AMENDMENT TO RULES COMMITTEE PRINT 116–19

OFFERED BY MS. STEFANIĆ OF NEW YORK

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

SEC. 1614. REDESIGNATION OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AS UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY.

(a) REVIEW.—

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

(A) evaluate the effectiveness of the Under Secretary with respect to manning, policy, resources, and programs to properly oversee the missions relating to such functions; and
(B) provide recommendations to improve such effectiveness.

(2) CERTIFICATION.—If the Secretary of Defense determines that the Under Secretary appropriately considered the review of the Comptroller General under paragraph (1) and implemented the recommendations specified in subparagraph (B) of such paragraph, the Secretary shall submit to the appropriate congressional committees a certification of such determination.

(3) REDESIGNATION CONTINGENT ON CERTIFICATION.—Subsections (d), (e), and (f) shall take effect on the date that is 30 days after the date on which the Secretary of Defense submits the certification under paragraph (2). The Secretary shall notify the Law Revision Counsel of the House of Representatives of such certification so that the Law Revision Counsel executes the amendments made by subsection (f).

(4) EFFECTS OF REDESIGNATION.—In carrying out this section and the amendments made by this section, the Secretary of Defense may not transfer or realign to the Under Secretary any missions or resources of the Department of Defense that are not
under the Under Secretary before the date of the enactment of this Act.

(5) 

Future Determinations.—If the Secretary determines that the security functions of the Under Secretary specified in section 137(b)(3) of title 10, United States Code, should be overseen by an official of the Department of Defense other than the Under Secretary (or an official in the office of the Under Secretary), the Secretary shall submit to the appropriate congressional committees a report on such determination, including any proposed legislative actions with respect to redesignating the title of the Under Secretary.

(6) Appropriate Congressional Committees Defined.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(b) Deputy Director for Intelligence for Security.—
(1) ESTABLISHMENT.—Section 137 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) There is in the office of the Under Secretary a Deputy Director for Intelligence for Security. The Deputy Director shall have the sole responsibility for the implementation, execution, and oversight of—

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

“(2) the security functions specified in subsection (b)(3).”.

(2) BRIEFING.—The Under Secretary shall provide to the congressional defense committees a briefing on how the Deputy Director established by subsection (d) of section 137 of title 10, United States Code, as added by paragraph (1), will establish and sustain oversight of the missions relating to the security functions specified in such subsection (d).

(c) PROTECTION OF PRIVACY AND CIVIL LIBERTIES.—Such section, as amended by subsection (b)(1), is further amended by adding at the end the following new subsection:

“(e) The Under Secretary shall ensure that the protection of privacy and civil liberties consistent with exist-
ing Federal law and the regulations and directives of the Department is a top priority for the Under Secretary.”.

(d) **Redesignation of Under Secretary.**—

(1) **In general.**—Subject to subsection (a)(3), the Under Secretary of Defense for Intelligence is hereby redesignated as the Under Secretary of Defense for Intelligence and Security.

(2) **Service of incumbent in position.**—Subject to subsection (a)(3), the individual serving as Under Secretary of Defense for Intelligence as of the date of the certification described in such subsection may serve as Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137 of title 10, United States Code, as amended by this section.

(3) **Reference.**—Subject to subsection (a)(3), any reference in any law, regulation, map, document, paper, or other record of the United States to the Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Under Secretary of Defense for Intelligence and Security.

(e) **Redesignation of related deputy under secretary.**—
1. IN GENERAL.—Subject to subsection (a)(3), the Deputy Under Secretary of Defense for Intelligence is hereby redesignated as the Deputy Under Secretary of Defense for Intelligence and Security.

2. SERVICE OF INCUMBENT IN POSITION.—Subject to subsection (a)(3), the individual serving as Deputy Under Secretary of Defense for Intelligence as of the date of the certification described in such subsection may serve as Deputy Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137a of title 10, United States Code, as amended by this section.

3. REFERENCE.—Subject to subsection (a)(3), any reference in any law, regulation, map, document, paper, or other record of the United States to the Deputy Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Deputy Under Secretary of Defense for Intelligence and Security.

(f) CONFORMING AMENDMENTS.—

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

   (A) In each provision as follows, by striking “Under Secretary of Defense for Intel-
ligence” and inserting “Under Secretary of Defense for Intelligence and Security”:

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

(ii) Section 137, each place it appears.

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

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

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

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

(vii) Section 426, each place it appears.

(viii) Section 430(a).

(B) In section 137a(c)(6), by striking “Deputy Under Secretary of Defense for Intelligence” and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

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

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

(D) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 137 and inserting the following new item:

“137. Under Secretary of Defense for Intelligence and Security.”.
(2) TITLE 5.—Subject to subsection (a)(3), title 5, United States Code, is amended as follows:

(A) In section 5314, by striking “Under Secretary of Defense for Intelligence” and inserting “Under Secretary of Defense for Intelligence and Security”.

(B) In section 5315, by striking “Deputy Under Secretary of Defense for Intelligence” and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

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