

118TH CONGRESS  
2D SESSION

# S. 4366

To enhance intelligence community acquisitions, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2024

Mr. CORNYN (for himself, Mr. WARNER, Mr. KELLY, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## A BILL

To enhance intelligence community acquisitions, 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 “Enabling New Agile  
5 Buying-power and Leveraging Enhancements in Intel-  
6 ligence Community Acquisitions Act 2024” or the “EN-  
7 ABLE IC Acquisitions Act of 2024”.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

1           (1) CONGRESSIONAL INTELLIGENCE COMMIT-  
2           TEES.—The term “congressional intelligence com-  
3           mittees” has the meaning given such term in section  
4           3 of the National Security Act of 1947 (50 U.S.C.  
5           3003).

6           (2) INTELLIGENCE COMMUNITY.—The term  
7           “intelligence community” has the meaning given  
8           such term in such section.

9   **SEC. 3. SENSE OF THE SENATE ENCOURAGING INTEL-**  
10                   **LIGENCE COMMUNITY TO INCREASE PRIVATE**  
11                   **SECTOR CAPITAL PARTNERSHIPS AND PART-**  
12                   **nership WITH OFFICE OF STRATEGIC CAP-**  
13                   **ITAL OF DEPARTMENT OF DEFENSE TO SE-**  
14                   **CURE ENDURING TECHNOLOGICAL ADVAN-**  
15                   **TAGES.**

16           It is the sense of the Senate that—

17           (1) acquisition leaders in the intelligence com-  
18           munity should further explore the strategic use of  
19           private capital partnerships to secure enduring tech-  
20           nological advantages for the intelligence community,  
21           including through the identification, development,  
22           and transfer of promising technologies to full-scale  
23           programs capable of meeting intelligence community  
24           requirements; and



1 Fund” (in this subsection referred to as the “Fund”) to  
2 assist in the transitioning of products or services from the  
3 research and development phase to the contracting and  
4 production phase.

5 (c) CONTENTS OF FUND.—The Fund shall consist of  
6 amounts appropriated to the Fund and amounts in the  
7 Fund shall remain available until expended.

8 (d) AVAILABILITY AND USE OF FUND.—

9 (1) IN GENERAL.—Subject to paragraph (3),  
10 amounts in the Fund shall be available to the Direc-  
11 tor of National Intelligence to provide assistance to  
12 a business or nonprofit organization that is  
13 transitioning a product or service.

14 (2) TYPES OF ASSISTANCE.—Assistance pro-  
15 vided under paragraph (1) may be distributed as  
16 funds in the form of a grant, a payment for a prod-  
17 uct or service, or a payment for equity.

18 (3) REQUIREMENTS FOR FUNDS.—Assistance  
19 may only be provided under paragraph (1) to a busi-  
20 ness or nonprofit organization that is transitioning  
21 a product or service if—

22 (A) the business or nonprofit organiza-  
23 tion—

24 (i) has participated or is participating  
25 in a work program; or

1                   (ii) is engaged with an element of the  
2                   intelligence community or Department of  
3                   Defense for research and development; and  
4                   (B) the Director of National Intelligence or  
5                   the head of an element of the intelligence com-  
6                   munity attests that the product or service will  
7                   be utilized by an element of the intelligence  
8                   community for a mission need, such as because  
9                   it would be valuable in addressing a needed ca-  
10                  pability, fill or complement a technology gap, or  
11                  increase the supplier base or price-competitive-  
12                  ness for the Federal Government.

13                  (4) PRIORITY FOR SMALL BUSINESS CONCERNS  
14                  AND NONTRADITIONAL DEFENSE CONTRACTORS.—In  
15                  providing assistance under paragraph (1), the Direc-  
16                  tor shall prioritize the provision of assistance to  
17                  small business concerns (as defined under section  
18                  3(a) of the Small Business Act (15 U.S.C. 632(a)))  
19                  and nontraditional defense contractors (as defined in  
20                  section 3014 of title 10, United States Code).

21                  (e) ADMINISTRATION OF FUND.—

22                   (1) IN GENERAL.—The Fund shall be adminis-  
23                   tered by the Director of National Intelligence.

24                   (2) CONSULTATION.—In administering the  
25                   Fund, the Director—

1 (A) shall consult with the heads of the ele-  
2 ments of the intelligence community; and

3 (B) may consult with In-Q-Tel, the De-  
4 fense Advanced Research Project Agency, the  
5 North Atlantic Treaty Organization Investment  
6 Fund, and the Defense Innovation Unit.

7 (f) ANNUAL REPORTS.—

8 (1) IN GENERAL.—Not later than September  
9 30, 2025, and each fiscal year thereafter, the Direc-  
10 tor shall submit to the congressional intelligence  
11 committees a report on the Fund.

12 (2) CONTENTS.—Each report submitted pursu-  
13 ant to paragraph (1) shall include, for the period  
14 covered by the report, information about the fol-  
15 lowing:

16 (A) How much was expended or obligated  
17 using amounts from the Fund.

18 (B) For what the amounts were expended  
19 or obligated.

20 (C) The effects of such expenditures and  
21 obligations.

22 (D) Summarize annual transition activities  
23 and outcomes of such activities for the intel-  
24 ligence community.

1           (3) FORM.—Each report submitted pursuant to  
2 paragraph (1) shall be submitted in unclassified  
3 form, but may include a classified annex.

4           (g) AUTHORIZATION OF APPROPRIATIONS.—

5           (1) IN GENERAL.—Subject to paragraph (2),  
6 there is authorized to be appropriated to the Fund  
7 \$75,000,000 for fiscal year 2025 and for each fiscal  
8 year thereafter.

9           (2) LIMITATION.—The amount in the Fund  
10 shall not exceed \$75,000,000 at any time.

11 **SEC. 5. ENHANCEMENT OF AUTHORITY FOR INTELLIGENCE**

12                           **COMMUNITY PUBLIC-PRIVATE TALENT EX-**  
13                           **CHANGES.**

14           (a) FOCUS AREAS.—Subsection (a) of section 5306  
15 of the Damon Paul Nelson and Matthew Young Pollard  
16 Intelligence Authorization Act for Fiscal Years 2018,  
17 2019, and 2020 (50 U.S.C. 3334) is amended—

18           (1) by striking “Not later than” and inserting  
19 the following:

20                           “(1) IN GENERAL.—Not later than”; and

21           (2) by adding at the end the following:

22                           “(2) FOCUS AREAS.—The Director shall ensure  
23 that the policies, processes, and procedures devel-  
24 oped pursuant to paragraph (1) include a focus on

1 rotations described in such paragraph with private-  
2 sector organizations in the following fields:

3 “(A) Finance.

4 “(B) Acquisition.

5 “(C) Biotechnology.

6 “(D) Computing.

7 “(E) Artificial intelligence.

8 “(F) Business process innovation and en-  
9 trepreneurship.

10 “(G) Cybersecurity.

11 “(H) Materials and manufacturing.

12 “(I) Any other technology or research field  
13 the Director determines relevant to meet evol-  
14 ving national security threats in technology sec-  
15 tors.”.

16 (b) DURATION OF TEMPORARY DETAILS.—Sub-  
17 section (e) of section 5306 of the Damon Paul Nelson and  
18 Matthew Young Pollard Intelligence Authorization Act for  
19 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334) is  
20 amended—

21 (1) in paragraph (1), by striking “3 years” and  
22 inserting “5 years”; and

23 (2) in paragraph (2), by striking “3 years” and  
24 inserting “5 years”.



1 (c) TREATMENT OF PRIVATE-SECTOR EMPLOY-  
2 EES.—Subsection (g) of such section is amended—

3 (1) in paragraph (5), by striking “; and” and  
4 inserting a semicolon;

5 (2) in paragraph (6), by striking the period at  
6 the end and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(7) shall not be considered to have a conflict  
9 of interest with an element of the intelligence com-  
10 munity solely because of being detailed to an ele-  
11 ment of the intelligence community under this sec-  
12 tion.”.

13 (d) HIRING AUTHORITY.—Such section is amended—

14 (1) by redesignating subsection (j) as sub-  
15 section (k); and

16 (2) by inserting after subsection (i) the fol-  
17 lowing:

18 “(j) HIRING AUTHORITY.—

19 “(1) IN GENERAL.—The Director may hire,  
20 under section 213.3102(r) of title 5, Code of Federal  
21 Regulations, or successor regulations, an individual  
22 who is an employee of a private-sector organization  
23 who is detailed to an element of the intelligence com-  
24 munity under this section.

1           “(2) NO PERSONNEL BILLET REQUIRED.—Hir-  
 2           ing an individual under paragraph (1) shall not re-  
 3           quire a personnel billet.”.

4           (e) ANNUAL REPORTS.—Not later than 1 year after  
 5           the date of the enactment of this Act and annually there-  
 6           after for 2 more years, the Director of National Intel-  
 7           ligence shall submit to the congressional intelligence com-  
 8           mittees an annual report on—

9                   (1) the implementation of the policies, proc-  
 10                  esses, and procedures developed pursuant to sub-  
 11                  section (a) of such section 5306 (50 U.S.C. 3334)  
 12                  and the administration of such section;

13                   (2) how the heads of the elements of the intel-  
 14                  ligence community are using or plan to use the au-  
 15                  thorities provided under such section; and

16                   (3) recommendations for legislative or adminis-  
 17                  trative action to increase use of the authorities pro-  
 18                  vided under such section.

19 **SEC. 6. ENHANCING INTELLIGENCE COMMUNITY ABILITY**  
 20 **TO ACQUIRE EMERGING TECHNOLOGY THAT**  
 21 **FULFILLS INTELLIGENCE COMMUNITY**  
 22 **NEEDS.**

23           (a) DEFINITION OF WORK PROGRAM.—The term  
 24           “work program” means any agreement between In-Q-Tel  
 25           and a third-party company, where such third-party com-

1 pany furnishes or is furnishing a product or service for  
2 use by any of In-Q-Tel's government customers to address  
3 that customer's technology needs or requirements.

4 (b) IN GENERAL.—In addition to the exceptions list-  
5 ed under section 3304(a) of title 41, United States Code,  
6 and section 3204(a) of title 10, United States Code, for  
7 the use of competitive procedures, the Director of National  
8 Intelligence or the head of an element of the intelligence  
9 community may use procedures other than competitive  
10 procedures to acquire a property, product, or service if—

11 (1) the source of the property, product, or serv-  
12 ice is a company that completed a work program in  
13 which the company furnished the product or service;  
14 and

15 (2) the Director of National Intelligence or the  
16 head of an element of the intelligence community  
17 certifies that such property, product, or service has  
18 been shown to meet an identified need of the intel-  
19 ligence community.

20 (c) JUSTIFICATION FOR USE OF PROCEDURES  
21 OTHER THAN COMPETITIVE PROCEDURES.—

22 (1) IN GENERAL.—Property, a product, a sup-  
23 ply, or a service may not be acquired by the Director  
24 or the head of an element of the intelligence commu-  
25 nity under subsection (b) using procedures other

1 than competitive procedures unless the acquiring of-  
2 ficer for the acquisition justifies the use of such pro-  
3 cedures in writing.

4 (2) CONTENTS.—A justification in writing de-  
5 scribed in paragraph (1) for an acquisition using  
6 procedures other than competitive procedures shall  
7 include the following:

8 (A) A description of the need of the ele-  
9 ment of the intelligence community that the  
10 property, product, or service satisfies.

11 (B) A certification that the anticipated  
12 costs will be fair and reasonable.

13 (C) A description of the market survey  
14 conducted or a statement of the reasons a mar-  
15 ket survey was not conducted.

16 (D) Such other matters as the Director or  
17 the head, as the case may be, determines appro-  
18 priate.

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