AN ACT

To authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2017”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Authorization of appropriations for Privacy and Civil Liberties Oversight Board.
Sec. 304. Modification of certain whistleblowing procedures.
Sec. 305. Reports on major defense intelligence acquisition programs.
Sec. 306. Modifications to certain requirements for construction of facilities.
Sec. 307. Information on activities of Privacy and Civil Liberties Oversight Board.
Sec. 308. Clarification of authorization of certain activities of the Department of Energy.
Sec. 309. Technical correction to Executive Schedule.
Sec. 310. Maximum amount charged for declassification reviews.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Analyses and impact statements by Director of National Intelligence regarding actions by Committee on Foreign Investment in the United States.
Sec. 402. National Counterintelligence and Security Center.
Sec. 403. Assistance for governmental entities and private entities in recognizing online violent extremist content.

Subtitle B—Central Intelligence Agency and Other Elements

Sec. 411. Enhanced death benefits for personnel of the Central Intelligence Agency.
Sec. 412. Pay and retirement authorities of the Inspector General of the Central Intelligence Agency.
Sec. 413. Clarification of authority, direction, and control over the information assurance directorate of the National Security Agency.
Sec. 414. Living quarters allowance for employees of the Defense Intelligence Agency.
Sec. 415. Plan on assumption of certain weather missions by the National Reconnaissance Office.
Sec. 416. Modernization of security clearance information technology architecture.

TITLE V—MATTERS RELATING TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

Sec. 501. Declassification of information on past terrorist activities of detainees transferred from United States Naval Station, Guantanamo Bay, Cuba, after signing of Executive Order No. 13492.

TITLE VI—REPORTS AND OTHER MATTERS

Sec. 602. Intelligence community reporting to Congress on foreign fighter flows.
Sec. 603. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by the intelligence community.
Sec. 604. Report on cybersecurity threats to seaports of the United States and maritime shipping.
Sec. 605. Report on counter-messaging activities.
Sec. 606. Report on reprisals against contractors of the intelligence community.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given
that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

**TITLE I—INTELLIGENCE ACTIVITIES**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2017 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

1. The Office of the Director of National Intelligence.
2. The Central Intelligence Agency.
3. The Department of Defense.
4. The Defense Intelligence Agency.
5. The National Security Agency.
6. The Department of the Army, the Department of the Navy, and the Department of the Air Force.
7. The Coast Guard.
8. The Department of State.
9. The Department of the Treasury.
10. The Department of Energy.
11. The Department of Justice.
13. The Drug Enforcement Administration.
(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.


SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Levels.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2017, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this Act.

(b) Availability of Classified Schedule of Authorizations.—

(1) Availability.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) Distribution by the President.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.
(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2017 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such schedule for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines
that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long-term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2017 the sum of $518,596,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2018.
(b) Authorized Personnel Levels.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 787 positions as of September 30, 2017. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(e) Classified Authorizations.—

(1) Authorization of Appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2017 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2018.

(2) Authorization of Personnel.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2017, there are authorized such additional personnel for the Com-
TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2017 the sum of $514,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of
any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) Requirement for Authorizations.—Subsection (m) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(m)) is amended to read as follows:

“(m) Funding.—

“(1) Specific authorization required.—

Appropriated funds available to the Board may be obligated or expended to carry out activities under this section only if such funds were specifically authorized by Congress for use for such activities for such fiscal year.

“(2) Definition.—In this subsection, the term ‘specifically authorized by Congress’ has the meaning given that term in section 504(e) of the National Security Act of 1947 (50 U.S.C. 3094(e)).”.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Privacy and Civil Liberties Oversight Board for fiscal year 2017 the sum of $10,081,000 to carry out the activities of the Board under
section 1061 of the Intelligence Reform and Terrorism
Prevention Act of 2004 (42 U.S.C. 2000ee(m)).

SEC. 304. MODIFICATION OF CERTAIN WHISTLEBLOWING
PROCEDURES.

(a) CLARIFICATION OF WHISTLEBLOWING PROCEDURES AVAILABLE TO CERTAIN PERSONNEL.—Sub-
section (a)(1)(A) of section 8H of the Inspector General
Act of 1978 (5 U.S.C. App.) is amended by inserting after
“Security Agency,” the following: “including any such em-
ployee who is assigned or detailed to a combatant com-
mand or other element of the Federal Government, “.

(b) CENTRAL INTELLIGENCE AGENCY.—

(1) ROLE OF DIRECTOR.—Section 17(d)(5) of
the Central Intelligence Agency Act of 1949 (50
U.S.C. 3517(d)(5)) is amended—

(A) in subparagraph (B)—

(i) by striking clause (ii); 

(ii) by striking “(i) Not” and insert-
ing “Not”; and

(iii) by striking “to the Director” and
inserting “to the intelligence committees”; 

and

(B) in subparagraph (D)—
(i) in clause (i), by striking “the Director” and inserting “the intelligence committees”; and

(ii) in clause (ii)—

(I) in subclause (I), by striking “the Director, through the Inspector General,” and inserting “the Inspector General”; and

(II) in subclause (II), by striking “the Director, through the Inspector General,” and inserting “the Inspector General, in consultation with the Director,”.

(2) CONFORMING AMENDMENTS.—

(A) Section 17(d)(5) of such Act is further amended—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively.

(B) Section 3001(j)(1)(C)(ii) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(C)(ii)) is amended by striking “subparagraphs (A), (D), and
(c) Other Elements of Intelligence Community.—

(1) Role of Heads.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2);

(ii) by striking ``(1) Not'' and inserting ``Not''; and

(iii) by striking ``to the head of the establishment'' and inserting ``to the intelligence committees''; and

(B) in subsection (d)—

(i) in paragraph (1), by striking ``the head of the establishment'' and inserting ``the intelligence committees''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ``the head of the establishment, through the Inspector General,'', and inserting ``the Inspector General''; and
(II) in subparagraph (B), by striking “the head of the establishment, through the Inspector General,” and inserting “the Inspector General, in consultation with the head of the establishment,.”

(2) CONFORMING AMENDMENTS.—Section 8H of such Act is further amended—

(A) by striking subsection (c);

(B) by redesignating subsections (d) through (i) as subsections (e) through (h), respectively; and

(C) in subsection (e), as so redesignated, by striking “subsections (a) through (e)” and inserting “subsections (a) through (d)”.

(d) OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) IN GENERAL.—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)) is amended—

(A) in subparagraph (B), by striking “to the Director” and inserting “to the congressional intelligence committees”; and

(B) in subparagraph (D)—
(i) in clause (i), by striking “the Director” and inserting “the congressional intelligence committees”; and 

(ii) in clause (ii)—

(I) in subclause (I), by striking “the Director, through the Inspector General,” and inserting “the Inspector General”; and

(II) in subclause (II), by striking “the Director, through the Inspector General,” and inserting “the Inspector General, in consultation with the Director,”.

(2) CONFORMING AMENDMENTS.—Section 103H(k)(5) of such Act is further amended—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) through (I) as subparagraphs (C) through (H), respectively.

(e) RULE OF CONSTRUCTION.—None of the amendments made by this section may be construed to prohibit or otherwise affect the authority of an Inspector General of an element of the intelligence community, the Inspector General of the Central Intelligence Agency, or the Inspector General of the Intelligence Community to notify the
head of the element of the intelligence community, the Direc-
tor of the Central Intelligence Agency, or the Director of National Intelligence, as the case may be, of a com-
plaint or information otherwise authorized by law.

SEC. 305. REPORTS ON MAJOR DEFENSE INTELLIGENCE ACQUISITION PROGRAMS.

(a) In general.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by inserting after section 506J the following new section:

“SEC. 506K. REPORTS ON MAJOR DEFENSE INTELLIGENCE ACQUISITION PROGRAMS AT EACH MILESTONE APPROVAL.

“(a) Report on Milestone A.—Not later than 15 days after granting Milestone A or equivalent approval for a major defense intelligence acquisition program, the milestone decision authority for the program shall submit to the appropriate congressional committees a report containing a brief summary of the following:

“(1) The estimated cost and schedule for the program established by the military department concerned, including—

“(A) the dollar values estimated for the program acquisition unit cost and total life-cycle cost; and
“(B) the planned dates for each program milestone and initial operational capability.

“(2) The independent estimated cost for the program established pursuant to section 2334(a)(6) of title 10, United States Code, and any independent estimated schedule for the program, including—

“(A) the dollar values estimated for the program acquisition unit cost and total life-cycle cost; and

“(B) the planned dates for each program milestone and initial operational capability.

“(3) A summary of the technical risks, including cybersecurity risks and supply chain risks, associated with the program, as determined by the military department concerned, including identification of any critical technologies that need to be matured.

“(4) A summary of the sufficiency review conducted by the Director of Cost Assessment and Program Evaluation of the Department of Defense of the analysis of alternatives performed for the program (as referred to in section 2366a(b)(6) of such title).

“(5) Any other information the milestone decision authority considers relevant.
“(b) REPORT ON MILESTONE B.—Not later than 15 days after granting Milestone B or equivalent approval for a major defense intelligence acquisition program, the milestone decision authority for the program shall submit to the appropriate congressional committees a report containing a brief summary of the following:

“(1) The estimated cost and schedule for the program established by the military department concerned, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.

“(2) The independent estimated cost for the program established pursuant to section 2334(a)(6) of title 10, United States Code, and any independent estimated schedule for the program, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.
“(3) A summary of the technical risks, including cybersecurity risks and supply chain risks, associated with the program, as determined by the military department concerned, including identification of any critical technologies that have not been successfully demonstrated in a relevant environment.

“(4) A summary of the sufficiency review conducted by the Director of Cost Assessment and Program Evaluation of the analysis of alternatives performed for the program pursuant to section 2366a(b)(6) of such title.

“(5) A statement of whether the preliminary design review for the program described in section 2366b(a)(1) of such title has been completed.

“(6) Any other information the milestone decision authority considers relevant.

“(c) REPORT ON MILESTONE C.—Not later than 15 days after granting Milestone C or equivalent approval for a major defense intelligence acquisition program, the milestone decision authority for the program shall submit to the appropriate congressional committees a report containing a brief summary of the following:

“(1) The estimated cost and schedule for the program established by the military department concerned, including—
“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for initial operational test and evaluation and initial operational capability.

“(2) The independent estimated cost for the program established pursuant to section 2334(a)(6) of title 10, United States Code, and any independent estimated schedule for the program, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for initial operational test and evaluation and initial operational capability.

“(3) The cost and schedule estimates approved by the milestone decision authority for the program.

“(4) A summary of the production, manufacturing, and fielding risks, including cybersecurity risks and supply chain risks, associated with the program.

“(5) Any other information the milestone decision authority considers relevant.
“(d) Initial Operating Capability or Full Operating Capability.—Not later than 15 days after a major defense intelligence acquisition program reaches initial operating capability or full operating capability, the milestone decision authority for the program shall notify the appropriate congressional committees of the program reaching such capability.

“(e) Additional Information.—At the request of any of the appropriate congressional committees, the milestone decision authority shall submit to the appropriate congressional committees further information or underlying documentation for the information in a report submitted under subsection (a), (b), or (c), including the independent cost and schedule estimates and the independent technical risk assessments referred to in those subsections.

“(f) Nonduplication of Effort.—If any information required under this section has been included in another report or assessment previously submitted to the congressional intelligence committees under sections 506A, 506C, or 506E, the milestone decision authority may provide a list of such reports and assessments at the time of submitting a report required under this section instead of including such information in such report.

“(g) Definitions.—In this section:
“(1) The term ‘appropriate congressional committees’ means the congressional intelligence committees and the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

“(2) The term ‘major defense intelligence acquisition program’ means a major defense acquisition program (as defined in section 2430 of title 10, United States Code) that relates to intelligence or intelligence-related activities.

“(3) The term ‘Milestone A approval’ has the meaning given that term in section 2366a(d) of title 10, United States Code.

“(4) The terms ‘Milestone B approval’ and ‘Milestone C approval’ have the meaning given those terms in section 2366(e) of such title.

“(5) The term ‘milestone decision authority’ has the meaning given that term in section 2366a(d) of such title.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506J the following new item:

“Sec. 506K. Reports on major defense intelligence acquisition programs at each milestone approval.”.
SEC. 306. MODIFICATIONS TO CERTAIN REQUIREMENTS FOR CONSTRUCTION OF FACILITIES.

(a) INCLUSION IN BUDGET REQUESTS OF CERTAIN PROJECTS.—Section 8131 of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 50 U.S.C. 3303) is repealed.

(b) NOTIFICATION.—Section 602(a)(2) of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103–359; 50 U.S.C. 3304(a)(2)) is amended by striking “improvement project to” and inserting “project for the improvement, repair, or modification of”.

SEC. 307. INFORMATION ON ACTIVITIES OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(d)) is further amended by adding at the end the following new paragraph:

“(5) INFORMATION.—

“(A) ACTIVITIES.—In addition to the reports submitted to Congress under subsection (e)(1)(B), the Board shall ensure that each official and congressional committee specified in subparagraph (B) is kept fully and currently informed of the activities of the Board, including any significant anticipated activities.
“(B) Officials and congressional committees specified.—The officials and congressional committees specified in this subparagraph are the following:

“(i) The Director of National Intelligence.

“(ii) The head of any element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) the activities of which are, or are anticipated to be, the subject of the review or advice of the Board.

“(iii) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”.

SEC. 308. CLARIFICATION OF AUTHORIZATION OF CERTAIN ACTIVITIES OF THE DEPARTMENT OF ENERGY.

Funds appropriated for fiscal year 2016 for intelligence and intelligence-related activities of the Department of Energy shall be deemed to be authorized to be appropriated for such activities, including for purposes of

SEC. 309. TECHNICAL CORRECTION TO EXECUTIVE SCHEDULE.

Section 5313 of title 5, United States Code, is amended by striking the item relating to “Director of the National Counter Proliferation Center.”.

SEC. 310. MAXIMUM AMOUNT CHARGED FOR DECLASSIFICATION REVIEWS.

In reviewing and processing a request by a person for the mandatory declassification of information pursuant to Executive Order No. 13526, a successor Executive order, or any other provision of law, the head of an element of the intelligence community—

(1) may not charge the person reproduction fees in excess of the amount of fees that the head would charge the person for reproduction required in the course of processing a request for information under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”); and

(2) may waive or reduce any processing fees in the same manner as the head waives or reduces fees under such section 552.
TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY
Subtitle A—Office of the Director of National Intelligence

SEC. 401. ANALYSES AND IMPACT STATEMENTS BY DIRECTOR OF NATIONAL INTELLIGENCE REGARDING ACTIONS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721(b)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended by adding at the end the following new subparagraphs:

“(E) SUBMISSION TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later than 5 days after the completion of a review or an investigation of a covered transaction under this subsection that concludes action under this section, the Director shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an analysis under subparagraph (A) relating to such covered transaction previously provided to the Committee, including any supplements or
amendments to such analysis made by the Director.

“(F) Impact Statements.—Not later than 60 days after the completion of a review or an investigation of a covered transaction under this subsection that concludes action under this section, the Director shall determine whether the covered transaction will have an operational impact on the intelligence community, and, if so, shall submit a report on such impact to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. Each such report shall—

“(i) describe the operational impact of the covered transaction on the intelligence community; and

“(ii) describe any actions that have been or will be taken to mitigate such impact.”.

SEC. 402. NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

(a) Redesignation of Office of National Counterintelligence Executive.—Section 904 of the
Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(1) by striking “Office of the National Counterintelligence Executive” each place it appears (including in the section heading) and inserting “National Counterintelligence and Security Center”;

(2) by striking “National Counterintelligence Executive” each place it appears and inserting “Director of the National Counterintelligence and Security Center”;

(3) in the headings of subsections (b) and (c), by striking “of Office” both places it appears and inserting “Center”;

(4) in subsection (d)—

(A) in paragraph (5)(C), by striking “by the Office” and inserting “by the Center”; and

(B) in paragraph (6), by striking “that the Office” and inserting “that the Center”; 

(5) in subsection (f)(1), by striking “by the Office” and inserting “by the Center”;

(6) in subsection (g), by striking “of the Office” and inserting “of the Center”; and

(7) in subsection (h), by striking “of the Office” each place it appears and inserting “of the Center”.

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(b) Redesignation of National Counterintelligence Executive.—Section 902 of such Act (50 U.S.C. 3382) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) Establishment.—There shall be a Director of the National Counterintelligence and Security Center (referred to in this section as ‘the Director’), who shall be appointed by the President, by and with the advice and consent of the Senate.”;

(2) by striking “National Counterintelligence Executive” each place it appears (including the section heading) and inserting “Director of the National Counterintelligence and Security Center”; and

(3) by striking “Office of the National Counterintelligence Executive” each place it appears and inserting “National Counterintelligence and Security Center”.

(c) Conforming Amendments.—


(A) in section 102A(f)(2), by inserting after “Counterterrorism Center” the following:

“, the National Counterproliferation Center,
and the National Counterintelligence and Security Center,”;

(B) in section 103(c)(8), by striking “National Counterintelligence Executive (including the Office of the National Counterintelligence Executive)” and inserting “Director of the National Counterintelligence and Security Center”; and

(C) in section 103F, by striking “National Counterintelligence Executive” each place it appears (including in the headings) and inserting “Director of the National Counterintelligence and Security Center”.

(2) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 811 of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359; 50 U.S.C. 3381) is amended—

(A) in subsections (b) and (c)(1), by striking “The National Counterintelligence Executive” and inserting “The Director of the National Counterintelligence and Security Center”; and

(B) in subsection (d)(1)(B)(ii)—
(i) by striking “to the National Counterintelligence Executive” and inserting “to the Director of the National Counterintelligence and Security Center”; and

(ii) by striking “Office of the National Counterintelligence Executive” and inserting “National Counterintelligence and Security Center”.


(d) **Clerical Amendment.**—The table of sections in the first section of the National Security Act of 1947 is amended by striking the item relating to section 103F and inserting the following:

“Sec. 103F. Director of the National Counterintelligence and Security Center.”.

(e) **Conforming Style.**—Any new language inserted or added to a provision of law by the amendments made by this section shall conform to the typeface and typestyle of the matter in which the language is so inserted or added.
(f) **Technical Effective Date.**—The amendment made by subsection (a) of section 401 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114–113) shall not take effect, or, if the date of the enactment of this Act is on or after the effective date specified in subsection (b) of such section, such amendment shall be deemed to not have taken effect.

SEC. 403. ASSISTANCE FOR GOVERNMENTAL ENTITIES AND PRIVATE ENTITIES IN RECOGNIZING ONLINE VIOLENT EXTREMIST CONTENT.

(a) **Assistance To Recognize Online Violent Extremist Content.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall publish on a publicly available Internet website a list of all logos, symbols, insignia, and other markings commonly associated with, or adopted by, an organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) **Updates.**—The Director shall update the list published under subsection (a) every 180 days or more frequently as needed.
Subtitle B—Central Intelligence Agency and Other Elements

SEC. 411. ENHANCED DEATH BENEFITS FOR PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 11 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3511) is amended to read as follows:

"BENEFITS AVAILABLE IN EVENT OF THE DEATH OF PERSONNEL

"Sec. 11. (a) Authority.—The Director may pay death benefits substantially similar to those authorized for members of the Foreign Service pursuant to the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) or any other provision of law. The Director may adjust the eligibility for death benefits as necessary to meet the unique requirements of the mission of the Agency.

"(b) Regulations.—Regulations issued pursuant to this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect."

SEC. 412. PAY AND RETIREMENT AUTHORITIES OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) In General.—Section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(7))
is amended by adding at the end the following new sub-
paragraph:

“(C)(i) The Inspector General may designate an offi-
cer or employee appointed in accordance with subpara-
graph (A) as a law enforcement officer solely for purposes
of subchapter III of chapter 83 or chapter 84 of title 5,
United States Code, if such officer or employee is ap-
pointed to a position with responsibility for investigating
suspected offenses against the criminal laws of the United
States.

“(ii) In carrying out clause (i), the Inspector General
shall ensure that any authority under such clause is exer-
cised in a manner consistent with section 3307 of title 5,
United States Code, as it relates to law enforcement offi-
cers.

“(iii) For purposes of applying sections 3307(d),
8335(b), and 8425(b) of title 5, United States Code, the
Inspector General may exercise the functions, powers, and
duties of an agency head or appointing authority with re-
spect to the Office.”.

(b) RULE OF CONSTRUCTION.—Subparagraph (C) of
section 17(e)(7) of the Central Intelligence Agency Act of
1949 (50 U.S.C. 3517(e)(7)), as added by subsection (a),
may not be construed to confer on the Inspector General
of the Central Intelligence Agency, or any other officer
or employee of the Agency, any police or law enforcement
or internal security functions or authorities.

SEC. 413. CLARIFICATION OF AUTHORITY, DIRECTION, AND
CONTROL OVER THE INFORMATION ASSUR-
ANCE DIRECTORATE OF THE NATIONAL SE-
CURITY AGENCY.

Section 142(b)(1) of title 10, United States Code, is
amended—

(1) in subparagraph (B), by striking the semi-
colon and inserting ‘‘; and’’;

(2) in subparagraph (C), by striking ‘‘; and’’
and inserting a period; and

(3) by striking subparagraph (D).

SEC. 414. LIVING QUARTERS ALLOWANCE FOR EMPLOYEES
OF THE DEFENSE INTELLIGENCE AGENCY.

(a) PROHIBITION.—Notwithstanding sections 1603
and 1605 of title 10, United States Code, and subchapter
III of chapter 59 of title 5, a civilian employee of the De-
fense Intelligence Agency who is assigned to a directorate
of a geographic combatant command that is
headquartered outside of the United States may not re-
ceive a living quarters allowance.

(b) APPLICATION.—Subsection (a) shall apply with
respect to a pay period beginning on or after the date that
is 1 year after the date of the enactment of this Act.
SEC. 415. PLAN ON ASSUMPTION OF CERTAIN WEATHER MISSIONS BY THE NATIONAL RECONNAISSANCE OFFICE.

(a) PLAN.—

(1) IN GENERAL.—The Director of the National Reconnaissance Office shall develop a plan for the National Reconnaissance Office to address how to carry out covered space-based environmental monitoring missions. Such plan shall include—

(A) a description of the related national security requirements for such missions;

(B) a description of the appropriate manner to meet such requirements; and

(C) the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(2) ACTIVITIES.—In developing the plan under paragraph (1), the Director may conduct pre-acquisition activities, including with respect to requests for information, analyses of alternatives, study contracts, modeling and simulation, and other activities the Director determines necessary to develop such plan.
(3) Submission.—Not later than the date on which the President submits to Congress the budget for fiscal year 2018 under section 1105(a) of title 31, United States Code, the Director shall submit to the appropriate congressional committees the plan under paragraph (1).

(b) Independent Cost Estimate.—The Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of Cost Assessment and Program Evaluation of the Department of Defense, shall certify to the appropriate congressional committees that the amounts of funds identified under subsection (a)(1)(C) as being necessary to transfer are appropriate and include funding for positions and personnel to support program office costs.

(e) Definitions.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional intelligence committees; and

(B) the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

(2) The term “covered space-based environmental monitoring missions” means the acquisition
programs necessary to meet the national security re-
quirements for cloud characterization and theater
weather imagery.

SEC. 416. MODERNIZATION OF SECURITY CLEARANCE IN-
FORMATION TECHNOLOGY ARCHITECTURE.

(a) In general.—The Director of National Intel-
ligence shall support the Director of the Office of Per-
sonnel Management and the Secretary of Defense in the
efforts of the Secretary to develop and implement an infor-
mation technology system (in this section referred to as
the “System”) to—

(1) modernize and sustain the security clear-
ance information architecture of the National Back-
ground Investigations Bureau and the Department
of Defense;

(2) support decisionmaking processes for the
evaluation and granting of personnel security clear-
ances;

(3) improve cybersecurity capabilities with re-
spect to sensitive security clearance data and proc-
esses;

(4) reduce the complexity and cost of the secu-

rity clearance process;
(5) provide information to managers on the financial and administrative costs of the security clearance process;

(6) strengthen the ties between counterintelligence and personnel security communities; and

(7) improve system standardization in the security clearance process.

(b) GUIDANCE.—The Director of National Intelligence shall support the Director of the Office of Personnel Management and the Secretary of Defense in the efforts of the Director of the Office of Personnel Management and the Secretary to issue guidance establishing the respective roles, responsibilities, and obligations of the Director of the Office of Personnel Management, the Secretary, and the Director of National Intelligence, with respect to the development and implementation of the System.
TITLE V—MATTERS RELATING TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

SEC. 501. DECLASSIFICATION OF INFORMATION ON PAST TERRORIST ACTIVITIES OF DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AFTER SIGNING OF EXECUTIVE ORDER NO. 13492.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) in the manner described in the classified annex that accompanies this Act—

(A) complete a declassification review of intelligence reports prepared by the National Counterterrorism Center prior to Periodic Review Board sessions or detainee transfers on the past terrorist activities of individuals detained at United States Naval Station, Guantánamo Bay, Cuba, who were transferred or released from United States Naval Station, Guantánamo Bay, Cuba, after the signing of Executive Order No. 13492 (relating to the closure of
the detention facility at United States Naval Station, Guantanamo Bay, Cuba); and

(B) make available to the public any information declassified as a result of the declassification review; and

(2) submit to the congressional intelligence committees a report setting forth—

(A) the results of the declassification review; and

(B) if any information covered by the declassification review was not declassified pursuant to the review, a justification for the determination not to declassify such information.

(b) PAST TERRORIST ACTIVITIES.—For purposes of this section, the past terrorist activities of an individual shall include the terrorist activities conducted by the individual before the transfer of the individual to the detention facility at United States Naval Station, Guantanamo Bay, Cuba, including, at a minimum, the following:

(1) The terrorist organization, if any, with which affiliated.

(2) The terrorist training, if any, received.

(3) The role in past terrorist attacks against the interests or allies of the United States.
(4) The direct responsibility, if any, for the
death of citizens of the United States or members of
the Armed Forces.

(5) Any admission of any matter specified in
paragraphs (1) through (4).

TITLE VI—REPORTS AND OTHER
MATTERS

SEC. 601. REPORT ON INTELLIGENCE COMMUNITY EM-
PLOYEES DETAILED TO NATIONAL SECURITY
COUNCIL.

Not later than 60 days after the date of the enact-
ment of this Act, the Director of National Intelligence
shall submit to the congressional intelligence committees
a report listing, by year, the number of employees of an
element of the intelligence community who have been de-
tailed to the National Security Council during the 10-year
period preceding the date of the report.

SEC. 602. INTELLIGENCE COMMUNITY REPORTING TO CON-
GRESS ON FOREIGN FIGHTER FLOWS.

(a) REPORTS REQUIRED.—Not later than 60 days
after the date of the enactment of this Act, and every 180
days thereafter, the Director of National Intelligence, con-
sistent with the protection of intelligence sources and
methods, shall submit to the appropriate congressional
committees a report on foreign fighter flows to and from
terrorist safe havens abroad.

(b) CONTENTS.—Each report submitted under sub-
section (a) shall include, with respect to each terrorist safe
haven, the following:

(1) The total number of foreign fighters who
have traveled or are suspected of having traveled to
the terrorist safe haven since 2011, including the
countries of origin of such foreign fighters.

(2) The total number of United States citizens
present in the terrorist safe haven.

(3) The total number of foreign fighters who
have left the terrorist safe haven or whose where-
abouts are unknown.

(c) FORM.—The reports submitted under subsection
(a) may be submitted in classified form. If such a report
is submitted in classified form, such report shall also in-
clude an unclassified summary.

(d) SUNSET.—The requirement to submit reports
under subsection (a) shall terminate on the date that is
two years after the date of the enactment of this Act.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congress-
sional committees” means—

(1) in the Senate—
(A) the Committee on Armed Services;
(B) the Select Committee on Intelligence;
(C) the Committee on the Judiciary;
(D) the Committee on Homeland Security and Governmental Affairs;
(E) the Committee on Banking, Housing, and Urban Affairs;
(F) the Committee on Foreign Relations;
and
(G) the Committee on Appropriations; and

(2) in the House of Representatives—
(A) the Committee on Armed Services;
(B) the Permanent Select Committee on Intelligence;
(C) the Committee on the Judiciary;
(D) the Committee on Homeland Security;
(E) the Committee on Financial Services;
(F) the Committee on Foreign Affairs; and
(G) the Committee on Appropriations.
SEC. 603. REPORT ON INFORMATION RELATING TO ACADEMIC PROGRAMS, SCHOLARSHIPS, FELLOWSHIPS, AND INTERNSHIPS SPONSORED, ADMINISTERED, OR USED BY THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report by the intelligence community regarding covered academic programs. Such report shall include—

(1) a description of the extent to which the Director and the heads of the elements of the intelligence community independently collect information on covered academic programs, including with respect to—

(A) the number of applicants for such programs;

(B) the number of individuals who have participated in such programs; and

(C) the number of individuals who have participated in such programs and were hired by an element of the intelligence community after completing such program;

(2) to the extent that the Director and the heads independently collect the information described in paragraph (1), a chart, table, or other
compilation illustrating such information for each
covered academic program and element of the intel-
ligence community, as appropriate, during the 3-year
period preceding the date of the report; and

(3) to the extent that the Director and the heads do not independently collect the information
described in paragraph (1) as of the date of the re-
port—

(A) whether the Director and the heads can begin collecting such information during
fiscal year 2017; and

(B) the personnel, tools, and other re-
sources required by the Director and the heads
to independently collect such information.

(b) COVERED ACADEMIC PROGRAMS DEFINED.—In
this section, the term “covered academic programs”
means—

(1) the Federal Cyber Scholarship-for-Service
Program under section 302 of the Cybersecurity En-
hancement Act of 2014 (15 U.S.C. 7442);

(2) the National Security Education Program
under the David L. Boren National Security Edu-
cation Act of 1991 (50 U.S.C. 1901 et seq.);
(3) the Science, Mathematics, and Research for Transformation Defense Education Program under section 2192a of title 10, United States Code;

(4) the National Centers of Academic Excellence in Information Assurance and Cyber Defense of the National Security Agency and the Department of Homeland Security; and

(5) any other academic program, scholarship program, fellowship program, or internship program sponsored, administered, or used by an element of the intelligence community.

SEC. 604. REPORT ON CYBERSECURITY THREATS TO SEAPORTS OF THE UNITED STATES AND MARITIME SHIPPING.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis, in consultation with the Director of National Intelligence, and consistent with the protection of sources and methods, shall submit to the appropriate congressional committees a report on the cybersecurity threats to, and the cyber vulnerabilities within, the software, communications networks, computer networks, or other systems employed by—
(1) entities conducting significant operations at
seaports in the United States;
(2) the maritime shipping concerns of the
United States; and
(3) entities conducting significant operations at
transshipment points in the United States.
(b) MATTERS INCLUDED.—The report under sub-
section (a) shall include the following:

(1) A description of any recent and significant
cyberattacks or cybersecurity threats directed
against software, communications networks, com-
puter networks, or other systems employed by the
entities and concerns described in paragraphs (1)
through (3) of subsection (a).

(2) An assessment of—

(A) any planned cyberattacks directed
against such software, networks, and systems;
(B) any significant vulnerabilities to such
software, networks, and systems; and
(C) how such entities and concerns are
mitigating such vulnerabilities.

(3) An update on the status of the efforts of
the Coast Guard to include cybersecurity concerns in
the National Response Framework, Emergency Sup-
port Functions, or both, relating to the shipping or
ports of the United States.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congress-
sional committees” means—

(1) the congressional intelligence committees;

and

(2) the Committee on Homeland Security of the
House of Representatives and the Committee on
Homeland Security and Governmental Affairs of the
Senate.

SEC. 605. REPORT ON COUNTER-MESSAGING ACTIVITIES.

(a) REPORT.—Not later than 60 days after the date
of the enactment of this Act, the Under Secretary of
Homeland Security for Intelligence and Analysis, con-
sistent with the protection of sources and methods, shall
submit to the appropriate congressional committees a re-
port on the counter-messaging activities of the Depart-
ment of Homeland Security with respect to the Islamic
State and other extremist groups.

(b) ELEMENTS.—The report under subsection (a)
shall include the following:

(1) A description of whether, and to what ex-
tent, the Secretary of Homeland Security, in con-
ducting counter-messaging activities with respect to
the Islamic State and other extremist groups,
consults or coordinates with the Secretary of State,
regarding the counter-messaging activities under-
taken by the Department of State with respect to
the Islamic State and other extremist groups, includ-
ing counter-messaging activities conducted by the
Global Engagement Center of the Department of
State.

(2) Any criteria employed by the Secretary of
Homeland Security for selecting, developing, promul-
gating, or changing the counter-messaging approach
of the Department of Homeland Security, including
any counter-messaging narratives, with respect to
the Islamic State and other extremist groups.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congres-
sional committees” means—

(1) the congressional intelligence committees;
and

(2) the Committee on Homeland Security of the
House of Representatives and the Committee on
Homeland Security and Governmental Affairs of the
Senate.
SEC. 606. REPORT ON REPRISALS AGAINST CONTRACTORS
OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, consistent with the protection of sources and methods, shall submit to the appropriate congressional committees a report on reprisals made against covered contractor employees.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) Identification of the number of known or suspected reprisals made against covered contractor employees during the 5-year period preceding the date of the report.

(2) An evaluation of the usefulness of establishing in law a prohibition on reprisals against covered contractor employees as a means of encouraging such contractors to make protected disclosures.

(3) A description of any challenges associated with establishing in law such a prohibition, including with respect to the nature of the relationship between the Federal Government, the contractor, and the covered contractor employee.

(4) A description of any approaches taken by the Federal Government to account for reprisals
against non-intelligence community contractors who
make protected disclosures, including pursuant to
section 2409 of title 10, United States Code, and
sections 4705 and 4712 of title 41, United States
Code.

(5) Any recommendations the Inspector General
determines appropriate.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional com-
mittees” means—

(A) the congressional intelligence commit-
tees; and

(B) the Committee on Oversight and Gov-
ernment Reform of the House of Representa-
tives and the Committee on Homeland Security
and Governmental Affairs of the Senate.

(2) The term “covered contractor employee”
means an employee of a contractor of an element of
the intelligence community.

(3) The term “reprisal” means the discharge,
demotion, or other discriminatory personnel action
made against a covered contractor employee for
making a disclosure of information that would be a
disclosure protected by law if the contractor were an employee of the Federal Government.

Passed the House of Representatives May 24, 2016.

Attest:

Clerk.
114TH CONGRESS
2D SESSION
H. R. 5077
AN ACT
To authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability Systems, and for other purposes.

The authority to appropriate for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability Systems.