

AMENDMENT TO RULES COMMITTEE PRINT 116-

19

OFFERED BY MS. STEFANIK OF NEW YORK

At the end of subtitle B of title XVI, add the following new section:

1 **SEC. 1614. REDESIGNATION OF UNDER SECRETARY OF DE-**
2 **FENSE FOR INTELLIGENCE AS UNDER SEC-**
3 **RETARY OF DEFENSE FOR INTELLIGENCE**
4 **AND SECURITY.**

5 (a) REVIEW.—

6 (1) REQUIREMENT.—The Comptroller General
7 of the United States shall conduct a comprehensive
8 review of both the security functions delegated to the
9 Under Secretary of Defense for Intelligence by the
10 Secretary of Defense and the security functions
11 specified in section 137(b)(3) of title 10, United
12 States Code. In conducting such review, the Com-
13 ptroller General shall—

14 (A) evaluate the effectiveness of the Under
15 Secretary with respect to manning, policy, re-
16 sources, and programs to properly oversee the
17 missions relating to such functions; and

1 (B) provide recommendations to improve
2 such effectiveness.

3 (2) CERTIFICATION.—If the Secretary of De-
4 fense determines that the Under Secretary appro-
5 priately considered the review of the Comptroller
6 General under paragraph (1) and implemented the
7 recommendations specified in subparagraph (B) of
8 such paragraph, the Secretary shall submit to the
9 appropriate congressional committees a certification
10 of such determination.

11 (3) REDESIGNATION CONTINGENT ON CERTIFI-
12 CATION.—Subsections (d), (e), and (f) shall take ef-
13 fect on the date that is 30 days after the date on
14 which the Secretary of Defense submits the certifi-
15 cation under paragraph (2). The Secretary shall no-
16 tify the Law Revision Counsel of the House of Rep-
17 resentatives of such certification so that the Law
18 Revision Counsel executes the amendments made by
19 subsection (f).

20 (4) EFFECTS OF REDESIGNATION.—In carrying
21 out this section and the amendments made by this
22 section, the Secretary of Defense may not transfer
23 or realign to the Under Secretary any missions or
24 resources of the Department of Defense that are not

1 under the Under Secretary before the date of the en-
2 actment of this Act.

3 (5) FUTURE DETERMINATIONS.—If the Sec-
4 retary determines that the security functions of the
5 Under Secretary specified in section 137(b)(3) of
6 title 10, United States Code, should be overseen by
7 an official of the Department of Defense other than
8 the Under Secretary (or an official in the office of
9 the Under Secretary), the Secretary shall submit to
10 the appropriate congressional committees a report
11 on such determination, including any proposed legis-
12 lative actions with respect to redesignating the title
13 of the Under Secretary.

14 (6) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this subsection, the term “ap-
16 propriate congressional committees” means—

17 (A) the congressional defense committees;

18 and

19 (B) the Permanent Select Committee on
20 Intelligence of the House of Representatives
21 and the Select Committee on Intelligence of the
22 Senate.

23 (b) DEPUTY DIRECTOR FOR INTELLIGENCE FOR SE-
24 CURITY.—

1 (1) ESTABLISHMENT.—Section 137 of title 10,
2 United States Code, is amended by adding at the
3 end the following new subsection:

4 “(d) There is in the office of the Under Secretary
5 a Deputy Director for Intelligence for Security. The Dep-
6 uty Director shall have the sole responsibility for the im-
7 plementation, execution, and oversight of—

8 “(1) the security functions delegated to the
9 Under Secretary by the Secretary of Defense; and

10 “(2) the security functions specified in sub-
11 section (b)(3).”.

12 (2) BRIEFING.—The Under Secretary shall pro-
13 vide to the congressional defense committees a brief-
14 ing on how the Deputy Director established by sub-
15 section (d) of section 137 of title 10, United States
16 Code, as added by paragraph (1), will establish and
17 sustain oversight of the missions relating to the se-
18 curity functions specified in such subsection (d).

19 (c) PROTECTION OF PRIVACY AND CIVIL LIB-
20 ERTIES.—Such section, as amended by subsection (b)(1),
21 is further amended by adding at the end the following new
22 subsection:

23 “(e) The Under Secretary shall ensure that the pro-
24 tection of privacy and civil liberties consistent with exist-

1 ing Federal law and the regulations and directives of the
2 Department is a top priority for the Under Secretary.”.

3 (d) REDESIGNATION OF UNDER SECRETARY.—

4 (1) IN GENERAL.—Subject to subsection (a)(3),
5 the Under Secretary of Defense for Intelligence is
6 hereby redesignated as the Under Secretary of De-
7 fense for Intelligence and Security.

8 (2) SERVICE OF INCUMBENT IN POSITION.—

9 Subject to subsection (a)(3), the individual serving
10 as Under Secretary of Defense for Intelligence as of
11 the date of the certification described in such sub-
12 section may serve as Under Secretary of Defense for
13 Intelligence and Security commencing as of that
14 date without further appointment under section 137
15 of title 10, United States Code, as amended by this
16 section.

17 (3) REFERENCE.—Subject to subsection (a)(3),
18 any reference in any law, regulation, map, docu-
19 ment, paper, or other record of the United States to
20 the Under Secretary of Defense for Intelligence shall
21 be deemed to be a reference to the Under Secretary
22 of Defense for Intelligence and Security.

23 (e) REDESIGNATION OF RELATED DEPUTY UNDER
24 SECRETARY.—

1 (1) IN GENERAL.—Subject to subsection (a)(3),
2 the Deputy Under Secretary of Defense for Intel-
3 ligence is hereby redesignated as the Deputy Under
4 Secretary of Defense for Intelligence and Security.

5 (2) SERVICE OF INCUMBENT IN POSITION.—
6 Subject to subsection (a)(3), the individual serving
7 as Deputy Under Secretary of Defense for Intel-
8 ligence as of the date of the certification described
9 in such subsection may serve as Deputy Under Sec-
10 retary of Defense for Intelligence and Security com-
11 mencing as of that date without further appointment
12 under section 137a of title 10, United States Code,
13 as amended by this section.

14 (3) REFERENCE.—Subject to subsection (a)(3),
15 any reference in any law, regulation, map, docu-
16 ment, paper, or other record of the United States to
17 the Deputy Under Secretary of Defense for Intel-
18 ligence shall be deemed to be a reference to the Dep-
19 uty Under Secretary of Defense for Intelligence and
20 Security.

21 (f) CONFORMING AMENDMENTS.—

22 (1) TITLE 10.—Subject to subsection (a)(3),
23 title 10, United States Code, is amended as follows:

24 (A) In each provision as follows, by strik-
25 ing “Under Secretary of Defense for Intel-

1 ligence” and inserting “Under Secretary of De-
2 fense for Intelligence and Security”:

3 (i) Section 131(b)(3)(F).

4 (ii) Section 137, each place it appears.

5 (iii) Section 139a(d)(6).

6 (iv) Section 139b(c)(2)(E).

7 (v) Section 181(d)(1)(B).

8 (vi) Section 393(b)(2)(C).

9 (vii) Section 426, each place it ap-
10 pears.

11 (viii) Section 430(a).

12 (B) In section 137a(c)(6), by striking
13 “Deputy Under Secretary of Defense for Intel-
14 ligence” and inserting “Deputy Under Sec-
15 retary of Defense for Intelligence and Secu-
16 rity”.

17 (C) The heading of section 137 is amended
18 to read as follows:

19 **“§ 137. Under secretary of defense for intelligence
20 and security”.**

21 (D) The table of sections at the beginning
22 of chapter 4 is amended by striking the item re-
23 lating to section 137 and inserting the following
24 new item:

 “137. Under Secretary of Defense for Intelligence and Security.”.

1 (2) TITLE 5.—Subject to subsection (a)(3), title
2 5, United States Code, is amended as follows:

3 (A) In section 5314, by striking “Under
4 Secretary of Defense for Intelligence” and in-
5 serting “Under Secretary of Defense for Intel-
6 ligence and Security”.

7 (B) In section 5315, by striking “Deputy
8 Under Secretary of Defense for Intelligence”
9 and inserting “Deputy Under Secretary of De-
10 fense for Intelligence and Security”.

