

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To increase the availability of open-source intelligence products in the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To increase the availability of open-source intelligence products in the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Open Source Intel-
5 ligence Availability Act”.

1 **SEC. 2. DEVELOPMENT OF PLAN TO MAKE OPEN-SOURCE**
2 **INTELLIGENCE PRODUCTS AVAILABLE TO**
3 **CERTAIN FEDERAL EMPLOYEES.**

4 (a) **PLAN REQUIREMENT.**—Not later than 180 days
5 after the date of the enactment of this Act, the Director
6 of National Intelligence, in consultation with such heads
7 of the elements of the intelligence community as the Direc-
8 tor considers appropriate, shall develop and submit to the
9 congressional intelligence committees a plan to make avail-
10 able to covered individuals any covered open-source intel-
11 ligence product.

12 (b) **ELEMENTS.**—The plan required under subsection
13 (a) shall include the following:

14 (1) Policies and procedures to make available to
15 covered individuals any covered open-source intel-
16 ligence product in a manner consistent with the pro-
17 tection of intelligence sources and methods.

18 (2) Policies and procedures to increase the
19 availability and accessibility to covered individuals of
20 publicly-available foreign language material that is
21 translated by or within the intelligence community.

22 (3) Policies and procedures to ensure that the
23 head of each element of the intelligence community
24 that produces any covered open-source intelligence
25 product complies with all policies and procedures

1 issued to implement the plan submitted under sub-
2 section (a).

3 (4) Policies and procedures to ensure that any
4 covered open-source intelligence product that is
5 made available to covered individuals satisfies the re-
6 quirements under any policy, procedure, or standard
7 issued by the head of an element of the intelligence
8 community relating to the production and dissemina-
9 tion of intelligence products.

10 (5) Any obstacles to making available to cov-
11 ered individuals unclassified products derived from
12 open-source intelligence produced by the intelligence
13 community, including translated foreign language
14 material described in paragraph (2).

15 (6) With respect to implementation of the plan,
16 a discussion of the estimated timeline, any additional
17 funding or other resources, and any new authorities
18 that would be required for such implementation.

19 (7) A discussion of the feasibility and advis-
20 ability of making unclassified products derived from
21 open-source intelligence produced by the intelligence
22 community available to State and local government
23 officials who would derive value from such unclassi-
24 fied products.

1 (c) FORM.—The plan required under subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 (d) INTELLIGENCE COMMUNITY DIRECTIVE WITH
5 RESPECT TO OPEN-SOURCE INTELLIGENCE.—Not later
6 than 180 days after the date of the enactment of this Act,
7 the Director of National Intelligence shall update Intel-
8 ligence Community Directive 208, Maximizing the Utility
9 of Analytic Products (or any successor directive) to spe-
10 cifically address—

11 (1) the production and dissemination of unclas-
12 sified intelligence products derived entirely from
13 open-source intelligence, including from unclassified
14 publicly available information, unclassified commer-
15 cially available information, or any other type of un-
16 classified information; and

17 (2) the needs and requirements of covered indi-
18 viduals who do not hold a security clearance or have
19 access to the classified systems on which such un-
20 classified intelligence products reside.

21 (e) DEFINITIONS.—In this section:

22 (1) COVERED INDIVIDUAL.—The term “covered
23 individual” means an employee of the Federal Gov-
24 ernment—

1 (A) who is not an employee or contractor
2 of an element of the intelligence community;
3 and

4 (B) who would derive value from a covered
5 open-source intelligence product.

6 (2) COVERED OPEN-SOURCE INTELLIGENCE
7 PRODUCT.—The term “covered open-source intel-
8 ligence product” means an unclassified product de-
9 rived from open-source intelligence that is produced
10 by the intelligence community.