

DECEMBER 6, 2022

**RULES COMMITTEE PRINT 117–70**  
**TEXT OF THE HOUSE AMENDMENT TO THE**  
**SENATE AMENDMENT TO H.R. 7776**  
**[Showing the text of the James M. Inhofe National Defense**  
**Authorization Act for Fiscal Year 2023]**

In lieu of the matter proposed to be inserted by the Senate, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 (a) IN GENERAL.—This Act may be cited as the  
3 “James M. Inhofe National Defense Authorization Act for  
4 Fiscal Year 2023”.

5 (b) REFERENCES.—Any reference in this or any  
6 other Act to the “National Defense Authorization Act for  
7 Fiscal Year 2023” shall be deemed to be a reference to  
8 the “James M. Inhofe National Defense Authorization Act  
9 for Fiscal Year 2023”.

10 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
11 **CONTENTS.**

12 (a) DIVISIONS.—This Act is organized into 11 divi-  
13 sions as follows:

14 (1) Division A—Department of Defense Au-  
15 thorizations.

1           (2) Division B—Military Construction Author-  
2           izations.

3           (3) Division C—Department of Energy Na-  
4           tional Security Authorizations and Other Authoriza-  
5           tions.

6           (4) Division D—Funding Tables.

7           (5) Division E—Non-Department of Defense  
8           Matters.

9           (6) Division F—Intelligence Authorization Act  
10          for Fiscal Year 2023.

11          (7) Division G—Homeland Security.

12          (8) Division H—Water Resources.

13          (9) Division I—Department of State Authoriza-  
14          tions.

15          (10) Division J—Oceans and Atmosphere.

16          (11) Division K—Don Young Coast Guard Au-  
17          thorization Act of 2022.

18          (b) TABLE OF CONTENTS.—The table of contents for  
19          this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.
- Sec. 5. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

1 **DIVISION F—INTELLIGENCE AU-**  
2 **THORIZATION ACT FOR FIS-**  
3 **CAL YEAR 2023**

4 **SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) **SHORT TITLE.**—This division may be cited as the  
6 “Intelligence Authorization Act for Fiscal Year 2023”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for  
8 this division is as follows:

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL  
YEAR 2023

- Sec. 6001. Short title; table of contents.
- Sec. 6002. Definitions.
- Sec. 6003. Explanatory statement.

TITLE LXI—INTELLIGENCE ACTIVITIES

- Sec. 6101. Authorization of appropriations.
- Sec. 6102. Classified Schedule of Authorizations.
- Sec. 6103. Intelligence Community Management Account.
- Sec. 6104. Restriction on conduct of intelligence activities.
- Sec. 6105. Increase in employee compensation and benefits authorized by law.

TITLE LXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT  
AND DISABILITY SYSTEM

- Sec. 6201. Authorization of appropriations.

TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

- Sec. 6301. Modification of requirements for certain employment activities by former intelligence officers and employees.
- Sec. 6302. Counterintelligence and national security protections for intelligence community grant funding.
- Sec. 6303. Extension of Central Intelligence Agency law enforcement jurisdiction to facilities of Office of Director of National Intelligence.
- Sec. 6304. Annual reports on status of recommendations of Comptroller General of the United States for the Director of National Intelligence.
- Sec. 6305. Timely submission of classified intelligence budget justification materials.
- Sec. 6306. Copyright protection for civilian faculty of the National Intelligence University.
- Sec. 6307. Modifications to Foreign Malign Influence Response Center.
- Sec. 6308. Requirement to offer cyber protection support for personnel of intelligence community in positions highly vulnerable to cyber attack.

1 be increased by such additional or supplemental amounts  
2 as may be necessary for increases in such compensation  
3 or benefits authorized by law.

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

8 **SEC. 6201. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for the Cen-  
10 tral Intelligence Agency Retirement and Disability Fund  
11 \$514,000,000 for fiscal year 2023.

12 **TITLE LXIII—GENERAL INTEL-**  
13 **LIGENCE COMMUNITY MAT-**  
14 **TERS**

15 **SEC. 6301. MODIFICATION OF REQUIREMENTS FOR CER-**  
16 **TAIN EMPLOYMENT ACTIVITIES BY FORMER**  
17 **INTELLIGENCE OFFICERS AND EMPLOYEES.**

18 (a) IN GENERAL.—Subsections (a) and (b) of section  
19 304 of the National Security Act of 1947 (50 U.S.C.  
20 3073a) are amended to read as follows:

21 “(a) POST-EMPLOYMENT RESTRICTIONS.—

22 “(1) COVERED POST-SERVICE POSITION.—

23 “(A) PERMANENT RESTRICTION.—Except  
24 as provided by paragraph (2)(A)(i), an em-  
25 ployee of an element of the intelligence commu-

1 nity who occupies a covered intelligence position  
2 may not occupy a covered post-service position  
3 for a designated prohibited foreign country fol-  
4 lowing the date on which the employee ceases to  
5 occupy a covered intelligence position.

6 “(B) TEMPORARY RESTRICTION.—Except  
7 as provided by paragraph (2)(A)(ii), an em-  
8 ployee of an element of the intelligence commu-  
9 nity who occupies a covered intelligence position  
10 may not occupy a covered post-service position  
11 during the 30-month period following the date  
12 on which the employee ceases to occupy a cov-  
13 ered intelligence position.

14 “(2) WAIVER.—

15 “(A) AUTHORITY TO GRANT TEMPORARY  
16 WAIVER.—

17 “(i) WAIVERS OF PERMANENT RE-  
18 STRICTION.—On a case-by-case basis, the  
19 Director of National Intelligence may tem-  
20 porarily waive the restriction in paragraph  
21 (1)(A) with respect to an employee or  
22 former employee who is subject to that re-  
23 striction only after—

24 “(I) the employee or former em-  
25 ployee submits to the Director a writ-

1 ten application for such waiver in  
2 such form and manner as the Director  
3 determines appropriate;

4 “(II) the Director determines  
5 that not granting such waiver would  
6 result in a grave detrimental impact  
7 to current or future intelligence oper-  
8 ations of the United States; and

9 “(III) the Director provides the  
10 congressional intelligence committees  
11 with a detailed justification stating  
12 why not granting such waiver would  
13 result in a grave detrimental impact  
14 to current or future intelligence oper-  
15 ations of the United States.

16 “(ii) WAIVERS OF TEMPORARY RE-  
17 STRICTION.—On a case-by-case basis, the  
18 Director may temporarily waive the restric-  
19 tion in paragraph (1)(B) with respect to  
20 an employee or former employee who is  
21 subject to that restriction only after—

22 “(I) the employee or former em-  
23 ployee submits to the Director a writ-  
24 ten application for such waiver in

1                   such form and manner as the Director  
2                   determines appropriate; and

3                   “(II) the Director determines  
4                   that such waiver is necessary to ad-  
5                   vance the national security interests  
6                   of the United States.

7                   “(B) PERIOD OF WAIVER.—A waiver  
8                   issued under subparagraph (A) shall apply for  
9                   a period not exceeding 5 years. The Director  
10                  may renew such a waiver.

11                  “(C) REVOCATION.—The Director may re-  
12                  voke a waiver issued under subparagraph (A) to  
13                  an employee or former employee, effective on  
14                  the date that is 60 days after the date on which  
15                  the Director provides the employee or former  
16                  employee written notice of such revocation.

17                  “(D) TOLLING.—The 30-month restriction  
18                  in paragraph (1)(B) shall be tolled for an em-  
19                  ployee or former employee during the period be-  
20                  ginning on the date on which a waiver is issued  
21                  under subparagraph (A) and ending on the date  
22                  on which the waiver expires or on the effective  
23                  date of a revocation under subparagraph (C),  
24                  as the case may be.

1           “(E) NOTIFICATION.—Not later than 30  
2 days after the date on which the Director issues  
3 a waiver under subparagraph (A) or a revoca-  
4 tion of a waiver under subparagraph (C), the  
5 Director shall submit to the congressional intel-  
6 ligence committees written notification of the  
7 waiver or revocation, as the case may be. Such  
8 notification shall include the following:

9                   “(i) With respect to a waiver issued to  
10 an employee or former employee—

11                           “(I) the details of the applica-  
12 tion, including the covered intelligence  
13 position held or formerly held by the  
14 employee or former employee;

15                           “(II) the nature of the activities  
16 of the employee or former employee  
17 after ceasing to occupy a covered in-  
18 telligence position;

19                           “(III) a description of the na-  
20 tional security interests that will be  
21 advanced by reason of issuing such  
22 waiver; and

23                           “(IV) the specific reasons why  
24 the Director determines that issuing

1 such waiver will advance such inter-  
2 ests.

3 “(ii) With respect to a revocation of a  
4 waiver issued to an employee or former  
5 employee—

6 “(I) the details of the waiver, in-  
7 cluding any renewals of such waiver,  
8 and the dates of such waiver and re-  
9 newals; and

10 “(II) the specific reasons why the  
11 Director determined that such revoca-  
12 tion is warranted.

13 “(b) COVERED POST-SERVICE EMPLOYMENT RE-  
14 PORTING.—

15 “(1) REQUIREMENT.—During the period de-  
16 scribed in paragraph (2), an employee who ceases to  
17 occupy a covered intelligence position shall—

18 “(A) report covered post-service employ-  
19 ment to the head of the element of the intel-  
20 ligence community that employed such employee  
21 in such covered intelligence position upon ac-  
22 cepting such covered post-service employment;  
23 and

24 “(B) annually (or more frequently if the  
25 head of such element considers it appropriate)

1 report covered post-service employment to the  
2 head of such element.

3 “(2) PERIOD DESCRIBED.—The period de-  
4 scribed in this paragraph is the period beginning on  
5 the date on which an employee ceases to occupy a  
6 covered intelligence position.

7 “(3) REGULATIONS.—The head of each element  
8 of the intelligence community shall issue regulations  
9 requiring, as a condition of employment, each em-  
10 ployee of such element occupying a covered intel-  
11 ligence position to sign a written agreement requir-  
12 ing the regular reporting of covered post-service em-  
13 ployment to the head of such element pursuant to  
14 paragraph (1).”.

15 (b) DEFINITION OF DESIGNATED PROHIBITED FOR-  
16 EIGN COUNTRY.—Subsection (g) of such section is amend-  
17 ed—

18 (1) by redesignating paragraphs (4) through  
19 (6) as paragraphs (5) through (7), respectively; and

20 (2) by inserting after paragraph (3) the fol-  
21 lowing:

22 “(4) DESIGNATED PROHIBITED FOREIGN COUN-  
23 TRY.—The term ‘designated prohibited foreign coun-  
24 try’ means the following:

25 “(A) The People’s Republic of China.

1 “(B) The Russian Federation.

2 “(C) The Democratic People’s Republic of  
3 Korea.

4 “(D) The Islamic Republic of Iran.

5 “(E) The Republic of Cuba.

6 “(F) The Syrian Arab Republic.”.

7 (c) ADDITIONAL WRITTEN NOTICE.—

8 (1) IN GENERAL.—Subsection (d) of such sec-  
9 tion is amended by adding at the end the following:

10 “(3) WRITTEN NOTICE ABOUT RESTRIC-  
11 TIONS.—The head of each element of the intelligence  
12 community shall provide written notice of the re-  
13 strictions under subsection (a) to any person who  
14 may be subject to such restrictions on or after the  
15 date of enactment of the Intelligence Authorization  
16 Act for Fiscal Year 2023—

17 “(A) when the head of the element deter-  
18 mines that such person may become subject to  
19 such covered intelligence position restrictions;  
20 and

21 “(B) before the person ceases to occupy a  
22 covered intelligence position.”.

23 (2) CONFORMING AMENDMENT.—Paragraph (2)  
24 of such subsection is amended in the paragraph

1 heading by adding “ABOUT REPORTING REQUIRE-  
2 MENTS” after “WRITTEN NOTICE”.

3 (d) REVISED REGULATIONS.—

4 (1) DEFINITION OF COVERED INTELLIGENCE  
5 POSITION.—In this subsection, the term “covered in-  
6 telligence position” has the meaning given such term  
7 by such section 304.

8 (2) SUBMISSION.—Not later than 30 days after  
9 the date of the enactment of this Act, the head of  
10 each element of the intelligence community shall  
11 submit to the congressional intelligence committees  
12 new or updated regulations issued to carry out such  
13 section 304, as amended by subsections (a), (b), and  
14 (c) of this section.

15 (3) REQUIREMENTS.—The regulations issued  
16 under paragraph (1) shall—

17 (A) include provisions that advise per-  
18 sonnel of the intelligence community of the ap-  
19 propriate manner in which such personnel may  
20 opt out of positions that—

21 (i) have been designated as covered  
22 intelligence positions before the effective  
23 date established in subsection (e) of this  
24 section; or

1 (ii) may be designated as covered in-  
2 telligence provisions before such designa-  
3 tion becomes final; and

4 (B) establish a period of not fewer than 30  
5 days and not more than 60 days after receipt  
6 of the written notice required under paragraph  
7 (3) of subsection (d) of such section 304, as  
8 added by subsection (c)(1) of this section, with-  
9 in which such personnel may opt out of a cov-  
10 ered intelligence position and the accompanying  
11 obligations imposed by subsection (a)(1)(A) of  
12 such section 304, as amended by subsection (a)  
13 of this section.

14 (4) CERTIFICATION.—Not later than 180 days  
15 after the date of the enactment of this Act, the Di-  
16 rector of National Intelligence shall submit to the  
17 congressional intelligence committees—

18 (A) a written certification for each head of  
19 an element of the intelligence community who  
20 has issued new or updated regulations pursuant  
21 to paragraph (2); and

22 (B) for each head of an element of the in-  
23 telligence community who has not issued such  
24 new or updated regulations, an explanation for

1 the failure to issue such new or updated regula-  
2 tions.

3 (e) **EFFECTIVE DATE OF PERMANENT RESTRIC-**  
4 **TIONS.**—Subsection (a)(1)(A) of such section 304, as  
5 amended by subsection (a) of this section, shall apply only  
6 to persons who occupy a covered intelligence position on  
7 or after the date that is 45 days after the date on which  
8 new or updated regulations are issued under subsection  
9 (d)(2) of this section.

10 (f) **REPEAL.**—Section 402 of the Intelligence Author-  
11 ization Act for Fiscal Year 1997 (Public Law 104–293)  
12 is hereby repealed.

13 **SEC. 6302. COUNTERINTELLIGENCE AND NATIONAL SECU-**  
14 **RITY PROTECTIONS FOR INTELLIGENCE**  
15 **COMMUNITY GRANT FUNDING.**

16 (a) **IN GENERAL.**—Title I of the National Security  
17 Act of 1947 (50 U.S.C. 3021 et seq.) is amended by add-  
18 ing at the end the following:

19 **“SEC. 121. COUNTERINTELLIGENCE AND NATIONAL SECU-**  
20 **RITY PROTECTIONS FOR INTELLIGENCE**  
21 **COMMUNITY GRANT FUNDING.**

22 **“(a) DISCLOSURE AS CONDITION FOR RECEIPT OF**  
23 **GRANT.**—The head of an element of the intelligence com-  
24 munity may not award a grant to a person or entity unless  
25 the person or entity has certified to the head of the ele-