briefing shall identify the gaps and whether those gaps are driven by lack of access, lack of necessary collection capabilities or legal or policy authorities, or by other factors. The briefing shall also identify IC assessments that assess which intelligence disciplines would be best-suited to answer the existing gaps, and current plans to address the gaps over the Future Years Defense Program.

#### *Improving analytic automation*

The Committee continues to support efforts that gather, analyze, manage, and store large amounts of intelligence, surveillance, and reconnaissance (ISR) data from remote sources. Managing data by making information discoverable to analysts across the globe while reducing storage and analytical access costs are critical steps in DoD's efforts to leverage commercial best practices in big data analytics. NGA is at the forefront of such efforts, but the Committee is concerned by DoD's slow pace in developing formal requirements for big data analytic capabilities.

The Committee understands that DoD faces challenges in addressing its ISR requirements, and DoD is investing in new collection capabilities that are producing growing volumes of data. However, investments in ground processing, automation, and alert functions need further attention. For example, wide area motion imagery collection capabilities have evolved with technology and are producing extremely valuable ISR data, but processing and integration of this data is labor intensive. DoD continues to struggle to apply commercially available data analysis and machine learning capabilities. The Committee recognizes that DoD's processing, exploitation and dissemination (PED) challenges cannot be addressed without integrating commercial data processing and access techniques, and automating as much of the PED workflow as possible.

Therefore, the Committee directs that the Under Secretary of Defense for Intelligence, in coordination with the Secretary of the Army, Secretary of the Air Force, Secretary of the Navy, and the DNI, no later than December 1, 2017, brief the congressional intelligence and defense committees on efforts that allow for rapid adoption of data storage, access, and automated processing and machine learning technologies and techniques.

#### *Project MAVEN*

In recent years, there has been an exponential growth in the volume of data available for DoD intelligence professionals to manage, process, exploit, and disseminate. Analysts are in dire need of tools that will support simultaneous access to, and analysis of, data from a multitude of sources and disciplines.

The massive quantities of available digital data hold significant promise for improving data analytics, producing more actionable intelligence, and contributing to the employment of a more lethal force. It is critical that DoD invest in new technologies that will bring artificial intelligence, deep learning, and computer vision to streamline the process of object detection, identification, and tracking—and allow analysts to focus their valuable cognitive capacity on the hardest and highest priority problems.

The Committee believes Project MAVEN provides DoD with a critical path to the integration of big data, artificial intelligence, and machine learning across the full spectrum of military intelligence to ensure our warfighters maintain advantages over increasingly capable adversaries. Although DoD has taken tentative steps to explore the potential of artificial intelligence, big data, deep learning, and machine learning, the Committee believes Project MAVEN will accelerate DoD's efforts to process the enormous volume of data.

Therefore, the Committee directs the Secretary of Defense, in coordination with NGA and other relevant IC and DoD agencies, within 90 days of enactment of this Act, to brief the congressional intelligence and defense committees on Project MAVEN. Such briefing shall address:

1. Schedule and strategy for labeling classified and unclassified data;
2. Algorithm development, production, and deployment strategy;
3. Coordination of integration efforts with other DoD and IC elements;
4. Plan to implement the technologies developed by Project MAVEN technology throughout the defense intelligence enterprise;
5. Additional areas this technological advance can be implemented; and
6. Validated funding requirements and efforts that ensure spending practices are focused and efficient.

*Report on geospatial commercial activities for basic and applied research and development*

The Committee directs the Director of NGA, in coordination with the DNI, the Director of the Central Intelligence Agency, and the Director of the National Reconnaissance Office, within 90 days of enactment of this Act, to submit to the congressional intelligence and defense committees a report on the feasibility, risks, costs, and benefits of providing the private sector and academia, on a need-driven and limited basis—consistent with the protection of sources and methods, as well as privacy and civil liberties—access to data in the possession of the NGA for the purpose of assisting the efforts of the private sector and academia in basic research, applied research, data transfers, and the development of automation, artificial intelligence, and associated algorithms. Such report shall include:

1. Identification of any additional authorities that the Director of NGA would require to provide the private sector and academia with access to relevant data on a need-driven and limited basis, consistent with applicable laws and procedures re-

lating to the protection of sources, methods, privacy and civil liberties; and

2. Market research to assess the commercial and academic interest in such data and determine likely private-sector entities and institutions of higher education interested in public-private partnerships relating to such data.

*Military Occupational Specialty-to-Degree program*

The Committee supports the Military Occupational Specialty (MOS)-to-Degree program, which is an innovative framework that enables enlisted Marines to receive credits towards an associate's or a bachelor's degree while earning required MOS credentials. The program partners with colleges and universities to map a Marine's experience and training to equivalent credit, and provides Marines with an awareness of tuition assistance and scholarship programs to enable them to complete the remaining credits towards their degree. The Committee encourages the Marine Corps to expand the MOS-to-Degree program through further curriculum development and enhanced management of the program.

Therefore, the Committee directs the Marine Corps Intelligence Activity (MCIA), within 90 days of the enactment of this Act, to brief the congressional intelligence and defense committees on the Marine Corps' progress towards expanding the MOS-to-Degree program.

*Unmanned aircraft system pilot retention*

The Committee supports the Marine Corps' vision to grow a more diverse, lethal, amphibious, and middleweight expeditionary force by leveraging emerging technologies, particularly in the area of unmanned and manned-unmanned teaming. Additionally, the Committee is enthusiastic about the Marine Corps' efforts to equip operating forces down to the squad level with a Small Unit Remote Scouting System (SURSS) Family of Small Unmanned Aerial Systems (UAS) (FoSUAS) capable of operating in all weather conditions across the full spectrum of conflict. The Committee is also aware of the service's concept for a Marine Air Ground Task Force Unmanned Expeditionary (MUX) capability.

However, the Committee is concerned with the projected cost and delays associated with developing this new technology and believes the Marine Corps is ill-prepared to address the growing deficiency in expertise and the manpower challenges that will accompany expansion of the unmanned fleet. Based on observations of the Air Force's and Army's efforts, the Committee believes the Marine Corps' UAS programs will experience pilot and maintainer shortages based on inadequate training, lack of reliable equipment, and the absence of incentive.

Therefore, the Committee directs the Deputy Commandant of Aviation, within 120 days of enactment of this Act, to brief the congressional intelligence and defense committees on potential interim solutions to the gap exposed by the long development time for MUX. Such briefing should also address the Marine Corps' UAS talent management plan, including a strategy for pilot retention and a plan to unify unmanned training that will build a base of instructors and encourage the professionalism of the community.

*Remotely Piloted Aircraft training strategy*

Consistent with the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Secretary of the Air Force, no later than September 28, 2017, to brief the congressional intelligence and defense committees on the Air Force’s approach to Remotely Piloted Aircraft (RPA) aircrew training, with a particular focus on how the Air Force plans to field simulator capability and training capacity among Active and Reserve Component units supporting RPA operations.

*Wide-area motion imagery intelligence capability*

Consistent with the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Secretary of the Air Force no later than March 1, 2018, to provide to the congressional intelligence and defense committees a report that describes in detail the lifecycle weapon system sustainment and modernization strategy for maintaining an enduring wide-area motion imagery capability for the geographic combatant commanders.

*MQ–4C Triton unmanned aircraft system*

Consistent with the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Secretary of the Navy, no later than November 15, 2017, to brief the congressional intelligence and defense committees on MQ–4C mission execution and tasking, collection, processing, exploitation, and dissemination (TCPED) processes. The briefing shall include or explain:

1. A framework description of the manning, equipping, and training requirements for the MQ–4C system;
2. A description of the baseline architecture of the mission support infrastructure required to support MQ–4C operations;
3. How the Navy plans to support and execute the TCPED processes;
4. How the Navy plans to support flying operations from either line-of-sight or beyond-line-of-sight locations;
5. How many aircraft the Navy plans to dedicate annually to the ISR Global Force Management Allocation Process of the DoD; and
6. How many hours of collection the MQ–4C will be able to provide annually in each of the intelligence disciplines for combatant commanders.

*MQ–25 unmanned air system*

Consistent with the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Comptroller General of the United States, no later than March 1, 2018, to provide the congressional intelligence and defense committees with a report on the Navy’s carrier based unmanned aircraft acquisition program(s), with specific focus on the MQ–25, that takes into account the revised capability development document. The report shall include:

1. The extent to which the program(s) have established cost, schedule, and performance goals, including test, production, and fielding plans; and
2. An assessment of program progress toward meeting those goals.

*E-8C Joint Surveillance and Target Attack Radar System*

Consistent with the committee report accompanying H.R. 2810, the HASC-passed FY 2018 NDAA (H. Rept. 115–200), the Committee directs the Secretary of the Air Force, no later than March 1, 2019, to provide to the congressional intelligence and defense committees a report that explains in detail all aspects of how and when the Air Force will transition from legacy Joint Surveillance and Target Attack Radar System (JSTARS) aircraft capability to JSTARS Recapitalization aircraft capability.

*Acceleration of Increment 2 of Warfighter Information Network-Tactical program*

Consistent with Section 111 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs the Secretary of the Army, no later than January 30, 2018, to submit to the congressional intelligence and defense committees a report detailing potential options for the acceleration of procurement and fielding of the Warfighter Information Network-Tactical Increment 2 program.

*Cost-benefit analysis of upgrades to MQ-9*

Consistent with Section 134 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs the Secretary of Defense, in coordination with the Secretary of the Air Force, within 180 days of enactment of this Act, to provide the congressional intelligence and defense committees an analysis that compares the costs and benefits of the following:

1. Upgrading fielded MQ-9 Reaper aircraft to a Block 5 configuration; and
2. Proceeding with the procurement of MQ-9B aircraft instead of upgrading fielded MQ-9 Reaper aircraft to a Block 5 configuration.

*Limitation on divestment of U-2 or RQ-4 aircraft*

The Committee recognizes that both piloted U-2 Dragon Lady and the remotely piloted RQ-4 Global Hawk fleets of aircraft provide essential and extremely sought after high-altitude airborne ISR capabilities for geographic combatant commanders. These platforms have been viewed as competitors for resources, with stakeholders trying to decide which should remain within the Air Force inventory for the long-term.

Although the U-2 and RQ-4 have differing attributes that may make one platform preferable depending on requirements, maintaining both platforms provides critical, complementary capabilities within DoD's portfolio of high-altitude ISR assets. Furthermore, retiring either aircraft would exacerbate an existing and significant capability shortfall in meeting combatant commanders' requirements.

The Committee expects the Secretary of the Air Force to continue current and future modernization efforts and upgrades for the U-

2 and RQ-4 to increase capability, generate synergy, and foster commonality within the high-altitude airborne ISR portfolio. The Committee discourages the Secretary of the Air Force or the Chief of Staff of the Air Force from planning in the future or proposing to Congress any aircraft retirement that would create an ISR capability deficit or capacity shortfalls from existing levels until a sufficient replacement reaches full operational capability.

Therefore, consistent with Section 1034 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs that none of the funds authorized to be appropriated by the Act, or otherwise made available for the DoD for any fiscal year before Fiscal Year 2024, may be obligated or expended to prepare to divest, place in storage, or place in a status awaiting further disposition of the possessing commander any U-2 or RQ-4 aircraft for the DoD. This prohibition shall not apply to an individual U-2 or RQ-4 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-returnable to flying service due to any mishap, other damage, or being uneconomical to repair.

*Nonconventional assisted recovery*

Consistent with Section 1053 of H.R. 2810, the HASC-passed FY 2018 NDAA, the Committee directs the Secretary of Defense, no later than March 1, 2018, to submit to the congressional intelligence and defense committees the written review and assessment of personnel recovery and nonconventional assisted recovery programs. The assessment shall include:

1. An overall strategy defining personnel recovery and nonconventional assisted recovery programs and activities, including how such programs and activities support the requirements of the geographic combatant commanders;
2. A comprehensive review and assessment of statutory authorities, policies, and interagency coordination mechanisms, including limitations and shortfalls, for personnel recovery and nonconventional assisted recovery programs and activities;
3. A comprehensive description of current and anticipated future personnel recovery and nonconventional assisted recovery requirements across the Future Years Defense Program, as validated by the Joint Staff; and
4. An overview of validated current and expected future force structure requirements necessary to meet near-, mid-, and long-term personnel recovery and nonconventional assisted recovery programs and activities of the geographic combatant commanders.

The Committee further directs the Comptroller General of the United States, within 90 days of the date on which the assessment is submitted, to submit to the congressional intelligence and defense committees a review of such assessment.

COMMITTEE CONSIDERATION AND ROLL CALL VOTES

On July 13, 2017, the Committee met in open session to consider H.R. 3180 and ordered the bill favorably reported.

In open session, the Committee considered an amendment in the nature of a substitute, offered by Mr. Nunes to H.R. 3180. The amendment was adopted by a voice vote.

Mr. Nunes then moved to make the classified Fiscal Year 2018 schedule of authorizations available for Members of the House to review. The motion was agreed to by a recorded vote of 21 ayes to 0 noes:

Voting aye: Mr. Nunes (Chairman), Mr. Conaway, Mr. King, Mr. LoBiondo, Ms. Ros-Lehtinen, Mr. Turner, Mr. Wenstrup, Mr. Stewart, Mr. Crawford, Mr. Gowdy, Ms. Stefanik, Mr. Hurd, Mr. Schiff, Mr. Himes, Ms. Sewell, Mr. Carson, Ms. Speier, Mr. Quigley, Mr. Swalwell, Mr. Castro, and Mr. Heck.

Voting no: None

The Committee then agreed to a motion by the Chairman to favorably report H.R. 3180, as amended, to the House, including by reference the classified schedules of authorizations. The motion was agreed to by a unanimous voice vote.

#### SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF AMENDMENT

##### *Section 1—Short title; table of contents*

Section 1 lists the title and table of contents of the Intelligence Authorization Act for Fiscal Year 2018 (the Act).

##### *Section 2—Definitions*

Section 2 defines the terms “congressional intelligence committees” and the “Intelligence Community” (IC) that will be used in the Act.

#### TITLE I—INTELLIGENCE ACTIVITIES

##### *Section 101—Authorization of appropriations*

Section 101 lists the U.S. Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2018.

##### *Section 102—Classified schedule of authorizations*

Section 102 provides that the amounts authorized to be appropriated for intelligence and intelligence-related activities and the personnel levels for Fiscal Year 2018 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

##### *Section 103—Personnel ceiling adjustments*

Section 103 provides that the Director of National Intelligence (DNI) may authorize employment of civilian personnel in Fiscal Year 2018 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

##### *Section 104—Intelligence Community Management Account*

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2018.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT  
AND DISABILITY SYSTEM

*Section 201—Authorization of appropriations*

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2018 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

*Section 202—Computation of annuities for employees of the Central Intelligence Agency*

Section 202 makes technical changes to the CIA Retirement Act to conform with various statutes governing the Civil Service Retirement System.

TITLE III—GENERAL PROVISIONS

*Section 301—Restriction on conduct of intelligence activities*

Section 301 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

*Section 302—Increase in employee compensation and benefits authorized by law*

Section 302 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

*Section 303—Congressional oversight of Intelligence Community contractors*

Section 303 prohibits the head of an element of the IC from prohibiting a contractor with such element from contacting or meeting with the congressional intelligence committees, conditioning such contacts or meetings on the element's prior approval, or taking any adverse action based on such contacts or meetings.

*Section 304—Enhanced personnel security programs*

Section 304 contains a technical correction to 5 U.S.C. 11001 that replaces “audit” with “review.”

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE  
INTELLIGENCE COMMUNITY

SUBTITLE A—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

*Section 401—Authority for protection of current and former employees of the Office of the Director of the National Intelligence*

Section 401 amends Section 5 of the CIA Act of 1949 to authorize the protection of current and former personnel of the Office of the Director of National Intelligence (ODNI) and their immediate families.

*Section 402—Designation of the Program Manager-Information Sharing Environment*

Section 402 makes technical changes to the Intelligence Reform and Terrorism Protection Act of 2004 to permit the DNI to designate the Program Manager-Information Sharing Environment (PM-ISE).

*Section 403—Technical correction to the executive schedule*

Section 403 makes a technical change to 5 U.S.C. 5313, by adding the Director of Counterintelligence and Security to the list of positions included at Level II of the Executive Schedule.

SUBTITLE B—OTHER ELEMENTS

*Section 411—Requirements relating to appointment of General Counsel of National Security Agency*

Section 411 requires the General Counsel of the National Security Agency (NSA) to be appointed by the President, by and with the advice and consent of the Senate. The change shall apply with respect to any person appointed after January 21, 2021.

*Section 412—Transfer or elimination of certain components and functions of the Defense Intelligence Agency*

Section 412 transfers and eliminates several DIA components and functions, while requiring reports as to other DIA components and functions.

*Section 413—Technical amendments related to the Department of Energy*

Section 413 makes technical changes in the Atomic Energy Defense Act and in the National Security Act of 1947 regarding references to the Department of Energy's Office of Intelligence and Counterintelligence.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

*Section 501—Assessment of significant Russian influence campaigns directed at foreign elections and referenda*

Section 501 requires the DNI to provide a report assessing past and ongoing Russian influence campaigns against foreign elections and referenda, to include a summary of the means by which such influence campaigns have been or are likely to be conducted, a summary of defenses against or responses to such Russian influence campaigns, a summary of IC activities to assist foreign governments against such campaigns, and an assessment of the effectiveness of such foreign defenses and responses.

*Section 502—Foreign counterintelligence and cybersecurity threats to federal election campaigns*

Section 502 requires the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis (I&A) and the Director of the Federal Bureau of Investigation, to publish regular public advisory reports on foreign counterintelligence and cybersecurity threats to federal election campaigns before those elections take place. Additional in-

formation may be provided to the appropriate representatives of campaigns if the FBI Director and the DHS Under Secretary for I&A jointly determine that an election campaign for federal office is subject to a heightened foreign counterintelligence or cybersecurity threat.

*Section 503—Assessment of threat finance relating to the Russian federation*

Section 503 requires the IC to conduct an assessment of Russia's threat finance activities globally, to include an assessment of trends or patterns in such threat finance activity, a summary of engagement with international partners on Russian threat finance, and an identification of any resource and collection gaps.

**TITLE VI—REPORTS AND OTHER MATTERS**

*Section 601—Period of overseas assignments for certain foreign service officers*

Section 601 optimizes various aspects of the assignment system for foreign service officers within the Department of State.

*Section 602—Semi-annual reports on investigations of unauthorized public disclosures of classified information*

Section 602 directs IC elements to submit a semi-annual report on the number of investigations opened and completed by each agency regarding an unauthorized public disclosure of classified information to the media, and the number of completed investigations referred to the Attorney General.

*Section 603—Intelligence community reports on security clearances*

Section 603 amends the National Security Act to require improved reporting on IC security clearance processing.

*Section 604—Report on expansion of security protective services jurisdiction*

Section 604 directs CIA to submit a report on the feasibility, justification, cost, and benefits of expanding CIA's protective services jurisdiction beyond the current limit of 500 feet from CIA's Headquarters Compound.

*Section 605—Report on the role of Director of National Intelligence with respect to certain foreign investments*

Section 605 directs the DNI to submit a report on ODNI's role in preparing analytic materials in connection with the U.S. Government's evaluation of national security risks associated with potential foreign investments.

*Section 606—Report on cyber exchange program*

Section 606 directs the DNI to submit a report on the potential establishment of a voluntary cyber exchange program between the IC and private technology companies.

*Section 607—Report on Intelligence Community participation in vulnerabilities equities process*

Section 607 directs the Inspector General of the IC to conduct a review of the process by which the IC and executive branch agencies determine whether, when, how, and to whom information about a vulnerability that is not publicly known will be shared with a non-federal entity or the public.

*Section 608—Review of Intelligence Community Whistleblower Matters*

Section 608 directs the IC IG, in consultations with the IGs of other IC agencies, to conduct a review of practices and procedures relating to IC whistleblower matters.

*Section 609—Sense of Congress on Notification of Certain Disclosures of Classified Information*

Section 609 expresses the sense of Congress that, pursuant to the requirement for the IC to keep the congressional intelligence committees “fully and currently informed” in Section 502 of the National Security Act, IC agencies must submit prompt written notification after becoming aware that an individual in the executive branch has disclosed certain classified information outside established intelligence channels to adversary foreign governments—North Korea, Iran, China, Russia, or Cuba.

#### OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held multiple hearings on the classified budgetary issues raised by H.R. 3180. The bill, as reported by the Committee, reflects conclusions reached by the Committee in light of this oversight activity.

#### GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of H.R. 3180 are to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2018. These activities enhance the national security of the United States, support and assist the armed forces of the United States, and support the President in the execution of the foreign policy of the United States.

The classified annex that accompanies this report reflects in great detail the Committee’s specific performance goals and objectives at the programmatic level with respect to classified programs.

#### UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. In compliance with this requirement, the Committee has received a letter from the Congressional Budget Office included herein.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 18, 2017.*

Hon. DEVIN NUNES,  
*Chairman, Permanent Select Committee on Intelligence,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3180, the Intelligence Authorization Act for Fiscal Year 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is William Ma.

Sincerely,

MARK P. HADLEY,  
(For Keith Hall).

Enclosure.

*H.R. 3180—Intelligence Authorization Act for Fiscal Year 2018*

Summary: H.R. 3180 would authorize appropriations for fiscal year 2018 for intelligence activities of the U.S. government, the Intelligence Community Management Account (ICMA), and the Central Intelligence Agency Retirement and Disability System (CIARDS). The bill also would modify other programs across the intelligence community.

CBO does not provide estimates for classified programs; therefore, this estimate addresses only the unclassified aspects of the bill. On that limited basis, CBO estimates that implementing the unclassified provisions of the bill would cost \$520 million over the 2018–2022 period, subject to appropriation of the specified amounts.

In addition, enacting the bill also would affect direct spending by making changes to CIARDS that would enhance the benefits offered to certain annuitants; therefore, pay-as-you procedures apply. However, CBO estimates that those effects would be less than \$500,000 over the 2018–2027 period.

CBO estimates that enacting H.R. 3180 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 3180 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary effect of H.R. 3180 is shown in the following table. The costs of this legislation fall within budget function 050 (national defense).

	By fiscal year, in millions of dollars—						2017– 2022
	2017	2018	2019	2020	2021	2022	
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Intelligence Community Management Account:							
Authorization Level .....	0	527	0	0	0	0	527
Estimated Outlays .....	0	343	148	18	8	3	520

Note: In addition to the budgetary effects shown above, enacting H.R. 3180 would increase direct spending by less than \$500,000 over the 2018–2027 period.

Basis of estimate: For this estimate, CBO assumes that H.R. 3180 will be enacted by the end of 2017, that the specified amounts will be appropriated, and that outlays will follow historical spending patterns for existing or similar programs.

*Spending subject to appropriation*

H.R. 3180 would authorize appropriations for the ICMA for fiscal year 2018 and would make other changes.

Intelligence Community Management Account. Section 104 would authorize the appropriation of \$527 million for fiscal year 2018 for the ICMA. That amount is about 2 percent higher than the \$516 million appropriated for that account for fiscal year 2017. The ICMA is the principal source of funding for the Office of the Director of National Intelligence and for managing the intelligence agencies. CBO estimates that implementing section 104 would cost \$520 million over the 2018–2022 period.

Defense Intelligence Agency Responsibilities. Section 412 would require certain functions currently performed by the Defense Intelligence Agency (DIA) to be transferred to the Director of National Intelligence or other elements within the Department of Defense. The bill also would eliminate other responsibilities of the DIA. On the basis of information about the number of personnel currently performing the activities that would be affected by this section, CBO estimates that once those activities are transferred, only a small number of them would need to move from their current work location to another location within the National Capital Region. Any costs incurred from those moves, however, would be offset by the savings from the day-to-day operating budgets of the eliminated functions. On net, CBO estimates that implementing this section would have a negligible effect on spending subject to appropriation over the 2018–2022 period.

*Direct spending*

H.R. 3180 would make changes to CIARDS that would enhance the benefits offered to certain annuitants and authorize appropriations for 2018.

CIARDS Benefits Adjustments. Section 202 would make a number of changes to CIARDS to align the benefits offered to employees, retirees, or survivors under CIARDS with the benefits currently offered to employees, retirees, or survivors under the Civil Service Retirement System. For example, the bill would alter the way retirement benefits are calculated for employees who worked for the CIA before April, 7, 1986, and, at some point during their career, worked on a part-time basis. The bill also would allow married employees retiring under CIARDS after enactment to provide a survivor annuity to someone with an insurable interest. (An insurable interest exists when an individual derives financial benefit from the retiring employee continuing to be alive.) On the basis of information from the CIA, CBO estimates that only a small number of individuals would benefit from the changes in section 202 and that the net increase in direct spending from enacting the section would be less than \$500,000 over the 2018–2027 period.

CIARDS Fund Payment. Section 201 would authorize the appropriation of \$514 million for CIARDS for fiscal year 2018 to maintain the proper funding level for operating that retirement and dis-

ability system. Appropriations to CIARDS are treated as direct spending in the budget and are projected to continue in CBO's baseline. Therefore, CBO does not ascribe any additional cost to enacting this provision.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 3180 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: H.R. 3180 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: William Ma; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Paige Piper-Bach.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### STATEMENT ON CONGRESSIONAL EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee states that the bill as reported contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

#### CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT

\* \* \* \* \*

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

\* \* \* \* \*

#### Part C—Computation of Annuities

##### SEC. 221. COMPUTATION OF ANNUITIES.

(a) ANNUITY OF PARTICIPANT.—

(1) COMPUTATION OF ANNUITY.—The annuity of a participant is the product of—

(A) the participant's high-3 average pay (as defined in paragraph (4)); and

(B) the number of years, not exceeding 35, of service credit (determined in accordance with sections 251 and 252) multiplied by 2 percent.

(2) CREDIT FOR UNUSED SICK LEAVE.—The total service of a participant who retires on an immediate annuity (except under section 231) or who dies leaving a survivor or survivors entitled to an annuity shall include (without regard to the 35-year limitation prescribed in paragraph (1)) the days of unused sick leave to the credit of the participant. Days of unused sick leave may not be counted in determining average basic pay or eligibility for an annuity under this title. A deposit shall not be required for days of unused sick leave credited under this paragraph.

(3) CREDITING OF PART-TIME SERVICE.—

(A) IN GENERAL.—In the case of a participant whose service includes service on a part-time basis performed after April 6, 1986, the participant's annuity shall be the sum of the amounts determined under subparagraphs (B) and (C).

(B) COMPUTATION OF PRE-APRIL 7, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service before April 7, 1986, shall be the amount computed under paragraph (1) using the participant's length of service before that date (increased by the unused sick leave to the credit of the participant at the time of retirement) and the participant's high-3 average pay<sup>[.]</sup>, as determined by using the annual rate of basic pay that would be payable for full-time service in that position.

(C) COMPUTATION OF POST-APRIL 6, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service after April 6, 1986, shall be the product of—

(i) the amount computed under paragraph (1), using the participant's length of service after that date and the participant's high-3 average pay, as determined by using the annual rate of basic pay that would be payable for full-time service; and

(ii) the ratio which the participant's actual service after April 6, 1986 (as determined by prorating the participant's total service after that date to reflect the service that was performed on a part-time basis) bears to the total service after that date that would be creditable for the participant if all the service had been performed on a full-time basis.

(D) TREATMENT OF EMPLOYMENT ON TEMPORARY OR INTERMITTENT BASIS.—Employment on a temporary or intermittent basis shall not be considered to be service on a part-time basis for purposes of this paragraph.

(4) HIGH-3 AVERAGE PAY DEFINED.—For purposes of this subsection, a participant's high-3 average pay is the amount of the participant's average basic pay for the highest 3 consecutive years of the participant's service for which full contributions have been made to the fund.

(5) COMPUTATION OF SERVICE.—In determining the aggregate period of service upon which an annuity is to be based, any fractional part of a month shall not be counted.

(b) SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

(1) REDUCTION IN PARTICIPANT'S ANNUITY TO PROVIDE SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

(A) GENERAL RULE.—Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 55), the participant shall receive a reduced annuity and provide a survivor annuity for the participant's spouse under this subsection or former spouse under section 222(b), or a combination of such annuities, as the case may be.

(B) JOINT ELECTION FOR WAIVER OR REDUCTION OF SPOUSE SURVIVOR ANNUITY.—A married participant or former participant and the participant's spouse may jointly elect in writing at the time of retirement to waive a survivor annuity for that spouse under this section or to reduce such survivor annuity under this section by designating a portion of the annuity of the participant as the base for the survivor annuity. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

(C) JOINT ELECTION OF PARTICIPANT AND FORMER SPOUSE.—If a participant or former participant has a former spouse, such participant and the participant's former spouse may jointly elect by spousal agreement under section 264(b) to waive, reduce, or increase a survivor annuity under section 222(b) for that former spouse. Any such election must be made (i) before the end of the [12-month] 2-year period beginning on the date on which the divorce or annulment involving that former spouse becomes final, or (ii) at the time of retirement of the participant, whichever is later.

(D) UNILATERAL ELECTIONS IN ABSENCE OF SPOUSE OR FORMER SPOUSE.—The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

(2) AMOUNT OF REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity of a participant or former participant providing a survivor annuity under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first \$3,600 plus 10 percent of any amount over \$3,600.

The reduction under this paragraph shall be calculated before any reduction under section 222(a)(5).

(3) AMOUNT OF SURVIVING SPOUSE ANNUITY.—

(A) IN GENERAL.—If a retired participant receiving a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse. The amount of the annuity shall be equal to 55 percent of (i) the full amount of the participant's annuity computed under subsection (a), or (ii) any lesser amount elected as the base for the survivor annuity under paragraph (1)(B).

(B) LIMITATION.—Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the retired participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor annuities which remains available under section 222(b)(4)(B).

(C) EFFECTIVE DATE AND TERMINATION OF ANNUITY.—An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the retired participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 55. If such survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

(c) 18-MONTH OPEN PERIOD AFTER RETIREMENT TO PROVIDE SPOUSE COVERAGE.—

(1) SURVIVOR ANNUITY ELECTIONS.—

(A) ELECTION WHEN SPOUSE COVERAGE WAIVED AT TIME OF RETIREMENT.—A participant or former participant who retires after March 31, 1992 and who—

(i) is married at the time of retirement; and

(ii) elects at that time (in accordance with subsection

(b)) to waive a survivor annuity for the spouse, may, during the 18-month period beginning on the date of the retirement of the participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for the participant's spouse.

(B) ELECTION WHEN REDUCED SPOUSE ANNUITY ELECTED.—A participant or former participant who retires after March 31, 1992, and—

(i) who, at the time of retirement, is married, and

(ii) who, at that time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

(2) DEPOSIT REQUIRED.—

(A) REQUIREMENT.—An election under paragraph (1) shall not be effective unless the amount specified in subparagraph (B) is deposited into the fund before the end of that 18-month period.

(B) AMOUNT OF DEPOSIT.—The amount to be deposited with respect to an election under this subsection is the amount equal to the sum of the following:

(i) ADDITIONAL COST TO SYSTEM.—The additional cost to the system that is associated with providing a survivor annuity under subsection (b) and that results from such election, taking into account—

(I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity; and

(II) the costs associated with providing for the later election.

(ii) INTEREST.—Interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

(3) VOIDING OF PREVIOUS ELECTIONS.—An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

(4) REDUCTIONS IN ANNUITY.—An annuity that is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

(5) RIGHTS AND OBLIGATIONS RESULTING FROM REDUCED ANNUITY ELECTION.—Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations that would have resulted had the participant involved elected such annuity at the time of retirement.

(d) ANNUITIES FOR SURVIVING CHILDREN.—

(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a retired participant who died before April 1, 1992, and who is survived by a child or children—

(A) if the retired participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

(B) if the retired participant was not survived by a spouse, there shall be paid from the fund to or on behalf

of each such surviving child an annuity determined under paragraph (3)(B).

(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a retired participant who dies on or after April 1, 1992, and who is survived by a child or children—

(A) if the retired participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

(B) if the retired participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

(3) AMOUNT OF ANNUITY.—

(A) The annual amount of an annuity for the surviving child of a participant covered by paragraph (1)(A) or (2)(A) of this subsection (or covered by paragraph (1)(A) or (2)(A) of section 232(c)) is the smallest of the following:

(i) 60 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

(ii) \$900, as adjusted under section 291.

(iii) \$2,700, as adjusted under section 291, divided by the number of children.

(B) The amount of an annuity for the surviving child of a participant covered by paragraph (1)(B) or (2)(B) of this subsection (or covered by paragraph (1)(B) or (2)(B) of section 232(c)) is the smallest of the following:

(i) 75 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

(ii) \$1,080, as adjusted under section 291.

(iii) \$3,240, as adjusted under section 291, divided by the number of children.

(4) RECOMPUTATION OF CHILD ANNUITIES.—

(A) In the case of a child annuity payable under paragraph (1), upon the death of a surviving spouse or the termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse or child had not survived the retired participant.

(B) In the case of a child annuity payable under paragraph (2), upon the death of a surviving spouse or former spouse or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the retired participant. If the annuity of a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities of all currently eligible children were then being initiated.

(5) DEFINITION OF FORMER SPOUSE.—For purposes of this subsection, the term “former spouse” includes any former wife or husband of the retired participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

(e) COMMENCEMENT AND TERMINATION OF CHILD ANNUITIES.—

(1) COMMENCEMENT.—An annuity payable to a child under subsection (d), or under section 232(c), shall begin on the day after the date on which the participant or retired participant dies or, in the case of an individual over the age of 18 who is not a child within the meaning of section 102(b), shall begin or resume on the first day of the month in which the individual later becomes or again becomes a student as described in section 102(b). Such annuity may not commence until any lump-sum that has been paid is returned to the fund.

(2) TERMINATION.—Such an annuity shall terminate on the last day of the month before the month in which the recipient of the annuity dies or no longer qualifies as a child (as defined in section 102(b)).

(f) PARTICIPANTS NOT MARRIED AT TIME OF RETIREMENT.—

(1) DESIGNATION OF PERSONS WITH INSURABLE INTEREST.—

(A) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under sections 221(b) and 222, at the time of retirement an unmarried participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subparagraph (B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant’s death. The amount of such an annuity shall be equal to 55 percent of the participant’s reduced annuity.

(B) REDUCTION IN PARTICIPANT’S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

(C) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

(D) RECOMPUTATION OF PARTICIPANT’S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this paragraph shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.

(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT MARRIAGE.—A participant who is unmarried at the time of retirement and who later marries may irrevocably elect, in a signed writing received by the Director within **[one year]** *two years* after the marriage, to receive a reduced annuity as provided in section 221(b). Such election and reduction shall be effective on

the first day of the month beginning 9 months after the date of marriage. The election voids prospectively any election previously made under paragraph (1).

(g) EFFECT OF DIVORCE AFTER RETIREMENT.—

(1) RECOMPUTATION OF RETIRED PARTICIPANT'S ANNUITY UPON DIVORCE.—An annuity which is reduced under this section (or any similar prior provision of law) to provide a survivor annuity for a spouse shall, if the marriage of the retired participant to such spouse is dissolved, be recomputed and paid for each full month during which a retired participant is not married (or is remarried, if there is no election in effect under paragraph (2)) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor annuity under subsection (b) or (c) of section 222 or under section 226.

(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT REMARRIAGE.—

(A) IN GENERAL.—Upon remarriage, the retired participant may irrevocably elect, by means of a signed writing received by the Director within **[one year]** *two years* after such remarriage, to receive a reduced annuity for the purpose of providing an annuity for the new spouse of the retired participant in the event such spouse survives the retired participant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5) or elected under subparagraph (B)).

(B) WHEN ANNUITY PREVIOUSLY NOT (OR NOT FULLY) REDUCED.—

(i) ELECTION.—If the retired participant's annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement, the retired participant may make an election under the first sentence of subparagraph (A) upon remarriage to a spouse other than the spouse at the time of retirement. For any remarriage that occurred before August 14, 1991, the retired participant may make such an election within 2 years after such date.

(ii) DEPOSIT REQUIRED.—

(I) The retired participant shall, within **[one year]** *two years* after the date of the remarriage (or by August 14, 1993 for any remarriage that occurred before August 14, 1991), deposit in the fund an amount determined by the Director, as nearly as may be administratively feasible, to reflect the amount by which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced, plus interest.

(II) The annual rate of interest for each year during which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced shall be 6 percent.

(III) If the retired participant does not make the deposit, the Director shall collect such amount by offset against the participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the retired participant, and the retired participant is deemed to consent to such offset.

(IV) The deposit required by this subparagraph may be made by the surviving spouse of the retired participant.

(C) EFFECTS OF ELECTION.—An election under this paragraph and the reduction in the participant's annuity shall be effective on the first day of the month beginning 9 months after the date of remarriage. A survivor annuity elected under this paragraph shall be treated in all respects as a survivor annuity under subsection (b).

(h) *CONDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.*—

(1) *AUTHORITY TO MAKE DESIGNATION.*—*Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant's death, except that any such election to provide an insurable interest survivor annuity to the participant's spouse shall only be effective if the participant's spouse waives the spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant's reduced annuity.*

(2) *REDUCTION IN PARTICIPANT'S ANNUITY.*—*The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.*

(3) *COMMENCEMENT OF SURVIVOR ANNUITY.*—*The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.*

(4) *RECOMPUTATION OF PARTICIPANT'S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.*—*An annuity which is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.*

[(h)] (i) *COORDINATION OF ANNUITIES.*—

(1) *SURVIVING SPOUSE.*—*A surviving spouse whose survivor annuity was terminated because of remarriage before attaining age 55 shall not be entitled under subsection (b)(3)(C) to the restoration of that survivor annuity payable from the fund unless the surviving spouse elects to receive it instead of any other survivor annuity to which the surviving spouse may be*

entitled under the system or any other retirement system for Government employees by reason of the remarriage.

(2) **FORMER SPOUSE.**—A surviving former spouse of a participant or retired participant shall not become entitled under section 222(b) or 224 to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the surviving former spouse elects to receive it instead of any other survivor annuity to which the surviving former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

(3) **SURVIVING SPOUSE OF POST-RETIREMENT MARRIAGE.**—A surviving spouse who married a participant after the participant's retirement shall be entitled to a survivor annuity payable from the fund only upon electing that annuity instead of any other survivor annuity to which the surviving spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the retired participant.

**[(i)] (j) SUPPLEMENTAL SURVIVOR ANNUITIES.**—

(1) **SPOUSE OF RECALLED ANNUITANT.**—A married recalled annuitant who reverts to retired status with entitlement to a supplemental annuity under section 271(b) shall, unless the annuitant and the annuitant's spouse jointly elect in writing to the contrary at the time of reversion to retired status, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for the annuitant's spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant.

(2) **REGULATIONS.**—The Director shall prescribe regulations to provide for the application of paragraph (1) of this subsection and of subsection (b) of section 271 in any case in which an annuitant has a former spouse who was married to the recalled annuitant at any time during the period of recall service and who qualifies for an annuity under section 222(b).

**[(j)] (k) OFFSET OF ANNUITIES BY AMOUNT OF SOCIAL SECURITY BENEFIT.**—Notwithstanding any other provision of this title, an annuity (including a disability annuity) payable under this title to an individual described in sections 211(d)(1) and 301(c)(1) and any survivor annuity payable under this title on the basis of the service of such individual shall be reduced in a manner consistent with section 8349 of title 5, United States Code, under conditions consistent with the conditions prescribed in that section.

**[(k)] (l) INFORMATION FROM OTHER AGENCIES.**—

(1) **OTHER AGENCIES.**—For the purpose of ensuring the accuracy of the information used in the determination of eligibility for and the computation of annuities payable from the fund under this title, at the request of the Director—

(A) the Secretary of Defense shall provide information on retired or retainer pay paid under title 10, United States Code;

(B) the Secretary of Veterans Affairs shall provide information on pensions or compensation paid under title 38, United States Code;

(C) the Secretary of Health and Human Services shall provide information contained in the records of the Social Security Administration; and

(D) the Secretary of Labor shall provide information on benefits paid under subchapter I of chapter 81 of title 5, United States Code.

(2) LIMITATION ON INFORMATION REQUESTED.—The Director shall request only such information as the Director determines is necessary.

(3) LIMITATION ON USES OF INFORMATION.—The Director, in consultation with the officials from whom information is requested, shall ensure that information made available under this subsection is used only for the purposes authorized.

[(1)] (m) INFORMATION ON RIGHTS UNDER THE SYSTEM.—The Director shall, on an annual basis—

(1) inform each retired participant of the participant's right of election under subsections (c), (f)(2), and (g); and

(2) to the maximum extent practicable, inform spouses and former spouses of participants, former participants, and retired participants of their rights under this Act.

**SEC. 222. ANNUITIES FOR FORMER SPOUSES.**

(a) FORMER SPOUSE SHARE OF PARTICIPANT'S ANNUITY.—

(1) PRO RATA SHARE.—Unless otherwise expressly provided by a spousal agreement or court order under section 264(b), a former spouse of a participant, former participant, or retired participant is entitled to an annuity—

(A) if married to the participant, former participant, or retired participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

(B) if not married to the participant throughout such creditable service, equal to that proportion of 50 percent of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse is not qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

(3) COMMENCEMENT OF ANNUITY.—The annuity of a former spouse under this subsection commences on the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or on the first day of the month after the divorce or annulment involved becomes final, whichever is later.

(4) TERMINATION OF ANNUITY.—The annuity of such former spouse and the right thereto terminate on—

(A) the last day of the month before the month in which the former spouse dies or remarries before 55 years of age; or

(B) the date on which the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

## (5) TREATMENT OF PARTICIPANT'S ANNUITY.—

(A) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating—

(i) the survivor annuity for any spouse, former spouse, or other survivor under this title; and

(ii) any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or under section 221(b).

(B) TREATMENT WHEN ANNUITANT RETURNS TO SERVICE.—If an annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered disability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

## (6) DISABILITY ANNUITANT.—Notwithstanding paragraph (3), in the case of a former spouse of a disability annuitant—

(A) the annuity of that former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than a disability annuity) or the date on which the disability annuity begins, whichever is later, and

(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

## (7) ELECTION OF BENEFITS.—A former spouse of a participant, former participant, or retired participant shall not become entitled under this subsection to an annuity payable from the fund unless the former spouse elects to receive it instead of any survivor annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

## (8) LIMITATION IN CASE OF MULTIPLE FORMER SPOUSE ANNUITIES.—No spousal agreement or court order under section 264(b) involving a participant may provide for an annuity or a combination of annuities under this subsection that exceeds the annuity of the participant.

## (b) FORMER SPOUSE SURVIVOR ANNUITY.—

(1) PRO RATA SHARE.—Subject to any election under section 221(b)(1)(B) and (C) and unless otherwise expressly provided by a spousal agreement or court order under section 264(b), if an annuitant is survived by a former spouse, the former spouse shall be entitled—

(A) if married to the annuitant throughout the creditable service of the annuitant, to a survivor annuity equal to 55

percent of the unreduced amount of the annuitant's annuity, as computed under section 221(a); and

(B) if not married to the annuitant throughout such creditable service, to a survivor annuity equal to that proportion of 55 percent of the unreduced amount of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

(3) COMMENCEMENT, TERMINATION, AND RESTORATION OF ANNUITY.—An annuity payable from the fund under this title to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

(4) SURVIVOR ANNUITY AMOUNT.—

(A) MAXIMUM AMOUNT.—The maximum survivor annuity or combination of survivor annuities under this subsection (and section 221(b)(3)) with respect to any participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

(B) LIMITATION ON OTHER SURVIVOR ANNUITIES BASED ON SERVICE OF SAME PARTICIPANT.—Once a survivor annuity has been provided under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided under this subsection (or section 221(b)(3)) with respect to the participant only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

(C) FINALITY OF COURT ORDER UPON DEATH OF PARTICIPANT.—After the death of a participant or retired participant, a court order under section 264(b) may not adjust the amount of the annuity of a former spouse of that participant or retired participant under this section.

(5) EFFECT OF TERMINATION OF FORMER SPOUSE ENTITLEMENT.—

(A) RECOMPUTATION OF PARTICIPANT'S ANNUITY.—If a former spouse of a retired participant dies or remarries before attaining age 55, the annuity of the retired participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid, effective on the first day of the month beginning after such death or remarriage, as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

(B) ELECTION OF SPOUSE ANNUITY.—Subject to paragraph (4)(B), the participant may elect in writing within **[one year]** *two years* after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

(c) OPTIONAL ADDITIONAL SURVIVOR ANNUITIES FOR OTHER FORMER SPOUSE OR SURVIVING SPOUSE.—

(1) IN GENERAL.—In the case of any participant providing a survivor annuity under subsection (b) for a former spouse—

(A) such participant may elect, or

(B) a spousal agreement or court order under section 264(b) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Director.

(2) LIMITATION.—Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, may exceed 55 percent of the unreduced amount of the participant's annuity, as computed under section 221(a).

(3) CONTRIBUTION FOR ADDITIONAL ANNUITIES.—

(A) PROVISION OF ADDITIONAL SURVIVOR ANNUITY.—In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection—

(i) by a reduction in the annuity or an allotment from the basic pay of the participant;

(ii) by a lump-sum payment or installment payments to the fund; or

(iii) by any combination thereof.

(B) ACTUARIAL EQUIVALENCE TO BENEFIT.—The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

(C) EFFECT OF FORMER SPOUSE'S DEATH OR DISQUALIFICATION.—If a former spouse predeceases the participant or remarries before attaining age 55 (or, in the case of a spouse, the spouse predeceases the participant or does not qualify as a former spouse upon dissolution of the marriage)—

(i) if an annuity reduction or pay allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the pay allotment terminated, as the case may be; and

(ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial

cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

(D) RECOMPUTATION UPON DEATH OR REMARRIAGE OF FORMER SPOUSE.—Under regulations prescribed by the Director, an annuity shall be recomputed (or a pay allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 55 and an increased annuity is provided for that spouse in accordance with this section.

(4) COMMENCEMENT AND TERMINATION OF ADDITIONAL SURVIVOR ANNUITY.—An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the spouse’s or the former spouse’s death or remarriage before attaining age 55.

(5) NONAPPLICABILITY OF COLA PROVISION.—Section 291 does not apply to an annuity under this subsection, unless authorized under regulations prescribed by the Director.

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## Part D—Benefits Accruing to Certain Participants

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### SEC. 232. DEATH IN SERVICE.

(a) RETURN OF CONTRIBUTIONS WHEN NO ANNUITY PAYABLE.—If a participant dies and no claim for an annuity is payable under this title, the participant’s lump-sum credit and any voluntary contributions made under section 281, with interest, shall be paid in the order of precedence shown in section 241(c).

(b) SURVIVOR ANNUITY FOR SURVIVING SPOUSE OR FORMER SPOUSE.—

(1) IN GENERAL.—If a participant dies before separation or retirement from the Agency and is survived by a spouse or by a former spouse qualifying for a survivor annuity under section 222(b), such surviving spouse shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this title. The annuity of such surviving spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the death or remarriage before attaining age 55 of the surviving spouse or former spouse (subject to the payment and restoration provisions of sections 221(b)(3)(C), [221(h),] 221(i), and 222(b)(3)).

(2) COMPUTATION.—The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's high-3 average pay, or (B) the sum obtained under such section after increasing the participant's length of service by the difference between the participant's age at the time of death and age 60.

(3) LIMITATION.—Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a surviving spouse under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B).

(4) PRECEDENCE OF SECTION 224 SURVIVOR ANNUITY OVER DEATH-IN-SERVICE ANNUITY.—If a former spouse who is eligible for a death-in-service annuity under this section is or becomes eligible for an annuity under section 224, the annuity provided under this section shall not be payable and shall be superseded by the annuity under section 224.

(c) ANNUITIES FOR SURVIVING CHILDREN.—

(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a participant who before April 1, 1992, died before separation or retirement from the Agency and who was survived by a child or children—

(A) if the participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

(B) if the participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a participant who on or after April 1, 1992, dies before separation or retirement from the Agency and who is survived by a child or children—

(A) if the participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

(B) if the participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

(3) FORMER SPOUSE DEFINED.—For purposes of this subsection, the term "former spouse" includes any former wife or husband of a participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

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## Part F—Period of Service for Annuities

\* \* \* \* \*

### SEC. 252. PRIOR SERVICE CREDIT.

(a) **IN GENERAL.**—A participant may, subject to the provisions of this section, include in the participant's period of service—

(1) civilian service in the Government before becoming a participant that would be creditable toward retirement under subchapter III of chapter 83 of title 5, United States Code (as determined under section 8332(b) of such title); and

(2) honorable active service in the Armed Forces before the date of the separation upon which eligibility for an annuity is based, or honorable active service in the Regular or Reserve Corps of the Public Health Service after June 30, 1960, or as a commissioned officer of the National Oceanic and Atmospheric Administration after June 30, 1961.

(b) **LIMITATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the total service of any participant shall exclude—

(A) any period of civilian service on or after October 1, 1982, for which retirement deductions or deposits have not been made,

(B) any period of service for which a refund of contributions has been made, or

(C) any period of service for which contributions were not transferred pursuant to subsection (c)(1);

unless the participant makes a deposit to the fund in an amount equal to the percentages of basic pay received for such service as specified in the table contained in section 8334(c) of title 5, United States Code, together with interest computed in accordance with section 8334(e) of such title. The deposit may be made in one or more installments (including by allotment from pay), as determined by the Director.

(2) **EFFECT OF RETIREMENT DEDUCTIONS NOT MADE.**—If a participant has not paid a deposit for civilian service performed before October 1, 1982, for which retirement deductions were not made, such participant's annuity shall be reduced by 10 percent of the deposit described in paragraph (1) remaining unpaid, unless the participant elects to eliminate the service involved for the purpose of the annuity computation.

(3) **EFFECT OF REFUND OF RETIREMENT CONTRIBUTIONS.**—A participant who received a refund of retirement contributions under this or any other retirement system for Government employees covering service for which the participant may be allowed credit under this title may deposit the amount received, with interest computed under paragraph (1). Credit may not be allowed for the service covered by the refund until the deposit is made, except that a participant who—

(A) separated from Government service before **【October 1, 1990】** *March 31, 1991*, and received a refund of the participant's retirement contributions covering a period of service ending before **【October 1, 1990】** *March 31, 1991*;

(B) is entitled to an annuity under this title (other than a disability annuity) which commences after December 1, 1992; and

(C) does not make the deposit required to receive credit for the service covered by the refund; shall be entitled to an annuity actuarially reduced in accordance with section 8334(d)(2)(B) of title 5, United States Code.

(4) ENTITLEMENT UNDER ANOTHER SYSTEM.—Credit toward retirement under the system shall not be allowed for any period of civilian service on the basis of which the participant is receiving (or will in the future be entitled to receive) an annuity under another retirement system for Government employees, unless the right to such annuity is waived and a deposit is made under paragraph (1) covering that period of service, or a transfer is made pursuant to subsection (c).

(c) TRANSFER FROM OTHER GOVERNMENT RETIREMENT SYSTEMS.—

(1) IN GENERAL.—If an employee who is under another retirement system for Government employees becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) under such retirement system on behalf of the employee as well as such employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the employee's credit in the fund effective as of the date such employee becomes a participant in the system.

(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered before becoming a participant in the system.

(3) ADDITIONAL CONTRIBUTIONS; REFUNDS.—A participant whose contributions are transferred pursuant to paragraph (1) shall not be required to make additional contributions for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 8334(c) of title 5, United States Code, for contributions to the fund.

(d) TRANSFER TO OTHER GOVERNMENT RETIREMENT SYSTEMS.—

(1) IN GENERAL.—If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) to the fund on the participant's behalf as well as the participant's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the participant's credit in the fund of such other retirement system effective as of the date on which the

participant becomes eligible to participate in such other retirement system.

(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered before the participant's becoming eligible for participation in that other system.

(e) PRIOR MILITARY SERVICE CREDIT.—

(1) APPLICATION TO OBTAIN CREDIT.—If a deposit required to obtain credit for prior military service described in subsection (a)(2) was not made to another Government retirement fund and transferred under subsection (c)(1), the participant may obtain credit for such military service, subject to the provisions of this subsection and subsections (f) through (h), by applying for it to the Director before retirement or separation from the Agency.

(2) EMPLOYMENT STARTING BEFORE, ON, OR AFTER OCTOBER 1, 1982.—Except as provided in paragraph (3)—

(A) the service of a participant who first became a Federal employee before October 1, 1982, shall include credit for each period of military service performed before the date of separation on which entitlement to an annuity under this title is based, subject to section 252(f); and

(B) the service of a participant who first becomes a Federal employee on or after October 1, 1982, shall include credit for—

(i) each period of military service performed before January 1, 1957, and

(ii) each period of military service performed after December 31, 1956, and before the separation on which entitlement to an annuity under this title is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in subsection (h).

(3) EFFECT OF RECEIPT OF MILITARY RETIRED PAY.—In the case of a participant who is entitled to retired pay based on a period of military service, the participant's service may not include credit for such period of military service unless the retired pay is paid—

(A) on account of a service-connected disability—

(i) incurred in combat with an enemy of the United States; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in section 1101 of title 38, United States Code); or

(B) under chapter 67 of title 10, United States Code.

(4) SURVIVOR ANNUITY.—Notwithstanding paragraph (3), the survivor annuity of a survivor of a participant—

(A) who was awarded retired pay based on any period of military service, and

(B) whose death occurs before separation from the Agency,

shall be computed in accordance with section 8332(c)(3) of title 5, United States Code.

(f) EFFECT OF ENTITLEMENT TO SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section (except paragraph (3) of this subsection) or section 253, any military service (other than military service covered by military leave with pay from a civilian position) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service on which an annuity payable under this title to such participant or to the participant's spouse, former spouse, previous spouse, or child is based, if such participant, spouse, former spouse, previous spouse, or child is entitled (or would upon proper application be entitled), at the time of such determination, to monthly old-age or survivors' insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402), based on such participant's wages and self-employment income. If the military service is not excluded under the preceding sentence, but upon attaining age 62, the participant or spouse, former spouse, or previous spouse becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service on which the annuity is based shall be redetermined, effective as of the first day of the month in which the participant or spouse, former spouse, or previous spouse attains age 62, so as to exclude such service.

(2) LIMITATION.—The provisions of paragraph (1) relating to credit for military service do not apply to—

(A) any period of military service of a participant with respect to which the participant has made a deposit with interest, if any, under subsection (h); or

(B) the military service of any participant described in subsection (e)(2)(B).

(3) EFFECT OF ENTITLEMENT BEFORE SEPTEMBER 8, 1982.—(A) The annuity recomputation required by paragraph (1) shall not apply to any participant who was entitled to an annuity under this title on or before September 8, 1982, or who is entitled to a deferred annuity based on separation from the Agency occurring on or before such date. Instead of an annuity recomputation, the annuity of such participant shall be reduced at age 62 by an amount equal to a fraction of the participant's old-age or survivors' insurance benefits under section 202 of the Social Security Act. The reduction shall be determined by multiplying the participant's monthly Social Security benefit by a fraction, the numerator of which is the participant's total military wages and deemed additional wages (within the meaning of section 229 of the Social Security Act (42 U.S.C. 429)) that were subject to Social Security deductions and the denominator of which is the total of all the participant's wages, including military wages, and all self-employment income that were subject to Social Security deductions before the calendar year in which the determination month occurs.

(B) The reduction determined in accordance with subparagraph (A) shall not be greater than the reduction that would be required under paragraph (1) if such paragraph applied to the participant. The new formula shall be applicable to any an-

nuity payment payable after October 1, 1982, including annuity payments to participants who had previously reached age 62 and whose annuities had already been recomputed.

(C) For purposes of this paragraph, the term “determination month” means—

(i) the first month for which the participant is entitled to old-age or survivors’ insurance benefits (or would be entitled to such benefits upon application therefor); or

(ii) October 1982, in the case of any participant entitled to such benefits for that month.

(g) DEPOSITS PAID BY SURVIVORS.—For the purpose of survivor annuities, deposits authorized by subsections (b) and (h) may also be made by the survivor of a participant.

(h)(1)(A) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of military service after December 1956; except, the amount to be paid for military service performed beginning on January 1, 1999, through December 31, 2000, shall be as follows:

7.25 percent of basic pay.	January 1, 1999, to December 31, 1999.
7.4 percent of basic pay.	January 1, 2000, to December 31, 2000.

(B) The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide or, if the Director determines sufficient evidence has not been provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Director under paragraph (4).

(2) Any deposit made under paragraph (1) more than two years after the later of—

(A) October 1, 1983, or

(B) the date on which the participant making the deposit first becomes an employee of the Federal Government, shall include interest on such amount computed and compounded annually beginning on the date of expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e) of title 5, United States Code.

(3) Any payment received by the Director under this subsection shall be deposited in the Treasury of the United States to the credit of the fund.

(4) The provisions of section [221(k)] 221(l) shall apply with respect to such information as the Director determines to be necessary for the administration of this subsection in the same manner that such section applies concerning information described in that section.

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## Part H—Retired Participants Recalled, Reinstated, or Reappointed in the Agency or Reemployed in the Government

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### SEC. 273. REEMPLOYMENT COMPENSATION.

(a) DEDUCTION FROM BASIC PAY.—An annuitant who has retired under this title and who is reemployed in the Federal Government service in any appointive position (either on a part-time or full-time basis) shall be entitled to receive the annuity payable under this title, but there shall be deducted from the annuitant's basic pay a sum equal to the annuity allocable to the period of actual employment.

(b) PART-TIME REEMPLOYED ANNUITANTS.—*The Director shall have the authority to reemploy an annuitant in a part-time basis in accordance with section 8344(l) of title 5, United States Code.*

[(b)] (c) RECOVERY OF OVERPAYMENTS.—In the event of an overpayment under this section, the amount of the overpayment shall be recovered by withholding the amount involved from the basic pay payable to such reemployed annuitant or from any other moneys, including the annuitant's annuity, payable in accordance with this title.

[(c)] (d) DEPOSIT IN THE FUND.—Sums deducted from the basic pay of a reemployed annuitant under this section shall be deposited in the Treasury of the United States to the credit of the fund.

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## CENTRAL INTELLIGENCE AGENCY ACT OF 1949

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### GENERAL AUTHORITIES

SEC. 5. (a) IN GENERAL.—In the performance of its functions, the Central Intelligence Agency is authorized to—

(1) Transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget, for the performance of any of the functions or activities authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this Act without regard to limitations of appropriations from which transferred;

(2) Exchange funds without regard to section 3651 Revised Statutes (31 U.S.C. 543);

(3) Reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are hereby authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(4) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, the protection of current and former Agency personnel and their immediate families, defectors and their immediate families, and other persons in the United States under Agency auspices, and the protection of the Director of National Intelligence and [such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;] *current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate;*

(5) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor;

(6) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe; and

(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years.

(b) SCOPE OF AUTHORITY FOR EXPENDITURE.—(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for—

(A) the entire lease; or

(B) the first 12 months of the lease and the Government's estimated termination liability.

(2) In the case of any such lease entered into under subparagraph (B) of paragraph (1)—

(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs with respect to such lease shall remain available until the costs associated with termination of such lease are paid;

(C) funds available for termination liability shall remain available to satisfy rental obligations with respect to such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability at the time of their use to satisfy such rental obligations; and

(D) funds appropriated for a fiscal year may be used to make payments on such lease, for a maximum of 12 months, beginning any time during such fiscal year.

(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the transfer of sums described in paragraph (1) each time that authority is exercised.

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RETIREMENT EQUITY FOR SPOUSES OF CERTAIN EMPLOYEES

SEC. 14. (a) The provisions of sections 102, 221(b) (1)–(3), 221(f), 221(g), [221(h)(2), 221(i), 221(l),] 221(i)(2), 221(j), 221(m), 222, 223, 224, 225, 232(b), 241(b), 241(d), and 264(b) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) establishing certain requirements, limitations, rights, entitlements, and benefits relating to retirement annuities, survivor benefits, and lump-sum payments for a spouse or former spouse of an Agency employee who is a participant in the Central Intelligence Agency Retirement and Disability System shall apply in the same manner and to the same extent in the case of an Agency employee who is a participant in the Civil Service Retirement and Disability System.

(b) The Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe such regulations as may be necessary to implement the provisions of this section.

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**NATIONAL SECURITY ACT OF 1947**

SHORT TITLE

That this Act may be cited as the “National Security Act of 1947”.

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TITLE I—COORDINATION FOR NATIONAL SECURITY

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APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

SEC. 106. (a) RECOMMENDATION OF DNI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of National Intelligence shall recommend to the President an individual for nomination to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Principal Deputy Director of National Intelligence.

(B) The Director of the Central Intelligence Agency.

(b) CONCURRENCE OF DNI IN APPOINTMENTS TO POSITIONS IN THE INTELLIGENCE COMMUNITY.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(D) The Assistant Secretary of State for Intelligence and Research.

(E) The Director of the Office of Intelligence *and Counterintelligence* of the Department of Energy.

[(F)] The Director of the Office of Counterintelligence of the Department of Energy.】

[(G)] (F) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

[(H)] (G) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or any successor to that position.

[(I)] (H) The Under Secretary of Homeland Security for Intelligence and Analysis.

(c) CONSULTATION WITH DNI IN CERTAIN POSITIONS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the Defense Intelligence Agency.

(B) The Assistant Commandant of the Coast Guard for Intelligence.

(C) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code.

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TITLE V—ACCOUNTABILITY FOR INTELLIGENCE  
ACTIVITIES

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REPORTS ON SECURITY CLEARANCES

SEC. 506H. (a) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

(A) the number of employees of the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year; *and*

(B) the number of contractors to the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year[; and].

[(C) for each element of the intelligence community—

[(i) the total amount of time it took to process the security clearance determination for such level that—

[(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

[(II) took the longest amount of time to complete;

[(ii) the total amount of time it took to process the security clearance determination for such level that—

[(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

[(II) took the longest amount of time to complete;

[(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

[(I) 4 months or less;

[(II) between 4 months and 8 months;

[(III) between 8 months and one year; and

[(IV) more than one year;

[(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

[(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

[(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

[(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

[(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

[(II) the number of security clearance determinations for contractors that required more than one year to complete;

[(III) the agencies that investigated and adjudicated such determinations; and

[(IV) the cause of significant delays in such determinations.]

(2) For purposes of paragraph (1), the President may consider—

(A) security clearances at the level of confidential and secret as one security clearance level; and

(B) security clearances at the level of top secret or higher as one security clearance level.

(b) *INTELLIGENCE COMMUNITY REPORTS.—(1) Not later than March 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the security clearances processed by each element of the intelligence community during the preceding calendar year. Each such report shall separately identify security clearances processed by each such element and shall cover Federal employees and contractor employees.*

(2) *Each report submitted under paragraph (1) shall include each of the following for each element of the intelligence community for the year covered by the report:*

(A) *The total number of initial security clearance background investigations opened for new applicants.*

(B) *The total number of security clearance periodic re-investigations opened for existing employees.*

(C) *The total number of initial security clearance background investigations for new applicants that were finalized and adjudicated with notice of a determination provided to the prospective applicant, including—*

(i) *the total number that were adjudicated favorably and granted access to classified information; and*

(ii) *the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.*

(D) *The total number of security clearance periodic background investigations that were finalized and adjudicated with notice of a determination provided to the existing employee, including—*

(i) *the total number that were adjudicated favorably; and*

(ii) *the total number that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.*

(E) *The total number of pending security clearance background investigations, including initial applicant investigations and periodic re-investigations, that were not finalized and adju-*

*dicated as of the last day of such year and that remained pending as follows:*

- (i) For 180 days or less.*
- (ii) For 180 days or longer, but less than 12 months.*
- (iii) For 12 months or longer, but less than 18 months.*
- (iv) For 18 months or longer, but less than 24 months.*
- (v) For 24 months or longer.*

*(F) In the case of security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—*

- (i) the cause of the delay for such determinations; and*
- (ii) the number of such determinations for which polygraph examinations were required.*

*(G) The percentage of security clearance investigations, including initial and periodic re-investigations, that resulted in a denial or revocation of a security clearance.*

*(H) The percentage of security clearance investigations that resulted in incomplete information.*

*(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.*

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

**[(b)]** *(c) FORM.—The reports required under subsection (a)(1) and (b) shall be submitted in unclassified form, but may include a classified annex.*

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**SEC. 506K. OVERSIGHT OF INTELLIGENCE COMMUNITY CONTRACTORS.**

*Notwithstanding the terms of any contract awarded by the head of an element of the intelligence community, the head may not—*

*(1) prohibit a contractor of such element from contacting or meeting with either of the congressional intelligence committees (including a member or an employee thereof) to discuss matters relating to a contract;*

*(2) take any adverse action against a contractor of such element, including by suspending or debarring the contractor or terminating a contract, based on the contractor contacting or meeting with either of the congressional intelligence committees (including a member or an employee thereof) to discuss matters relating to a contract; or*

*(3) require the approval of the head before a contractor of such element contacts or meets with either of the congressional intelligence committees (including a member or an employee thereof) to discuss matters relating to a contract.*

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**TITLE XI—ADDITIONAL MISCELLANEOUS PROVISIONS**

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**SEC. 1105. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED PUBLIC DISCLOSURES OF CLASSIFIED INFORMATION.**

(a) *IN GENERAL.*—On a semiannual basis, each covered official shall submit to the congressional intelligence committees a report that includes, with respect to the preceding 6-month period—

(1) the number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information;

(2) the number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information; and

(3) of the number of such completed investigations identified under paragraph (2), the number referred to the Attorney General for criminal investigation.

(b) *DEFINITIONS.*—In this section:

(1) The term “covered official” means—

(A) the heads of each element of the intelligence community; and

(B) the inspectors general with oversight responsibility for an element of the intelligence community.

(2) The term “investigation” means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.

(3) The term “unauthorized public disclosure of classified information” means the unauthorized disclosure of classified information to a journalist or media organization.

**TITLE 5, UNITED STATES CODE**

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**PART III—EMPLOYEES**

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**SUBPART D—PAY AND ALLOWANCES**

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**CHAPTER 53—PAY RATES AND SYSTEMS**

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**SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES**

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**§ 5313. Positions at level II**

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Deputy Secretary of Defense.
- Deputy Secretary of State.
- Deputy Secretary of State for Management and Resources.

Administrator, Agency for International Development.  
 Administrator of the National Aeronautics and Space Administration.  
 Deputy Secretary of Veterans Affairs.  
 Deputy Secretary of Homeland Security.  
 Under Secretary of Homeland Security for Management.  
 Deputy Secretary of the Treasury.  
 Deputy Secretary of Transportation.  
 Chairman, Nuclear Regulatory Commission.  
 Chairman, Council of Economic Advisers.  
 Director of the Office of Science and Technology.  
 Director of the Central Intelligence Agency.  
 Secretary of the Air Force.  
 Secretary of the Army.  
 Secretary of the Navy.  
 Administrator, Federal Aviation Administration.  
 Director of the National Science Foundation.  
 Deputy Attorney General.  
 Deputy Secretary of Energy.  
 Deputy Secretary of Agriculture.  
 Director of the Office of Personnel Management.  
 Administrator, Federal Highway Administration.  
 Administrator of the Environmental Protection Agency.  
 Under Secretary of Defense for Acquisition, Technology, and Logistics.  
 Deputy Secretary of Labor.  
 Deputy Director of the Office of Management and Budget.  
 Independent Members, Thrift Depositor Protection Oversight Board.  
 Deputy Secretary of Health and Human Services.  
 Deputy Secretary of the Interior.  
 Deputy Secretary of Education.  
 Deputy Secretary of Housing and Urban Development.  
 Deputy Director for Management, Office of Management and Budget.  
 Director of the Federal Housing Finance Agency.  
 Deputy Commissioner of Social Security, Social Security Administration.  
 Administrator of the Community Development Financial Institutions Fund.  
 Deputy Director of National Drug Control Policy.  
 Members, Board of Governors of the Federal Reserve System.  
 Under Secretary of Transportation for Policy.  
 Chief Executive Officer, Millennium Challenge Corporation.  
 Principal Deputy Director of National Intelligence.  
 Director of the National Counterterrorism Center.  
 Administrator of the Federal Emergency Management Agency.  
 Federal Transit Administrator.  
*Director of the National Counterintelligence and Security.*

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**SUBPART J—ENHANCED PERSONNEL  
SECURITY PROGRAMS**

\* \* \* \* \*

**CHAPTER 110—ENHANCED PERSONNEL SECURITY  
PROGRAMS**

\* \* \* \* \*

**§ 11001. Enhanced personnel security programs**

(a) **ENHANCED PERSONNEL SECURITY PROGRAM.**—The Director of National Intelligence shall direct each agency to implement a program to provide enhanced security review of covered individuals—

- (1) in accordance with this section; and
- (2) not later than the earlier of—

(A) the date that is 5 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016; or

(B) the date on which the backlog of overdue periodic re-investigations of covered individuals is eliminated, as determined by the Director of National Intelligence.

(b) **COMPREHENSIVENESS.**—

(1) **SOURCES OF INFORMATION.**—The enhanced personnel security program of an agency shall integrate relevant and appropriate information from various sources, including government, publicly available, and commercial data sources, consumer reporting agencies, social media, and such other sources as determined by the Director of National Intelligence.

(2) **TYPES OF INFORMATION.**—Information obtained and integrated from sources described in paragraph (1) may include—

(A) information relating to any criminal or civil legal proceeding;

(B) financial information relating to the covered individual, including the credit worthiness of the covered individual;

(C) publicly available information, whether electronic, printed, or other form, including relevant security or counterintelligence information about the covered individual or information that may suggest ill intent, vulnerability to blackmail, compulsive behavior, allegiance to another country, change in ideology, or that the covered individual lacks good judgment, reliability, or trustworthiness; and

(D) data maintained on any terrorist or criminal watch list maintained by any agency, State or local government, or international organization.

(c) **REVIEWS OF COVERED INDIVIDUALS.**—

(1) **REVIEWS.**—

(A) **IN GENERAL.**—The enhanced personnel security program of an agency shall require that, not less than 2 times every 5 years, the head of the agency shall conduct or request the conduct of automated record checks and checks of information from sources under subsection (b) to ensure the continued eligibility of each covered individual to access classified information and hold a sensitive position

unless more frequent reviews of automated record checks and checks of information from sources under subsection (b) are conducted on the covered individual.

(B) SCOPE OF REVIEWS.—Except for a covered individual who is subject to more frequent reviews to ensure the continued eligibility of the covered individual to access classified information and hold a sensitive position, the reviews under subparagraph (A) shall consist of random or aperiodic checks of covered individuals, such that each covered individual is subject to at least 2 reviews during the 5-year period beginning on the date on which the agency implements the enhanced personnel security program of an agency, and during each 5-year period thereafter.

(C) INDIVIDUAL REVIEWS.—A review of the information relating to the continued eligibility of a covered individual to access classified information and hold a sensitive position under subparagraph (A) may not be conducted until after the end of the 120-day period beginning on the date the covered individual receives the notification required under paragraph (3).

(2) RESULTS.—The head of an agency shall take appropriate action if a review under paragraph (1) finds relevant information that may affect the continued eligibility of a covered individual to access classified information and hold a sensitive position.

(3) INFORMATION FOR COVERED INDIVIDUALS.—The head of an agency shall ensure that each covered individual is adequately advised of the types of relevant security or counterintelligence information the covered individual is required to report to the head of the agency.

(4) LIMITATION.—Nothing in this subsection shall be construed to affect the authority of an agency to determine the appropriate weight to be given to information relating to a covered individual in evaluating the continued eligibility of the covered individual.

(5) AUTHORITY OF THE PRESIDENT.—Nothing in this subsection shall be construed as limiting the authority of the President to direct or perpetuate periodic reinvestigations of a more comprehensive nature or to delegate the authority to direct or perpetuate such reinvestigations.

(6) EFFECT ON OTHER REVIEWS.—Reviews conducted under paragraph (1) are in addition to investigations and reinvestigations conducted pursuant to section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

(d) **[AUDIT] REVIEW.**—

(1) IN GENERAL.—Beginning 2 years after the date of the implementation of the enhanced personnel security program of an agency under subsection (a), the Inspector General of the agency shall conduct at least 1 **[audit] review** to assess the effectiveness and fairness, which shall be determined in accordance with performance measures and standards established by the Director of National Intelligence, to covered individuals of the enhanced personnel security program of the agency.

(2) SUBMISSIONS TO DNI.—The results of each **[audit] review** conducted under paragraph (1) shall be submitted to the Direc-

tor of National Intelligence to assess the effectiveness and fairness of the enhanced personnel security programs across the Federal Government.

(e) DEFINITIONS.—In this section—

(1) the term “agency” has the meaning given that term in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341);

(2) the term “consumer reporting agency” has the meaning given that term in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a);

(3) the term “covered individual” means an individual employed by an agency or a contractor of an agency who has been determined eligible for access to classified information or eligible to hold a sensitive position;?

(4) the term “enhanced personnel security program” means a program implemented by an agency at the direction of the Director of National Intelligence under subsection (a); and?

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**INTELLIGENCE REFORM AND TERRORISM PREVENTION  
ACT OF 2004**

\* \* \* \* \*

**TITLE I—REFORM OF THE  
INTELLIGENCE COMMUNITY**

\* \* \* \* \*

**SEC. 1016. INFORMATION SHARING.**

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY INFORMATION.—The term “homeland security information” has the meaning given that term in section 892(f) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)).

(2) INFORMATION SHARING COUNCIL.—The term “Information Sharing Council” means the Information Systems Council established by Executive Order 13356, or any successor body designated by the President, and referred to under subsection (g).

(3) INFORMATION SHARING ENVIRONMENT.—The terms “information sharing environment” and “ISE” mean an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate for carrying out this section.

(4) PROGRAM MANAGER.—The term “program manager” means the program manager designated under subsection (f).

(5) TERRORISM INFORMATION.—The term “terrorism information”—

(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

(i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international ter-

rorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(iii) communications of or by such groups or individuals; or

(iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and

(B) includes weapons of mass destruction information.

(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term “weapons of mass destruction information” means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including a chemical, biological, radiological, or nuclear weapon) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.

(b) INFORMATION SHARING ENVIRONMENT.—

(1) ESTABLISHMENT.—The [President] *Director of National Intelligence* shall—

(A) create an information sharing environment for the sharing of terrorism information in a manner consistent with national security and with applicable legal standards relating to privacy and civil liberties;

(B) designate the organizational and management structures that will be used to operate and manage the ISE; and

(C) determine and enforce the policies, directives, and rules that will govern the content and usage of the ISE.

(2) ATTRIBUTES.—The [President] *Director of National Intelligence* shall, through the structures described in subparagraphs (B) and (C) of paragraph (1), ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector through the use of policy guidelines and technologies. The [President] *Director of National Intelligence* shall, to the greatest extent practicable, ensure that the ISE provides the functional equivalent of, or otherwise supports, a decentralized, distributed, and coordinated environment that—

(A) connects existing systems, where appropriate, provides no single points of failure, and allows users to share information among agencies, between levels of government, and, as appropriate, with the private sector;

(B) ensures direct and continuous online electronic access to information;

(C) facilitates the availability of information in a form and manner that facilitates its use in analysis, investigations and operations;

(D) builds upon existing systems capabilities currently in use across the Government;

- (E) employs an information access management approach that controls access to data rather than just systems and networks, without sacrificing security;
  - (F) facilitates the sharing of information at and across all levels of security;
  - (G) provides directory services, or the functional equivalent, for locating people and information;
  - (H) incorporates protections for individuals' privacy and civil liberties;
  - (I) incorporates strong mechanisms to enhance accountability and facilitate oversight, including audits, authentication, and access controls;
  - (J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;
  - (K) integrates technologies, including all legacy technologies, through Internet-based services, consistent with appropriate security protocols and safeguards, to enable connectivity among required users at the Federal, State, and local levels;
  - (L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;
  - (M) permits analysts to collaborate both independently and in a group (commonly known as "collective and non-collective collaboration"), and across multiple levels of national security information and controlled unclassified information;
  - (N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and
  - (O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.
- (c) PRELIMINARY REPORT.—Not later than 180 days after the date of the enactment of this Act, the program manager shall, in consultation with the Information Sharing Council—
- (1) submit to the President and Congress a description of the technological, legal, and policy issues presented by the creation of the ISE, and the way in which these issues will be addressed;
  - (2) establish an initial capability to provide electronic directory services, or the functional equivalent, to assist in locating in the Federal Government intelligence and terrorism information and people with relevant knowledge about intelligence and terrorism information; and
  - (3) conduct a review of relevant current Federal agency capabilities, databases, and systems for sharing information.
- (d) GUIDELINES AND REQUIREMENTS.—As soon as possible, but in no event later than 270 days after the date of the enactment of this Act, the President shall—
- (1) leverage all ongoing efforts consistent with establishing the ISE and issue guidelines for acquiring, accessing, sharing, and using information, including guidelines to ensure that information is provided in its most shareable form, such as by

using tearlines to separate out data from the sources and methods by which the data are obtained;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, issue guidelines that—

(A) protect privacy and civil liberties in the development and use of the ISE; and

(B) shall be made public, unless nondisclosure is clearly necessary to protect national security; and

(3) require the heads of Federal departments and agencies to promote a culture of information sharing by—

(A) reducing disincentives to information sharing, including over-classification of information and unnecessary requirements for originator approval, consistent with applicable laws and regulations; and

(B) providing affirmative incentives for information sharing.

(e) IMPLEMENTATION PLAN REPORT.—Not later than one year after the date of the enactment of this Act, the President shall, with the assistance of the program manager, submit to Congress a report containing an implementation plan for the ISE. The report shall include the following:

(1) A description of the functions, capabilities, resources, and conceptual design of the ISE, including standards.

(2) A description of the impact on enterprise architectures of participating agencies.

(3) A budget estimate that identifies the incremental costs associated with designing, testing, integrating, deploying, and operating the ISE.

(4) A project plan for designing, testing, integrating, deploying, and operating the ISE.

(5) The policies and directives referred to in subsection (b)(1)(C), as well as the metrics and enforcement mechanisms that will be utilized.

(6) Objective, systemwide performance measures to enable the assessment of progress toward achieving the full implementation of the ISE.

(7) A description of the training requirements needed to ensure that the ISE will be adequately implemented and properly utilized.

(8) A description of the means by which privacy and civil liberties will be protected in the design and operation of the ISE.

(9) The recommendations of the program manager, in consultation with the Information Sharing Council, regarding whether, and under what conditions, the ISE should be expanded to include other intelligence information.

(10) A delineation of the roles of the Federal departments and agencies that will participate in the ISE, including an identification of the agencies that will deliver the infrastructure needed to operate and manage the ISE (as distinct from individual department or agency components that are part of the ISE), with such delineation of roles to be consistent with—

(A) the authority of the Director of National Intelligence under this title, and the amendments made by this title,

to set standards for information sharing throughout the intelligence community; and

(B) the authority of the Secretary of Homeland Security and the Attorney General, and the role of the Department of Homeland Security and the Department of Justice, in coordinating with State, local, and tribal officials and the private sector.

(11) The recommendations of the program manager, in consultation with the Information Sharing Council, for a future management structure for the ISE, including whether the position of program manager should continue to remain in existence.

(f) PROGRAM MANAGER.—

(1) DESIGNATION.—Not later than 120 days after the date of the enactment of this Act, with notification to Congress, the President shall designate an individual as the program manager responsible for information sharing across the Federal Government. [The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President’s sole discretion).] *Beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2018, each individual designated as the program manager shall be appointed by the Director of National Intelligence.* The program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located, except as otherwise expressly provided by law.

(2) DUTIES AND RESPONSIBILITIES.—

(A) IN GENERAL.—The program manager shall, in consultation with the Information Sharing Council—

(i) plan for and oversee the implementation of, and manage, the ISE;

(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

(iii) consistent with the direction and policies issued by the President, the Director of National Intelligence, and the Director of the Office of Management and Budget, issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and

(v) assist, monitor, and assess the implementation of the ISE by Federal departments and agencies to ensure adequate progress, technological consistency and

policy compliance; and regularly report the findings to Congress.

(B) CONTENT OF POLICIES, PROCEDURES, GUIDELINES, RULES, AND STANDARDS.—The policies, procedures, guidelines, rules, and standards under subparagraph (A)(ii) shall—

(i) take into account the varying missions and security requirements of agencies participating in the ISE;

(ii) address development, implementation, and oversight of technical standards and requirements;

(iii) take into account ongoing and planned efforts that support development, implementation and management of the ISE;

(iv) address and facilitate information sharing between and among departments and agencies of the intelligence community, the Department of Defense, the homeland security community and the law enforcement community;

(v) address and facilitate information sharing between Federal departments and agencies and State, tribal, and local governments;

(vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;

(vii) address and facilitate, as appropriate, information sharing between Federal departments and agencies with foreign partners and allies; and

(viii) ensure the protection of privacy and civil liberties.

(g) INFORMATION SHARING COUNCIL.—

(1) ESTABLISHMENT.—There is established an Information Sharing Council that shall assist the President and the program manager in their duties under this section. The Information Sharing Council shall serve until removed from service or replaced by the President (at the sole discretion of the President) with a successor body.

(2) SPECIFIC DUTIES.—In assisting the President and the program manager in their duties under this section, the Information Sharing Council shall—

(A) advise the President and the program manager in developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE;

(B) work to ensure coordination among the Federal departments and agencies participating in the ISE in the establishment, implementation, and maintenance of the ISE;

(C) identify and, as appropriate, recommend the consolidation and elimination of current programs, systems, and processes used by Federal departments and agencies to share information, and recommend, as appropriate, the redirection of existing resources to support the ISE;

(D) identify gaps, if any, between existing technologies, programs and systems used by Federal departments and agencies to share information and the parameters of the proposed information sharing environment;

(E) recommend solutions to address any gaps identified under subparagraph (D);

(F) recommend means by which the ISE can be extended to allow interchange of information between Federal departments and agencies and appropriate authorities of State and local governments;

(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and

(I) recommend whether or not, and by which means, the ISE should be expanded so as to allow future expansion encompassing other relevant categories of information.

(3) CONSULTATION.—In performing its duties, the Information Sharing Council shall consider input from persons and entities outside the Federal Government having significant experience and expertise in policy, technical matters, and operational matters relating to the ISE.

(4) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Information Sharing Council (including any subsidiary group of the Information Sharing Council) shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).

(h) PERFORMANCE MANAGEMENT REPORTS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, and not later than June 30 of each year thereafter, the President shall submit to Congress a report on the state of the ISE and of information sharing across the Federal Government.

(2) CONTENT.—Each report under this subsection shall include—

(A) a progress report on the extent to which the ISE has been implemented, including how the ISE has fared on the performance measures and whether the performance goals set in the preceding year have been met;

(B) objective system-wide performance goals for the following year;

(C) an accounting of how much was spent on the ISE in the preceding year;

(D) actions taken to ensure that procurement of and investments in systems and technology are consistent with the implementation plan for the ISE;

(E) the extent to which all terrorism watch lists are available for combined searching in real time through the ISE and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;

(F) the extent to which State, tribal, and local officials are participating in the ISE;

(G) the extent to which private sector data, including information from owners and operators of critical infrastructure, is incorporated in the ISE, and the extent to which individuals and entities outside the government are receiving information through the ISE;

(H) the measures taken by the Federal government to ensure the accuracy of information in the ISE, in particular the accuracy of information about individuals;

(I) an assessment of the privacy and civil liberties protections of the ISE, including actions taken in the preceding year to implement or enforce privacy and civil liberties protections; and

(J) an assessment of the security protections used in the ISE.

(i) AGENCY RESPONSIBILITIES.—The head of each department or agency that possesses or uses intelligence or terrorism information, operates a system in the ISE, or otherwise participates (or expects to participate) in the ISE shall—

(1) ensure full department or agency compliance with information sharing policies, procedures, guidelines, rules, and standards established under subsections (b) and (f);

(2) ensure the provision of adequate resources for systems and activities supporting operation of and participation in the ISE;

(3) ensure full department or agency cooperation in the development of the ISE to implement governmentwide information sharing; and

(4) submit, at the request of the President or the program manager, any reports on the implementation of the requirements of the ISE within such department or agency.

(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

(A) eliminating the use of any marking or process (including “Originator Control”) intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, between and among participants in the information sharing environment, unless the President has—

(i) specifically exempted categories of information from such elimination; and

(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, relating to citizens and lawful permanent residents;

(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, for a particular purpose that the Federal Government, through an appropriate process established in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an “authorized use” standard); and

(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, in any cases in which—

(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

(2) DEFINITION.—In this subsection, the term “anonymized data” means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

(1) activities associated with the implementation of the information sharing environment, including—

(A) implementing the requirements under subsection (b)(2); and

(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment; and

(2) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv).

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2008 and 2009.

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**NATIONAL SECURITY AGENCY ACT OF 1959**

\* \* \* \* \*

SEC. 2. (a)(1) There is a Director of the National Security Agency.

(2) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

(3) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.

(b) There is a Director of Compliance of the National Security Agency, who shall be appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.

(c)(1) *There is a General Counsel of the National Security Agency.*

(2) *The General Counsel of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.*

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**ATOMIC ENERGY DEFENSE ACT**

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**DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS**

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**TITLE XLV—SAFEGUARDS AND SECURITY MATTERS**

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**Subtitle B—Classified Information**

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**SEC. 4524. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.**

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters re-

lating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of *Intelligence and Counterintelligence* of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

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## FOREIGN SERVICE ACT OF 1980

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### TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

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#### CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

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SEC. 502. ASSIGNMENTS TO FOREIGN SERVICE POSITIONS.—(a)(1) The Secretary (with the concurrence of the agency concerned) may assign a member of the Service to any position classified under section 501 in which that member is eligible to serve (other than as chief of mission or ambassador at large), and may assign a member from one such position to another such position as the needs of the Service may require.

(2) In making assignments under paragraph (1), the Secretary shall assure that a member of the Service is not assigned to or prohibited from being assigned to a position at a post in a particular geographic area on the basis of the race, ethnicity, or religion of that member.

(3) *In making assignments under paragraph (1), and in accordance with section 903, and, if applicable, section 503, the Secretary shall assure that a member of the Service may serve at a post for a period of not more than six consecutive years.*

(b) Positions designated as Foreign Service positions normally shall be filled by the assignment of members of the Service to those positions. Subject to that limitation—

(1) Foreign Service positions may be filled by the assignment for specified tours of duty of employees of the Department and, under interagency agreements, employees of other agencies; and

(2) Senior Foreign Service positions may also be filled by other members of the Service.

(c) The President may assign a career member of the Service to serve as chargé d'affaires or otherwise as the head of a mission (or as the head of a United States office abroad which is designated under section 102(a)(3) by the Secretary of State as diplomatic in nature) for such period as the public interest may require.

(d) The Secretary of State, in conjunction with the heads of the other agencies utilizing the Foreign Service personnel system, shall implement policies and procedures to insure that Foreign Service officers and members of the Senior Foreign Service of all agencies are able to compete for chief of mission positions and have opportunities on an equal basis to compete for assignments outside their areas of specialization.

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#### CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

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SEC. 702. FOREIGN LANGUAGE REQUIREMENTS.—(a) The Secretary shall establish foreign language proficiency requirements for members of the Service who are to be assigned abroad in order that Foreign Service posts abroad will be staffed by individuals having a useful knowledge of the language or dialect common to the country in which the post is located.

(b) The Secretary of State shall arrange for appropriate language training of members of the Service by the institution or otherwise in order to assist in meeting the requirements established under subsection (a).

(c) *FOREIGN LANGUAGE DEPLOYMENT REQUIREMENTS.*—

(1) *IN GENERAL.*—*The Secretary of State, with the assistance of other relevant officials, shall require all members of the Service who receive foreign language training in Arabic, Farsi, Chinese (Mandarin or Cantonese), Turkish, Korean, and Japanese by the institution or otherwise in accordance with subsection (b) to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department.*

(2) *OVERSEAS DEPLOYMENTS.*—*In carrying out paragraph (1), at least one of the three successive tours referred to in such paragraph shall be an overseas deployment.*

(3) *WAIVER.*—*The Secretary of State may waive the application of paragraph (1) for medical or family hardship or in the interest of national security.*

(4) *CONGRESSIONAL NOTIFICATION.*—*The Secretary of State shall notify the Committees on Appropriations and Foreign Affairs of the House of Representatives and Committees on Appropriations and Foreign Relations of the Senate at the end of each fiscal year of any instances during the prior twelve months in which the waiver authority described in paragraph (3) was invoked.*

[(c)] (d) Not later than January 31 of each year, the Director General of the Foreign Service shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—

- (1) became vacant during the previous fiscal year; and
- (2) were filled by individuals having the required foreign language competence.

\* \* \* \* \*

DISCLOSURE OF DIRECTED RULE MAKING

H.R. 3180 does not specifically direct any rule makings within the meaning of 5 U.S.C. 551.

DUPLICATION OF FEDERAL PROGRAMS

H.R. 3180 does not duplicate or reauthorize an established program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## MINORITY VIEWS

The Committee's Minority Members support the Intelligence Authorization Act for Fiscal Year 2018, a bipartisan measure which the Committee approved by a unanimous voice vote on July 13, 2017.

Below are Minority Views which highlight some of the legislation's significant features, as well as oversight issues of ongoing Minority interest.

### *Countering Russia and protecting U.S. elections*

A longstanding and bipartisan Committee initiative has been countering the threat posed by the Russian government—a threat well recognized by the prior Administration, as reflected in its resource requests to the Committee. The FY18 IAA contains strong provisions regarding the Russian government, many of which were authored by Minority Members. This includes language requiring the Director of National Intelligence to make publicly available a report on foreign cybersecurity and counterintelligence threats to campaigns for federal office, and a provision requiring an assessment of any Russian government influence campaigns directed at elections or referenda in foreign states.

The IAA does not comment on Russian Federation President Putin and President Trump's reported discussion of establishing a framework for bilateral cooperation on cybersecurity issues and non-interference in states' internal affairs. But the Russian government has a well-established track record of interfering in those affairs, whether through cyberattacks or other means. According to a January 2017 declassified U.S. Intelligence Community assessment, Putin himself "ordered an influence campaign in 2016 aimed at the US presidential election." Part of that campaign comprised cyber intrusions directed against U.S. political organizations.

We thus can be certain that Moscow will exploit the Trump Administration's openness to cooperation with Russia's government, possibly on cyber issues or other matters; and just as certain that Moscow will view the Administration's equivocation about the Russian government's responsibility for the cyberattack on our 2016 election as a passive acceptance or, worse, a validation of its assault on the United States' democratic process.

The Committee will continue to closely oversee the Administration's activities, and will ensure that the White House does not reward Moscow's misconduct.

### *Ensuring the effectiveness, transparency and legitimacy of U.S. counterterrorism activities*

The Committee Report to the FY18 IAA contains important language furthering this Minority priority. This language obligates the Director of National Intelligence to notify the intelligence commit-

tees five days after any changes are made to important Presidential Policy Guidance (PPG) regarding direct action against terrorists outside of warzones, or to any successor guidance. The PPG is one part of a legal and policy architecture developed by the prior Administration, which has served to maximize the effectiveness, transparency and legitimacy of U.S. counterterrorism activities—and for which Minority will continue to advocate forcefully.

The Committee Report language is thus a positive step. But Congress can and should go further to lock in and refine the prior Administration's counterterrorism reforms. In particular, the notification requirement described above ought to be codified in statute. Congress likewise should make permanent, and build upon, an important Obama Administration executive order that called for the public release of substantial data on the total number of combatants and noncombatant civilians killed or injured as a result of counterterrorism action.

*Understanding the intelligence implications of climate change*

President Trump's FY18 budget request sought no resources at all with respect to the intelligence aspects of climate change—part of his Administration's shortsighted effort to deny a broad and empirically-based consensus among scientists.

The ongoing, global rise in temperatures, brought about and accelerated by human activity, has serious implications for U.S. national security. Whole populations—some in areas of strategic importance to the United States—will be forced to relocate. Rising sea levels and hotter climates will cause food and water shortages. Conflicts not yet considered may appear along traditional fault lines, or new ones.

The Intelligence Community, and U.S. policymakers, must not ignore these intelligence challenges. Instead we must be positioned to understand and respond to them. The Minority will continue to press the Congress and the Administration to give the IC the resources necessary to do so on issues related to climate change.

*Encouraging and protecting lawful Intelligence Community whistleblowing*

The FY18 IAA enhances the ability of Intelligence Community contractors to communicate with the intelligence committees unilaterally—by proclaiming that an IC element cannot condition its contractor's approach to those committees on the element's prior approval, otherwise prohibit the contractor from meeting or communicating with the committees, or take adverse action against the contractor as a consequence of such a meeting or communication. This language builds on provisions in recent IAAs, which have enhanced the intelligence committees' ability to detect and stamp out waste, fraud and abuse, and codified protections for IC whistleblowers.

Last fiscal year's IAA directed the Inspector General of the Intelligence Community to study and report back on the challenges and potential benefits associated with applying the same protections to employees of IC contractors as apply to IC employees under existing law. The Committee looks forward to the results of this review, and to taking appropriate action.

The Minority will continue to do its utmost to ensure that whistleblowers are encouraged to come forward through lawful channels, and that they are protected from reprisals.

*Supporting the Privacy and Civil Liberties Oversight Board*

The Privacy and Civil Liberties Board has long played a critical role in ensuring that the Nation's counterterrorism programs vigorously safeguard civil liberties while also protecting the American people. Among other things, the Board's widely-noted report, affirming the value and lawfulness of IC activities conducted under Section 702 of the Foreign Intelligence Surveillance Act, was especially useful in explaining Section 702's mechanics and operation to Congress and the public. The report has proven to be a valuable resource, in advance of Section 702's coming reauthorization later this year.

Unfortunately, the Board currently has only one Member serving: The position of Chair is vacant, as are positions for three other Members. This greatly impairs the Board's functioning, and hampers its ability to conduct necessary oversight. The Minority therefore urges the Administration to nominate qualified personnel to the Board immediately, and will continue to support the Board's important oversight work.

ADAM B. SCHIFF,  
*Ranking Member.*  
 JAMES A. HIMES.  
 TERRI A. SEWELL.  
 ANDRÉ CARSON.  
 JACKIE SPEIER.  
 MIKE QUIGLEY.  
 ERIC SWALWELL.  
 JOAQUIN CASTRO.  
 DENNY HECK.

