AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3180
OFFERED BY MR. NUNES OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the

3 “Intelligence Authorization Act for Fiscal Year 2018”.

4 (b) TABLE OF CONTENTS.—The table of contents for

5 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.

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. 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.


(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.
(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.
(15) The National Geospatial-Intelligence Agency.

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 Au-
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 Di-
rector of National Intelligence shall establish guidelines
that govern, for each element of the intelligence commu-
nity, 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 annu-
itant; 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 au-
thority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-
COUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated for the Intelligence Commu-
nity Management Account of the Director of National In-
telligence 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” 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, ex-
cept 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 indi-
vidual is younger than the participant. The total re-
duction under this subparagraph may not exceed 40
percent.

“(3) COMMENCEMENT OF SURVIVOR ANNU-
ITY.—The annuity payable to the designated indi-
vidual shall begin on the day after the retired partic-
ipant dies and terminate on the last day of the
month before the designated individual dies.

“(4) RECOMPUTATION OF PARTICIPANT’S AN-
NUITY 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 re-duced.”.

(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),”; and

(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.—Subpara-graph (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 strik-
ing “such personnel of the Office of the Director of Na-
tional Intelligence as the Director of National Intelligence
may designate;” and inserting “current and former per-
sonnel of the Office of the Director of National Intel-
ligence and their immediate families as the Director of Na-
tional Intelligence may designate;”.

SEC. 402. DESIGNATION OF THE PROGRAM MANAGER-IN-
FORMATION SHARING ENVIRONMENT.

(a) INFORMATION SHARING ENVIRONMENT.—Sec-
tion 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 “Direc-
tor of National Intelligence”.

(b) PROGRAM MANAGER.—Section 1016(f) of the In-
telligence 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 pro-
gram manager until removed from service or replaced by
the President (at the President’s sole discretion).” and in-
serting “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 ap-
pointed 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 Se-
curity.”.

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
is amended by adding at the end the following new sub-
section:

“(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 Di-
rector of the Defense Intelligence Agency may not
obligate or expend any funds authorized to be appro-
priated 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 Di-
rector of the Defense Intelligence Agency shall elimi-
nate 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 Intel-
ligence 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.

(c) 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 appro-
priated 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 intel-
ligence 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 Na-
tional 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 intel-
ligence community and Department of De-
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 intel-
ligence committees and the congressional de-
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 Depart-
ment of Defense with respect to under-
ground facilities and the ability of the Cen-
ter 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 nec-
ecessary to most effectively execute the mis-
sions and functions of the Center.

(k) CONGRESSIONAL DEFENSE COMMITTEES DE-
FINED.—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 (I), 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 ana-
lytical 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 In-
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 (e) 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 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 re-
quired.

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

“(H) The percentage of security clearance inv-
estigations that resulted in incomplete information.

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

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

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

SEC. 604. REPORT ON EXPANSION OF SECURITY PROTEC-
tIVE 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 intel-
ligence 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 in-
clude—

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

(2) an identification of any comparable depart-
ments or agencies of the Federal Government in the
Washington metropolitan region (as defined in sec-
tion 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 IN-
TELLIGENCE 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 In-
telligence, 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 pre-
paring 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-Fed-
eral entity or the public, was exploited by
an individual, an entity, or a foreign coun-
try in the course of carrying out a cyber
intrusion.

(D) A description of any current mecha-
nisms for overseeing such process.

(E) Recommendations to improve the effi-
ciency, effectiveness, accountability, and, con-
sistent with national security, transparency of
such process.

(F) Any other matters the Inspector Gen-
eral 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 ap-
lication that can be exploited or triggered to cause unex-
pected or unintended behavior.

SEC. 608. REVIEW OF INTELLIGENCE COMMUNITY WHIS-
TLEBLOWER MATTERS.

(a) Review of Whistleblower Matters.—The
Inspector General of the Intelligence Community, in con-
sultation with the inspectors general for the Central Intel-
The Intelligence Community, 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, investigative 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 congressional 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).