

Program budget a separate line item for each national intelligence center under subsection (a).

(July 26, 1947, ch. 343, title I, §119B, as added Pub. L. 108-458, title I, §1023, Dec. 17, 2004, 118 Stat. 3676.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 4040-2 of this title prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

For Determination by President that section take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Section effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

#### § 3059. Foreign Malign Influence Response Center

##### (a) Establishment

There is within the Office of the Director of National Intelligence a Foreign Malign Influence Response Center (in this section referred to as the “Center”).

##### (b) Functions and composition

The Center shall—

(1) be comprised of analysts from all elements of the intelligence community, including elements with diplomatic and law enforcement functions;

(2) have access to all intelligence and other reporting possessed or acquired by the United States Government pertaining to foreign malign influence;

(3) serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to foreign malign influence; and

(4) provide to employees and officers of the Federal Government in policy-making positions and Congress comprehensive assessments, and indications and warnings, of foreign malign influence.

##### (c) Director

###### (1) Appointment

There is a Director of the Center, who shall be the head of the Center, and who shall be appointed by the Director of National Intelligence.

###### (2) Role

The Director of the Center shall—

(A) report directly to the Director of National Intelligence;

(B) carry out the functions under subsection (b); and

(C) at the request of the President or the Director of National Intelligence, develop and provide recommendations for potential

responses by the United States to foreign malign influence.

#### (d) Annual reports

##### (1) In general

In addition to the matters submitted pursuant to subsection (b)(4), at the direction of the Director of National Intelligence, but not less than once each year, the Director of the Center shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on foreign malign influence.

##### (2) Matters included

Each report under paragraph (1) shall include, with respect to the period covered by the report, a discussion of the following:

(A) The most significant activities of the Center.

(B) Any recommendations the Director determines necessary for legislative or other actions to improve the ability of the Center to carry out its functions, including recommendations regarding the protection of privacy and civil liberties.

#### (e) Definitions

In this section:

##### (1) Covered foreign country

The term “covered foreign country” means the following:

(A) The Russian Federation.

(B) The Islamic Republic of Iran.

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

(D) The People’s Republic of China.

(E) Any other foreign country that the Director of the Center determines appropriate for purposes of this section.

##### (2) Foreign malign influence

The term “foreign malign influence” means any hostile effort undertaken by, at the direction of, or on behalf of or with the substantial support of, the government of a covered foreign country with the objective of influencing, through overt or covert means—

(A) the political, military, economic, or other policies or activities of the United States Government or State or local governments, including any election within the United States; or

(B) the public opinion within the United States.

(July 26, 1947, ch. 343, title I, §119C, as added Pub. L. 116-92, div. E, title LIII, §5322(a), Dec. 20, 2019, 133 Stat. 2129.)

#### § 3060. Climate Security Advisory Council

##### (a) Establishment

The Director of National Intelligence shall establish a Climate Security Advisory Council for the purpose of—

(1) assisting intelligence analysts of various elements of the intelligence community with respect to analysis of climate security and its impact on the areas of focus of such analysts;

(2) facilitating coordination between the elements of the intelligence community and elements of the Federal Government that are not elements of the intelligence community in collecting data on, and conducting analysis of, climate change and climate security; and

(3) ensuring that the intelligence community is adequately prioritizing climate change in carrying out its activities.

**(b) Composition of Council**

**(1) Members**

The Council shall be composed of the following individuals appointed by the Director of National Intelligence:

(A) An appropriate official from the National Intelligence Council, who shall chair the Council.

(B) The lead official with respect to climate and environmental security analysis from—

- (i) the Central Intelligence Agency;
- (ii) the Bureau of Intelligence and Research of the Department of State;
- (iii) the National Geospatial-Intelligence Agency;
- (iv) the Office of Intelligence and Counterintelligence of the Department of Energy;
- (v) the Office of the Under Secretary of Defense for Intelligence;<sup>1</sup> and
- (vi) the Defense Intelligence Agency.

(C) Three appropriate officials from elements of the Federal Government that are not elements of the intelligence community that are responsible for—

- (i) providing decision makers with a predictive understanding of the climate;
- (ii) making observations of our Earth system that can be used by the public, policymakers, and to support strategic decisions; or
- (iii) coordinating Federal research and investments in understanding the forces shaping the global environment, both human and natural, and their impacts on society.

(D) Any other officials as the Director of National Intelligence or the chair of the Council may determine appropriate.

**(2) Responsibilities of chair**

The chair of the Council shall have responsibility for—

- (A) identifying agencies to supply individuals from elements of the Federal Government that are not elements of the intelligence community;
- (B) securing the permission of the relevant agency heads for the participation of such individuals on the Council; and
- (C) any other duties that the Director of National Intelligence may direct.

**(c) Duties and responsibilities of Council**

The Council shall carry out the following duties and responsibilities:

- (1) To meet at least quarterly to—
  - (A) exchange appropriate data between elements of the intelligence community and

elements of the Federal Government that are not elements of the intelligence community;

(B) discuss processes for the routine exchange of such data and implementation of such processes; and

(C) prepare summaries of the business conducted at each meeting.

(2) To assess and determine best practices with respect to the analysis of climate security, including identifying publicly available information and intelligence acquired through clandestine means that enables such analysis.

(3) To assess and identify best practices with respect to prior efforts of the intelligence community to analyze climate security.

(4) To assess and describe best practices for identifying and disseminating climate intelligence indications and warnings.

(5) To recommend methods of incorporating analysis of climate security and the best practices identified under paragraphs (2) through (4) into existing analytic training programs.

(6) To consult, as appropriate, with other elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security, for the purpose of sharing information about ongoing efforts and avoiding duplication of existing efforts.

(7) To work with elements of the intelligence community that conduct analysis of climate change or climate security and elements of the Federal Government that are not elements of the intelligence community that conduct analysis of climate change or climate security—

(A) to exchange appropriate data between such elements, establish processes, procedures and practices for the routine exchange of such data, discuss the implementation of such processes; and

(B) to enable and facilitate the sharing of findings and analysis between such elements.

(8) To assess whether the elements of the intelligence community that conduct analysis of climate change or climate security may inform the research direction of academic work and the sponsored work of the United States Government.

(9) At the discretion of the chair of the Council, to convene conferences of analysts and nonintelligence community personnel working on climate change or climate security on subjects that the chair shall direct.

**(d) Annual report**

Not later than January 31, 2021, and not less frequently than annually thereafter, the chair of the Council shall submit, on behalf of the Council, to the congressional intelligence committees a report describing the activities of the Council as described in subsection (c) during the year preceding the year during which the report is submitted.

<sup>1</sup> See Change of Name note below.

**(e)<sup>2</sup> Sunset**

The Council shall terminate on the date that is 4 years after December 20, 2019.

**(e)<sup>2</sup> Definitions**

In this section:

**(1) Climate security**

The term “climate security” means the effects of climate change on the following:

(A) The national security of the United States, including national security infrastructure.

(B) Subnational, national, and regional political stability.

(C) The security of allies and partners of the United States.

(D) Ongoing or potential political violence, including unrest, rioting, guerrilla warfare, insurgency, terrorism, rebellion, revolution, civil war, and interstate war.

**(2) Climate intelligence indications and warnings**

The term “climate intelligence indications and warnings” means developments relating to climate security with the potential to—

(A) imminently and substantially alter the political stability or degree of human security in a country or region; or

(B) imminently and substantially threaten—

(i) the national security of the United States;

(ii) the military, political, or economic interests of allies and partners of the United States; or

(iii) citizens of the United States abroad.

(July 26, 1947, ch. 343, title I, § 120, as added Pub. L. 116-92, div. E, title LIII, § 5321(a), Dec. 20, 2019, 133 Stat. 2126; amended Pub. L. 116-260, div. W, title IV, § 405(b), title VI, § 618, Dec. 27, 2020, 134 Stat. 2380, 2400.)

**Editorial Notes****AMENDMENTS**

2020—Subsec. (c)(4). Pub. L. 116-260, § 405(b), substituted “intelligence indications” for “security indicators”.

Subsecs. (d), (e). Pub. L. 116-260, § 618, added subsec. (d) and redesignated former subsec. (d) as (e) relating to sunset of Council.

**Statutory Notes and Related Subsidiaries****CHANGE OF NAME**

Under Secretary of Defense for Intelligence redesignated and references deemed to refer to Under Secretary of Defense for Intelligence and Security, see section 1621(a) of Pub. L. 116-92, set out as a note under section 137 of Title 10, Armed Forces.

**INITIAL APPOINTMENTS**

Pub. L. 116-92, div. E, title LIII, § 5321(c), Dec. 20, 2019, 133 Stat. 2129, provided that: “Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of National Intelligence shall appoint the members of the Council under section 120 of the National Security Act of 1947 [50 U.S.C. 3060], as added by subsection (a).”

<sup>2</sup> So in original. Two subsecs. (e) have been enacted.

**SUBCHAPTER II—MISCELLANEOUS PROVISIONS****§ 3071. National Security Agency voluntary separation****(a) Short title**

This section may be cited as the “National Security Agency Voluntary Separation Act”.

**(b) Definitions**

For purposes of this section—

(1) the term “Director” means the Director of the National Security Agency; and

(2) the term “employee” means an employee of the National Security Agency, serving under an appointment without time limitation, who has been currently employed by the National Security Agency for a continuous period of at least 12 months prior to the effective date of the program established under subsection (c), except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

**(c) Establishment of program**

Notwithstanding any other provision of law, the Director, in his sole discretion, may establish a program under which employees may, after October 1, 2000, be eligible for early retirement, offered separation pay to separate from service voluntarily, or both.

**(d) Early retirement**

An employee who—

(1) is at least 50 years of age and has completed 20 years of service; or

(2) has at least 25 years of service,

may, pursuant to regulations promulgated under this section, apply and be retired from the National Security Agency and receive benefits in accordance with chapter 83 or 84 of title 5 if the employee has not less than 10 years of service with the National Security Agency.

**(e) Amount of separation pay and treatment for other purposes****(1) Amount**

Separation pay shall be paid in a lump sum and shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5 if the employee were entitled to payment under such section; or

(B) \$25,000.

**(2) Treatment**

Separation pay shall not—

(A) be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(B) be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled