

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9087
OFFERED BY MR. ISSA OF CALIFORNIA**

At the appropriate place, insert the following:

1 **SEC. ____ . LIMITED COUNTERINTELLIGENCE, PROTECTIVE**
2 **INTELLIGENCE, AND INSIDER-THREAT AU-**
3 **THORITY FOR DEPARTMENT SECURITY.**

4 Section 103 of the Omnibus Diplomatic Security and
5 Antiterrorism Act of 1986 (22 U.S.C. 4802) is amended
6 by adding at the end the following

7 “(f) LIMITED COUNTERINTELLIGENCE, PROTECTIVE
8 INTELLIGENCE, AND INSIDER-THREAT FUNCTIONS.—

9 “(1) IN GENERAL.—In carrying out the security
10 responsibilities under this section, the Secretary of
11 State, acting through the Assistant Secretary for
12 Diplomatic Security, may conduct security, protec-
13 tive intelligence, insider-threat, and foreign-intel-
14 lIGENCE-threat assessment and mitigation activities
15 necessary to identify, assess, prevent, disrupt, or
16 mitigate threats to Department of State personnel,
17 facilities, information, systems, operations, missions,
18 or persons and facilities for which the Secretary of
19 State has security responsibility.

1 “(2) SCOPE.—Activities under paragraph (1)
2 may include the collection, receipt, analysis, reten-
3 tion, use, and dissemination of lawfully obtained in-
4 formation, including publicly available information,
5 security information, threat information, travel and
6 access information, cyber and technical-security in-
7 formation, and information received from Federal,
8 State, local, Tribal, territorial, foreign, or inter-
9 national partners, as necessary to carry out the re-
10 sponsibilities described in paragraph (1).

11 “(3) COORDINATION.—The Secretary of State
12 shall establish procedures, in coordination with the
13 Attorney General, the Director of the Federal Bu-
14 reau of Investigation, and the Director of National
15 Intelligence, as appropriate, to deconflict activities
16 under this subsection with Federal counterintel-
17 ligence, criminal, intelligence, and national security
18 activities.

19 “(4) LIMITATIONS.—Nothing in this subsection
20 shall be construed to—

21 “(A) limit or displace the authorities of the
22 Attorney General, Director of the Federal Bu-
23 reau of Investigation, the Director of National
24 Intelligence, or the intelligence community;

25 “(B) authorize—

1 “(i) FISA-covered activity unless oth-
2 erwise authorized;

3 “(ii) investigation of United States
4 persons based solely on First Amendment-
5 protected activity; or

6 “(iii) collection without a Department
7 security, protective, insider-threat, foreign-
8 intelligence-threat, or mission-security
9 nexus; or

10 “(C) alter section 552a of title 5, United
11 States Code, civil-liberties, or any Attorney
12 General-approved procedure requirements.

13 “(5) REPORT.—Not later than one year after
14 the date of enactment of this subsection, the Sec-
15 retary shall brief the Foreign Affairs Committee, Ju-
16 diciary Committee, and Permanent Select Committee
17 on Intelligence of the House of Representatives and
18 the Foreign Relations Committee, Judiciary Com-
19 mittee, Select Committee on Intelligence of the Sen-
20 ate on procedures, safeguards, coordination mecha-
21 nisms, and implementation of this subsection.”.

