

## 5.1.1 Increase Intelligence Support to the Private Sector

This proposal implements the Commission's recommendation to direct the executive branch to conduct a six-month comprehensive review of intelligence policies, procedures, and resources to identify and address key limitations in the ability of the intelligence community to provide intelligence support to the private sector.

---

### A BILL

To improve the ability of the intelligence community to provide intelligence support to the private sector, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SEC. 1. REVIEW AND UPDATE INTELLIGENCE AUTHORITIES TO INCREASE INTELLIGENCE SUPPORT TO THE BROADER PRIVATE SECTOR.**

- (a) **REVIEW REQUIRED.**—Not later than December 31, 2021, the Director of National Intelligence, in coordination with Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Security Agency, shall submit a comprehensive review of intelligence policies, procedures, and resources to the Select Committee on Intelligence and the Committee on Homeland Security and Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Homeland Security of the House of Representatives that identifies and addresses any legal or policy requirements that impede the ability of the intelligence community to support the private sector, and the Federal departments and agencies whose mission is to assist them in their cybersecurity and defense.
- (b) **ELEMENTS OF THE REVIEW.**—The review developed pursuant to subsection (a) shall—
- (1) identify and address limitations in collection on foreign adversary malicious cyber activity targeting domestic critical infrastructure;
  - (2) identify limitations in the ability of the intelligence community to share threat intelligence information with the private sector and critical infrastructure owners and operators;
  - (3) review downgrade and declassification procedures for cybersecurity threat intelligence and assess options to improve the speed and timeliness of release;
  - (4) define criteria and procedures that would identify certain types of intelligence for expedited declassification and release;

- (5) examine current and projected mission requirements of the National Security Agency's Cybersecurity Directorate to support other Federal departments and agencies and the private sector, including funding gaps;
  - (6) recommend budgetary changes needed to ensure that NSA meets expectations for increased support to other Federal department and agency cybersecurity efforts, including support to privately-sector critical infrastructure owners or operators;
  - (7) review cyber-related information-sharing consent processes, including consent to monitor agreements, and assess gaps and opportunities for greater standardization and simplification while ensuring privacy and civil liberty protections; and
  - (8) review existing statutes governing "national security systems", including National Security Directive 42, and assess the sufficiency of existing National Security Agency authorities to protect systems and assets that are critical to national security.
- (c) SUBMISSION OF RECOMMENDATIONS.— The review required pursuant to subsection (a) shall include recommendations to address the gaps identified in the review.
- (d) FORM OF REVIEW.—The review required pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.