

in consultation with such elements of the intelligence community as the Director considers appropriate and consistent with the privacy protections afforded to United States persons, shall submit to congressional intelligence committees a report on risks to sensitive research subjects posed by foreign entities in order to provide Congress and covered institutions of higher education with more complete information on these risks and to help ensure academic freedom.

(c) Contents

The report required by subsection (b) shall include the following:

(1) A list of sensitive research subjects that could affect national security.

(2) A list of foreign entities, including governments, corporations, nonprofit organizations and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a counterintelligence, espionage (including economic espionage), or other national security threat with respect to sensitive research subjects.

(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propagate misinformation or disinformation, or to influence professors, researchers, or students.

(4) Recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats to sensitive research subjects associated with foreign influence in academia, including any necessary legislative or administrative action.

(d) Congressional notifications required

Not later than 30 days after the date on which the Director identifies a change to either list described in paragraph (1) or (2) of subsection (c), the Director shall notify the congressional intelligence committees of the change.

(Pub. L. 116–92, div. E, title LVII, § 5713, Dec. 20, 2019, 133 Stat. 2172.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

§ 3369c. Notification of an active measures campaign

(a) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(C) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) Congressional leadership

The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(b) Requirement for notification

The Director of National Intelligence, in cooperation with the Director of the Federal Bureau of Investigation and the head of any other relevant agency, shall notify the congressional leadership and the chairman and vice chairman or ranking member of each of the appropriate congressional committees, and of other relevant committees of jurisdiction, each time the Director of National Intelligence determines there is credible information that a foreign power has, is, or will attempt to employ a covert influence or active measures campaign with regard to the modernization, employment, doctrine, or force posture of the nuclear deterrent or missile defense.

(c) Content of notification

Each notification required by subsection (b) shall include information concerning actions taken by the United States to expose or halt an attempt referred to in subsection (b).

(Pub. L. 116–92, div. E, title LXVII, § 6703, Dec. 20, 2019, 133 Stat. 2223.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “congressional intelligence committees”, referred to in subsec. (a)(1)(A), see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

§ 3369d. Committee to counter active measures by the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state to exert covert influence over peoples and governments

(a) Definitions

In this section:

(1) Active measures by Russia, China, Iran, North Korea, or other nation state to exert covert influence

The term “active measures by Russia, China, Iran, North Korea, or other nation state to exert covert influence” means activities intended to influence a person or government that are carried out in coordination with, or at the behest of, political leaders or the security services of the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state and the role of the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state has been hidden or not acknowledged publicly, including the following:

- (A) Establishment or funding of a front group.
- (B) Covert broadcasting.
- (C) Media manipulation.
- (D) Disinformation and forgeries.
- (E) Funding agents of influence.
- (F) Incitement and offensive counterintelligence.
- (G) Assassinations.
- (H) Terrorist acts.

(2) Appropriate committees of Congress

The term “appropriate committees of Congress” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
- (C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(b) Establishment

There is established within the executive branch an interagency committee to counter active measures by the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state to exert covert influence.

(c) Membership

(1) In general

(A) Appointment

Each head of an agency or department of the Government set out under subparagraph (B) shall appoint one member of the committee established by subsection (b) from among officials of such agency or department who occupy a position that is required to be appointed by the President, with the advice and consent of the Senate.

(B) Head of an agency or department

The head of an agency or department of the Government set out under this subparagraph are the following:

- (i) The Director of National Intelligence.
- (ii) The Secretary of State.
- (iii) The Secretary of Defense.
- (iv) The Secretary of the Treasury.
- (v) The Attorney General.
- (vi) The Secretary of Energy.
- (vii) The Director of the Federal Bureau of Investigation.
- (viii) The head of any other agency or department of the United States Government designated by the President for purposes of this section.

(d) Meetings

The committee shall meet on a regular basis.

(e) Duties

The duties of the committee established by subsection (b) shall be as follows:

- (1) To counter active measures by Russia, China, Iran, North Korea, or other nation state to exert covert influence, including by exposing falsehoods, agents of influence, corruption, human rights abuses, terrorism, and

assassinations carried out by the security services or political elites of the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state or their proxies.

- (2) Such other duties as the President may designate for purposes of this section.

(f) Staff

The committee established by subsection (b) may employ such staff as the members of such committee consider appropriate.

(g) Budget Request

A request for funds required for the functioning of the committee established by subsection (b) may be included in each budget for a fiscal year submitted by the President pursuant to section 1105(a) of title 31.

(h) Annual report

(1) Requirement

Not later than 180 days after May 5, 2017, and annually thereafter, and consistent with the protection of intelligence sources and methods, the committee established by subsection (b) shall submit to the appropriate committees of Congress a report describing steps being taken by the committee to counter active measures by Russia, China, Iran, North Korea, or other nation state to exert covert influence.

(2) Content

Each report required by paragraph (1) shall include the following:

(A) A summary of the active measures by the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state to exert covert influence during the previous year, including significant incidents and notable trends.

(B) A description of the key initiatives of the committee.

(C) A description of the implementation of the committee’s initiatives by the head of an agency or department of the Government set out under subsection (c)(1)(B).

(D) An analysis of the impact of the committee’s initiatives.

(E) Recommendations for changes to the committee’s initiatives from the previous year.

(3) Separate reporting requirement

The requirement to submit an annual report under paragraph (1) is in addition to any other reporting requirements with respect to Russia, China, Iran, North Korea, or other nation state.

(Pub. L. 115–31, div. N, title V, §501, May 5, 2017, 131 Stat. 823; Pub. L. 116–92, div. E, title LXVII, §6706(a), Dec. 20, 2019, 133 Stat. 2224.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 3001 of this title.

AMENDMENTS

2019—Pub. L. 116–92, §6706(a)(2), inserted “, the People’s Republic of China, the Islamic Republic of Iran,

the Democratic People's Republic of Korea, or other nation state" after "Russian Federation" in section catchline.

Pub. L. 116-92, § 6706(a)(1), wherever appearing, inserted ", the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or other nation state" after "Russian Federation" and ", China, Iran, North Korea, or other nation state" after "Russia".

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of "congressional intelligence committees", referred to in subsec. (a)(2)(A), see section 2 of div. N of Pub. L. 115-31, set out as a note under section 3003 of this title.

§ 3370. Supply Chain and Counterintelligence Risk Management Task Force

(a) Appropriate congressional committees defined

In this section, the term "appropriate congressional committees" means the following:

- (1) The congressional intelligence committees.
- (2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.
- (3) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) Requirement to establish

The Director of National Intelligence shall establish a Supply Chain and Counterintelligence Risk Management Task Force to standardize information sharing between the intelligence community and the acquisition community of the United States Government with respect to the supply chain and counterintelligence risks.

(c) Members

The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall be composed of—

- (1) a representative of the Defense Security Service of the Department of Defense;
- (2) a representative of the General Services Administration;
- (3) a representative of the Office of Federal Procurement Policy of the Office of Management and Budget;
- (4) a representative of the Department of Homeland Security;
- (5) a representative of the Federal Bureau of Investigation;
- (6) the Director of the National Counterintelligence and Security Center; and
- (7) any other members the Director of National Intelligence determines appropriate.

(d) Security clearances

Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) Annual report

The Supply Chain and Counterintelligence Risk Management Task Force established under

subsection (b) shall submit to the appropriate congressional committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain, cybersecurity, and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

(Pub. L. 116-92, div. E, title LXIII, § 6306, Dec. 20, 2019, 133 Stat. 2188.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of "congressional intelligence committees" and "intelligence community", referred to in text, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

§ 3370a. Biennial report on foreign investment risks

(a) Intelligence community interagency working group

(1) Requirement to establish

The Director of National Intelligence shall establish an intelligence community interagency working group to prepare the biennial reports required by subsection (b).

(2) Chairperson

The Director of National Intelligence shall serve as the chairperson of such interagency working group.

(3) Membership

Such interagency working group shall be composed of representatives of each element of the intelligence community that the Director of National Intelligence determines appropriate.

(b) Biennial report on foreign investment risks

(1) Report required

Not later than 180 days after December 20, 2019, and not less frequently than once every 2 years thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees a report on foreign investment risks prepared by the interagency working group established under subsection (a).

(2) Elements

Each report required by paragraph (1) shall include identification, analysis, and explanation of the following:

(A) Any current or projected major threats to the national security of the United States with respect to foreign investment.

(B) Any strategy used by a foreign country that such interagency working group has identified to be a country of special concern to use foreign investment to target the acquisition of critical technologies, critical materials, or critical infrastructure.

(C) Any economic espionage efforts directed at the United States by a foreign country, particularly such a country of special concern.

(c) Appropriate congressional committees defined

In this section, the term "appropriate congressional committees" means—