

**H.R. 7900—FY23 NATIONAL DEFENSE
AUTHORIZATION BILL**

**SUBCOMMITTEE ON
INTELLIGENCE AND
SPECIAL OPERATIONS**

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TITLE XIII—OTHER MATTERS RELATING TO FOREIGN NATIONS

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SUBTITLE B—OTHER MATTERS RELATING TO FOREIGN NATIONS

Section 1331—Support of Special Operations for Irregular Warfare

This section would codify section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), as well as amendments made by section 1207 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) by adding a new section after section 127c, of title 10, United States Code.

TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

LEGISLATIVE PROVISIONS

SUBTITLE B—DEFENSE INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

Section 1611—Congressional Oversight of Clandestine Activities That Support Operational Preparation of the Environment

This section would amend section 127f of title 10, United States Code, and require a quarterly briefing on certain activities that support operational preparation of the environment.

BILL LANGUAGE

1 **Subtitle B—Other Matters Relating**
2 **to Foreign Nations**

3 **SEC. 1331. [LOG 74807] SUPPORT OF SPECIAL OPERATIONS**
4 **FOR IRREGULAR WARFARE.**

5 (a) CODIFICATION.—

6 (1) IN GENERAL.—Chapter 3 of title 10, United
7 States Code, is amended by inserting after section
8 127c a new section 127d consisting of—

9 (A) a heading as follows:

10 **“§ 127d. Support of special operations for irregular**
11 **warfare”; and**

12 (B) a text consisting of the text of sub-
13 sections (a) through (i) of section 1202 of the
14 National Defense Authorization Act for Fiscal
15 Year 2018 (Public Law 115–91; 131 Stat.
16 1639).

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by inserting after the item relating to section 127c
20 the following new item:

“127d. Support of special operations for irregular warfare.”.

21 (b) MODIFICATION OF DOLLAR AMOUNT.—Section
22 127d of title 10, United States Code, as so amended, is
23 further amended in subsection (a) by striking
24 “\$15,000,000” and inserting “\$25,000,000”.

1 (c) CONFORMING REPEAL.—Section 1202 of the Na-
2 tional Defense Authorization Act for Fiscal Year 2018 is
3 repealed.

1 **Subtitle B—Defense Intelligence**
2 **and Intelligence-Related Activities**

3 **SEC. 1611.[Log 74876] CONGRESSIONAL OVERSIGHT OF**
4 **CLANDESTINE ACTIVITIES THAT SUPPORT**
5 **OPERATIONAL PREPARATION OF THE ENVI-**
6 **RONMENT.**

7 Section 127f of title 10, United States Code, is
8 amended—

9 (1) by redesignating subsections (e) and (f) as
10 subsection (f) and (g), respectively; and

11 (2) by inserting after subsection (d) the fol-
12 lowing new subsection:

13 “(e) **QUARTERLY BRIEFING.**—On a quarterly basis,
14 the Under Secretary of Defense for Intelligence and Secu-
15 rity, in coordination with the Assistant Secretary of De-
16 fense for Special Operations and Low Intensity Conflict,
17 shall provide to the congressional defense committees a
18 briefing outlining the clandestine activities carried out
19 pursuant to subsection (a) during the period covered by
20 the briefing, including—

21 “(1) an update on such activities carried out in
22 each geographic combatant command and a descrip-
23 tion of how such activities support the respective
24 theater campaign plan;

1 “(2) an overview of the authorities and legal
2 issues, including limitations, relating to such activi-
3 ties; and

4 “(3) any other matters the Under Secretary
5 considers appropriate.”.

DIRECTIVE REPORT LANGUAGE

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

Items of Special Interest

Blast exposure monitoring for special operations

The committee notes that U.S. Special Operations Command (USSOCOM) is working to identify blast overpressure exposure that occurs with heavy weapons systems use, breaching, and in dynamic combat and training environments. USSOCOM's knowledge of the effects of blast exposure is limited by a lack of objective blast exposure monitoring (BEMO). USSOCOM's goal is to optimize warfighter brain health and performance to maximize joint force superiority and lethality in all operating environments. The committee understands USSOCOM is currently developing the BEMO sensor and is nearing completion of phase II of testing and will soon begin phase III testing. The committee believes the development of sensors that measure blast overpressure exposure are critical to the safety and welfare of service members and recommends USSOCOM complete testing and begin fielding the BEMO sensor as rapidly as possible. The committee directs the Commander, USSOCOM to provide a briefing to the House Committee on Armed Services not later than 180 days after the completion of testing on the results of testing and whether the BEMO sensors are a ready for fielding.

Special operations edge-capable three-dimensional mapping capability

The committee understands the importance of tactical intelligence, surveillance, and reconnaissance (ISR) edge capabilities for special operations users who often must navigate contested environments. Further, the committee notes the recommendations of the National Security Commission on Artificial Intelligence (AI) to “develop artificial intelligence, machine learning and associated technologies in the U.S. to comprehensively address the national security and defense needs of the U.S.” in this domain. The committee also understands that three U.S. Special Operations Command (USSOCOM) components have identified an operational need for edge-capable three-dimensional (3D) mapping technology encompassing advanced terrain analytics in near real time.

Therefore, the committee directs the Commander, USSOCOM to assess, and if feasible, field an AI-powered tactical ISR 3D mapping solution. The assessment shall determine if the solution will enhance the current command and control architecture, whether software should be of sufficient capability to produce two- and three-dimensional maps of a battlespace and if processing should be able to be conducted without a cloud connection. Finally, the assessment shall determine

if the software should be interoperable with Group 1-5 unmanned aerial systems and with existing imaging payloads, to include deployability and operability on mobile devices already in the end-user inventory. The committee further directs the Commander, USSOCOM to provide a copy of the assessment to the House Committee on Armed Services not later than April 1, 2023.

TITLE V—MILITARY PERSONNEL POLICY

ITEMS OF SPECIAL INTEREST

Implementation Action Plan of U.S. Special Operations Command Diversity and Inclusion Strategic Plan

The committee recognizes that U.S. Special Operations Command (USSOCOM) has taken steps to improve diversity and foster greater inclusivity within the command. Although the Diversity and Inclusion Strategic Plan 2021 and the Implementation Action Plan for fiscal year 2022-23 are a positive sign, USSOCOM continues to struggle both to broaden its force and to deepen its talent pool based on all types of experiences, skills, and perspectives. Therefore, the committee directs the Commander, USSOCOM to provide a briefing to the House Committee on Armed Services by March 31, 2023, on the results of the Implementation Action Plan. The briefing should include best practices the command has instituted to strengthen diversity and inclusion into the organizational climate and culture, as well as partnering with the service components to increase diversity in recruiting. The briefing shall also include a discussion on efforts to partner with civilian organizations with expertise in these areas.

Report on Establishment of a National Guard Ranger Battalion

The committee recognizes that the National Guard has been employed as an operational reserve force, with requirements to fulfill many of the same mission sets as the Active Component. The National Guard maintains two Special Forces Groups as a relief for the Active Component's Special Forces Groups. The creation of a Ranger Battalion for the National Guard would provide much needed dwell time for the Active 75th Ranger Regiment units, while increasing readiness and capacity of the nation's premier light infantry unit. As such, the committee directs the Secretary of the Army to submit a report to the House Committee on Armed Services, not later than March 1, 2023, assessing the feasibility of establishing a Ranger battalion in the National Guard, including the required resources and timeline for activating the unit. Additionally, the report should also assess the feasibility of the Army National Guard and the 75th Ranger Regiment allowing physically and mentally qualified service members within the National Guard to apply for the Ranger Assessment and Selection Program.

Special Forces Transition from Active Duty to Reserve Units

The committee recognizes the unique qualifications possessed by U.S. Army Special Forces service members, who undergo years of tactical, irregular warfare, medical, culture, and language training. The committee believes it is essential to retain these unique qualifications in both the Active Duty and the National Guard. To mitigate retention challenges within the Army Special Forces community and maintain as many of these highly skilled individuals in the Army, the committee believes a formal transition program between the Active Duty and National Guard Special Forces should be instituted. Therefore, the committee directs the Secretary of the Army to submit a report to the House Committee on Armed Services not later than April 1, 2023, outlining a plan to transition Active Component Special Forces service members more seamlessly, who plan to end their Active Duty term of service, to the 19th and 20th Special Forces Group in the National Guard. The report should consider the feasibility of maintaining National Guard liaison officers within 1st Special Forces Command who are able to coordinate the transition of exiting Active Component Special Forces service members to the Special Forces Groups in the National Guard. The report should also examine possible incentives for transferring to the National Guard vice the Inactive Ready Reserve, and the net cost of providing these incentives to exiting Active Component Special Forces service members, compared to the cost of onboarding and training new Special Forces service members into the National Guard.

TITLE X—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

OTHER MATTERS

Over The Horizon Capabilities

The committee notes U.S. Special Operations Command (USSOCOM) is pivoting to countering great power competition (GPC) while still executing the priority mission of countering violent extremist organizations (CVEO). The shift to GPC requires USSOCOM to rebalance its current intelligence, surveillance, and reconnaissance (ISR) platforms. The committee is aware of challenges with the over the horizon mission, including locations with limited access for ISR platforms such as the Javaman fleet. The committee concurs with USSOCOM's reduction of Javaman aircraft and reinvestment in modernization to advance the transition of special operations ISR capabilities to support integrated deterrence, focus more capability to counter GPC, and enable access for the CVEO mission. Therefore, the committee directs the Commander, USSOCOM to provide a briefing to the House Committee on Armed Services not later than March 31, 2023, on the reinvestment and modernization of ISR platforms to support.

Special Operations Capabilities in Support of Operational Plans

The committee notes the unique capabilities offered to geographic combatant commanders (GCC) by U.S. Special Operations Forces (USSOF) to combat threats from non-state actors, transnational terrorist groups, and gray-zone activities of near-peer adversaries. The committee further notes the unique authorities afforded to USSOF to combat terrorist threats through support to foreign forces, irregular forces, groups, or individuals under section 127e of title 10, United States Code, and to provide support to foreign forces, irregular forces, groups, or individuals in supporting or facilitating ongoing and authorized irregular warfare authorities through section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91). Further, the committee notes the ongoing threats facing the United States from violent extremist groups, and additional, dynamic threats posed to the United States from near-peer adversaries, and their allies and proxies. The committee recognizes the utility of utilizing the unique capabilities of USSOF and the authorities provided to them through congressional authorization to combat these threats to the United States.

Therefore, the committee directs the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Commander, U.S. Special Operations Command, and relevant GCCs, to provide a report to the House Committee on Armed Services by March 1, 2023, on USSOF abilities, through the authorities under 10 U.S.C. 127e and section 1202 of Public Law 115-91, to support the operational plans of each GCC. The report shall include:

- (1) an analysis of additional support needed by each GCC to utilize and employ 10 U.S.C. 127e authorities and section 1202 authorities in Public Law 115-91 in their operational plans;
- (2) an analysis how USSOF irregular warfare capabilities are currently incorporated in GCC operational plans;
- (3) how SOCOM's 10 U.S.C. 127e authorities are built in to GCC's operational plans; and
- (4) how SOCOM's section 1202 authority in Public Law 115-91 is built into GCC operational plans; a list of factors that hinder or prevent the GCC's use 10 U.S.C. 127e authorities and section 1202 authority in Public Law 115-91; and an assessment of near-peer adversaries' use of irregular warfare tactics and operations in each GCC.

Special Operations Forces Capability to Track International Financial Transactions to Counter Violent Extremist Organizations

The committee notes one of the major challenges to countering violent extremist organizations (VEOs) is the ability to track international financial transactions in real time. The committee recognizes that central to the counter VEO mission is the ability to deny resources and capabilities to VEOs so they are unable to conduct operations targeting the United States and its allies, partners or interests. Therefore, the committee directs the Assistant Secretary of Defense for

Special Operations and Low-Intensity Conflict to provide a briefing to the House Committee on Armed Services by March 31, 2023, on the Department of Defense's capability to integrate information and data matching to track international financial transactions and inform special operations forces' counterterrorism efforts. The briefing shall include a description of the use of any advanced mathematical capabilities for phonetic and linguistic processing and the identification and matching of foreign language and alphabetic systems to support investigations of terrorist threats. The briefing shall also include any coordination conducted with the Department of the Treasury's Terrorist Finance Tracking Program, including investigations of sanctions violations related to terrorist threats.

Special Operations Information Operations Capability to Counter Malign Influence in Africa

The committee recognizes the increase in malign influence on the continent of Africa stemming from China and Russia. The committee notes that U.S. Special Operations Forces partner with many African nations to fight violent extremists and terrorist organizations. The committee recognizes that through disinformation and other malign influence campaigns executed through state-linked actors, China and Russia are creating an asymmetric race for authority and are hindering the fight against terrorist activities on the continent. The committee further believes that U.S. Special Operations Forces possess the skills to assist with U.S. efforts to combat malign influence. Therefore, the committee directs the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Commander, U.S. Special Operations Command, to provide a briefing to the House Committee on Armed Services, not later than March 1, 2023, on the current information operations capabilities to counter malign influence of Russia and China in Africa.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

ITEMS OF SPECIAL INTEREST

Increasing Special Operations Forces Collaboration with Allies and Partners with Irregular Warfare Programs

The committee commends the Department of Defense's use of the authority for the Support of Special Operations for Irregular Warfare (IW) provided in section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) and recognizes the ability to increase the capabilities of partner countries special operations forces such as Ukraine's. The committee also recognizes the Department of Defense's desire for increased flexibility in employing these authorities to support the National Defense Strategy (NDS) shift to counter great power competition more effectively against activities in the gray-zone. The

committee encourages the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to pursue innovative applications of these IW programs in strengthening allied and partner capabilities to resist influence from strategic competitors, with an emphasis on Military Information Support Operations (MISO) and the emerging capability of web-based MISO. The committee directs the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to provide a briefing to the House Committee on Armed Services not later than March 31, 2023, on plans to expand the use of this authority to vetted allied and partner forces in the Indo-Pacific region. The briefing shall include the potential list of partners, the operational or training objectives for each expansion and how it supports the NDS.

TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

ITEMS OF SPECIAL INTEREST

INTELLIGENCE MATTERS

Army Operations-Intelligence Convergence Capability

The committee recognizes that the Army's ability to merge operational and real-time intelligence data will be critical to achieving success in future multi-domain operations. The committee also recognizes that successful development of this capability will enable our commanders to rapidly plan and adjust operations in the dynamic warfighting environments of the future. The committee understands that the Army has experimented with operations-intelligence convergence capabilities since 2012. However, the committee is concerned that the Army has only achieved a limited fielding of this transformational capability across a small number of exercises to date. Therefore, the committee directs the Under Secretary of Defense for Intelligence and Security, in coordination with the Commanding General of U.S. Army Intelligence and Security Command, to provide a briefing to the House Committee on Armed Services by January 31, 2023, on the strategy to develop, test, and field operations-intelligence convergence capabilities to the Army.

Artificial Intelligence Powered Tactical Intelligence, Surveillance, and Reconnaissance

The committee understands the importance of tactical intelligence, surveillance, and reconnaissance (ISR) edge capabilities for U.S. Marines who often navigate in contested environments. Further, the committee recognizes that the Marine Corps has made investments to field an edge-capable, artificial-intelligence powered tactical ISR solution. However, the committee would like to better understand the status of development and fielding of software with sufficient

capability to produce two- and three-dimensional battlespace maps that are operable without a cloud connection. Therefore, the committee directs the Commandant of the Marine Corps to submit a plan to the House Committee on Armed Services by December 31, 2022, for transition of related efforts at the Marine Corps Warfighting Lab, on the status of software development to be interoperable with Group 1-5 unmanned aerial systems and with existing imaging payloads, to include deployability and operability on mobile devices already in the end-user inventory.

Digital Persona Protection

The committee is aware of increasing threats from social media impersonations, fraud, spoofing, phishing, and even account takeovers. The committee recognizes that the Department of Defense has taken steps to counter these activities and encourages the Department to ensure that these efforts include a comprehensive strategy to protect service members and civilian employees. Therefore, the committee directs the Under Secretary of Defense for Intelligence and Security to submit a report to the House Committee on Armed Services by December 31, 2022, on efforts across the Defense Intelligence Enterprise to protect the digital personas of Department of Defense military and civilian personnel.

Leveraging Commercial Crowd-Sourced Data

The committee recognizes the important role data plays in the day-to-day mission execution at the Department of Defense to enable shared situational awareness and inform decision-making at all levels. Further, the committee recognizes the efficiencies gained by the Defense Intelligence Enterprise through efforts to leverage domestic commercially available crowd-sourced data services to augment traditional sources of intelligence. The committee recognizes the value that these commercial capabilities provide to rapidly collect data across the globe and provide actionable insights into breaking military developments. The committee encourages the Defense Intelligence Enterprise to continue to acquire and use open source, commercially available data, to include crowd-sourced data, to augment traditional sources of intelligence and enable warfighters to more thoroughly and quickly understand complex national security challenges. Therefore, the committee directs the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of the Defense Intelligence Agency, to provide a briefing to the House Committee on Armed Services by December 31, 2022, on the use of commercially available crowd-sourced data services to augment traditional sources of intelligence. The briefing shall also include the procedures in place to ensure protection of the privacy and civil liberties of U.S. persons and limit access to and use of commercial data to geolocations outside the United States.

National Counterintelligence Task Force Briefing

The committee recognizes the challenges presented in protecting the country's critical assets, especially advanced technologies and sensitive information in the defense, intelligence, and related science and technology research. The committee is aware of increased threats from adversaries attempting to steal or compromise these assets. The committee recognizes the steps taken to counter these activities through the counterintelligence and security activities of the Office of the Under Secretary of Defense for Intelligence and Security, the Defense Counterintelligence and Security Agency, and the military services. The committee also recognizes the efforts underway by the National Counterintelligence Task Force to address the threats. Therefore, the committee directs the Under Secretary of Defense for Intelligence and Security to facilitate a briefing from the National Counterintelligence Task Force to the House Committee on Armed Services by January 31, 2023, on counterintelligence threats to classified research and efforts to address vulnerabilities and enhance operational security against foreign espionage at critical research locations and among contracted researchers or other individuals conducting classified research supported by U.S. Federal funding.

Open Source Intelligence Management

The committee recognizes the growth in the role of open source intelligence (OSINT) within the defense intelligence enterprise. The committee supports the designation of the Defense Intelligence Agency (DIA) as the functional manager of OSINT. However, the committee remains concerned about the synchronization of OSINT across the service intelligence components as well as others within the defense intelligence enterprise. Therefore, the committee directs the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of the Defense Intelligence Agency, to submit a report to the House Committee on Armed Services by December 31, 2022, on OSINT management. The report shall include a description of the roles and responsibilities of the DIA as functional manager for OSINT across the Department of Defense; a breakdown of Department of Defense OSINT components; a description of the tiers of activity for each OSINT component within the defense intelligence enterprise and how that information meets intelligence requirements; and the extent of commercial contracts supporting the OSINT mission by component and with identification of any overlap or duplication of efforts.

Report on Commercial Geospatial Data Integration

As the National Geospatial-Intelligence Agency (NGA) accelerates its strategy for acquiring commercial geospatial imagery to address Department of Defense requirements, the committee is encouraged with progress made to develop Global Enhanced Geospatial Intelligence Delivery (G-EGD) into a platform that offers seamless access to diverse data sources for the U.S. Government and allied forces.

The committee recognizes that the G-EGD program delivers mission essential, time-sensitive information on the tactical edge and across the U.S. Government. The committee recognizes G-EGD meets the need for timely geospatial intelligence (GEOINT) in contested environments, and given the advancements in 3D technology the committee recognizes the need to continually enhance the capability to ensure the best available technology is accessible by end users. Additionally, the committee recognizes the need to access and exploit this data on all domains to maximize additional commercial GEOINT sources and analytic capabilities to be integrated into the G-EGD service. The committee expects NGA to continue to innovate, adopt, and integrate U.S. commercial geospatial imagery by working proactively with industry to apply domestic commercial solutions to known geospatial imagery gaps. The committee directs the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of the NGA, to submit a report to the House Committee on Armed Services by December 31, 2022, on data integration at the NGA for commercial imagery, including the status within existing NGA platforms to complete integration for end user access to commercial domestic satellite imagery capabilities, additional commercial GEOINT sources and analytic capabilities to be integrated into the G-EGD service, and data standards required to effectively and efficiently integrate G-EGD with a broader ecosystem of mission command systems.

Transition of Algorithmic Warfare Cross-Functional Team

The committee commends the Department of Defense's decision to transfer the preponderance of the Algorithmic Warfare Cross-Functional Team, or Project Maven, from the Under Secretary of Defense for Intelligence and Security to the National Geospatial-Intelligence Agency (NGA). The committee is concerned, however, that NGA is not adequately prepared to execute this transfer as scheduled. The committee is aware of a range of challenges, including lack of appropriate physical space and personnel shortages. Therefore, the committee directs the Under Secretary of Defense for Intelligence and Security, in coordination with the Director of the NGA, to submit a report to the House Committee on Armed Services by February 1, 2023, on the transition of Project Maven, including a plan to secure physical space appropriate for the activities, a staffing plan, the projected timeline for completion, and funding requirements to transition and sustain the program and projected projects.