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114TH CONGRESS
2^D SESSION

H. R. 5077

[Report No. 114–573]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2016

Mr. NUNES (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

MAY 18, 2016

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

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.

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; TABLE OF CONTENTS.**

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

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 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 Over-
 sight 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 recog-
 nizing online violent extremist content.

Subtitle B—Central Intelligence Agency and Other Elements

- Sec. 411. Enhanced death benefits for employees 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 13492.

TITLE VI—REPORTS AND OTHER MATTERS

- Sec. 601. Report on intelligence community employees detailed to National Security Council.
- 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.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
 4 TEES.—The term “congressional intelligence com-
 5 mittees” means—

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

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

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

5 **TITLE I—INTELLIGENCE**
6 **ACTIVITIES**

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

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

12 (1) The Office of the Director of National Intel-
13 ligence.

14 (2) The Central Intelligence Agency.

15 (3) The Department of Defense.

16 (4) The Defense Intelligence Agency.

17 (5) The National Security Agency.

18 (6) The Department of the Army, the Depart-
19 ment of the Navy, and the Department of the Air
20 Force.

21 (7) The Coast Guard.

22 (8) The Department of State.

23 (9) The Department of the Treasury.

24 (10) The Department of Energy.

25 (11) The Department of Justice.

1 (12) The Federal Bureau of Investigation.

2 (13) The Drug Enforcement Administration.

3 (14) The National Reconnaissance Office.

4 (15) The National Geospatial-Intelligence Agen-
5 cy.

6 (16) The Department of Homeland Security.

7 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

8 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
9 LEVELS.—The amounts authorized to be appropriated
10 under section 101 and, subject to section 103, the author-
11 ized personnel ceilings as of September 30, 2017, for the
12 conduct of the intelligence activities of the elements listed
13 in paragraphs (1) through (16) of section 101, are those
14 specified in the classified Schedule of Authorizations pre-
15 pared to accompany this Act.

16 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
17 THORIZATIONS.—

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

23 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
24 ject to paragraph (3), the President shall provide for
25 suitable distribution of the classified Schedule of Au-

1 thorizations, or of appropriate portions of the Sched-
2 ule, within the executive branch.

3 (3) LIMITS ON DISCLOSURE.—The President
4 shall not publicly disclose the classified Schedule of
5 Authorizations or any portion of such Schedule ex-
6 cept—

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

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

12 (C) as otherwise required by law.

13 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

14 (a) AUTHORITY FOR INCREASES.—The Director of
15 National Intelligence may authorize employment of civil-
16 ian personnel in excess of the number authorized for fiscal
17 year 2017 by the classified Schedule of Authorizations re-
18 ferred to in section 102(a) if the Director of National In-
19 telligence determines that such action is necessary to the
20 performance of important intelligence functions, except
21 that the number of personnel employed in excess of the
22 number authorized under such section may not, for any
23 element of the intelligence community, exceed 3 percent
24 of the number of civilian personnel authorized under such
25 schedule for such element.

1 (b) TREATMENT OF CERTAIN PERSONNEL.—The Di-
2 rector of National Intelligence shall establish guidelines
3 that govern, for each element of the intelligence commu-
4 nity, the treatment under the personnel levels authorized
5 under section 102(a), including any exemption from such
6 personnel levels, of employment or assignment in—

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

9 (2) a reserve corps or as a reemployed annu-
10 itant; or

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

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

18 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
19 **COUNT.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated for the Intelligence Commu-
22 nity Management Account of the Director of National In-
23 telligence for fiscal year 2017 the sum of \$518,596,000.
24 Within such amount, funds identified in the classified
25 Schedule of Authorizations referred to in section 102(a)

1 for advanced research and development shall remain avail-
2 able until September 30, 2018.

3 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
4 ments within the Intelligence Community Management
5 Account of the Director of National Intelligence are au-
6 thorized 787 positions as of September 30, 2017. Per-
7 sonnel serving in such elements may be permanent em-
8 ployees of the Office of the Director of National Intel-
9 ligence or personnel detailed from other elements of the
10 United States Government.

11 (c) CLASSIFIED AUTHORIZATIONS.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—In
13 addition to amounts authorized to be appropriated
14 for the Intelligence Community Management Ac-
15 count by subsection (a), there are authorized to be
16 appropriated for the Community Management Ac-
17 count for fiscal year 2017 such additional amounts
18 as are specified in the classified Schedule of Author-
19 izations referred to in section 102(a). Such addi-
20 tional amounts for advanced research and develop-
21 ment shall remain available until September 30,
22 2018.

23 (2) AUTHORIZATION OF PERSONNEL.—In addi-
24 tion to the personnel authorized by subsection (b)
25 for elements of the Intelligence Community Manage-

1 ment Account as of September 30, 2017, there are
2 authorized such additional personnel for the Com-
3 munity Management Account as of that date as are
4 specified in the classified Schedule of Authorizations
5 referred to in section 102(a).

6 **TITLE II—CENTRAL INTEL-**
7 **LIGENCE AGENCY RETIRE-**
8 **MENT AND DISABILITY SYS-**
9 **TEM**

10 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated for the Cen-
12 tral Intelligence Agency Retirement and Disability Fund
13 for fiscal year 2017 the sum of \$514,000,000.

14 **TITLE III—GENERAL**
15 **PROVISIONS**

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

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

1 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
2 **ACTIVITIES.**

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

7 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR PRI-**
8 **VACY AND CIVIL LIBERTIES OVERSIGHT**
9 **BOARD.**

10 (a) REQUIREMENT FOR AUTHORIZATIONS.—Sub-
11 section (m) of section 1061 of the Intelligence Reform and
12 Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(m))
13 is amended to read as follows:

14 “(m) FUNDING.—

15 “(1) SPECIFIC AUTHORIZATION REQUIRED.—
16 Appropriated funds available to the Board may be
17 obligated or expended to carry out activities under
18 this section only if such funds were specifically au-
19 thorized by Congress for use for such activities for
20 such fiscal year.

21 “(2) DEFINITION.—In this subsection, the term
22 ‘specifically authorized by Congress’ has the mean-
23 ing given that term in section 504(e) of the National
24 Security Act of 1947 (50 U.S.C. 3094(e)).”.

25 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
26 authorized to be appropriated to the Privacy and Civil Lib-

1 erties Oversight Board for fiscal year 2017 the sum of
 2 \$10,081,000 to carry out the activities of the Board under
 3 section 1061 of the Intelligence Reform and Terrorism
 4 Prevention Act of 2004 (42 U.S.C. 2000ee(m)).

5 **SEC. 304. MODIFICATION OF CERTAIN WHISTLEBLOWING**
 6 **PROCEDURES.**

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

14 (b) CENTRAL INTELLIGENCE AGENCY.—

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

18 (A) in subparagraph (B)—

19 (i) by striking clause (ii);

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

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

25 (B) in subparagraph (D)—

1 (i) in clause (i), by striking “the Di-
2 rector” and inserting “the intelligence
3 committees”; and

4 (ii) in clause (ii)—

5 (I) in subclause (I), by striking
6 “the Director, through the Inspector
7 General,” and inserting “the Inspec-
8 tor General”; and

9 (II) in subclause (II), striking
10 “the Director, through the Inspector
11 General,” and inserting “the Inspec-
12 tor General, in consultation with the
13 Director.”.

14 (2) CONFORMING AMENDMENTS.—

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

17 (i) by striking subparagraph (C); and

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

21 (B) Section 3001(j)(1)(C)(ii) of the Intel-
22 ligence Reform and Terrorism Prevention Act
23 of 2004 (50 U.S.C. 3341(j)(1)(C)(ii)) is amend-
24 ed by striking “subparagraphs (A), (D), and

1 (H)” and inserting “subparagraphs (A), (C),
2 and (G)”.

3 (c) OTHER ELEMENTS OF INTELLIGENCE COMMU-
4 NITY.—

5 (1) ROLE OF HEADS.—Section 8H of the In-
6 spector General Act of 1978 (5 U.S.C. App.) is
7 amended—

8 (A) in subsection (b)—

9 (i) by striking paragraph (2);

10 (ii) by striking “(1) Not” and insert-
11 ing “Not”; and

12 (iii) by striking “to the head of the es-
13 tablishment” and inserting “to the intel-
14 ligence committees”; and

15 (B) in subsection (d)—

16 (i) in paragraph (1), by striking “the
17 head of the establishment” and inserting
18 “the intelligence committees”; and

19 (ii) in paragraph (2)—

20 (I) in subparagraph (A), by strik-
21 ing “the head of the establishment,
22 through the Inspector General,” and
23 inserting “the Inspector General”;
24 and

1 (II) in subparagraph (B), by
2 striking “the head of the establish-
3 ment, through the Inspector General,”
4 and inserting “the Inspector General,
5 in consultation with the head of the
6 establishment,”.

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

9 (A) by striking subsection (c);

10 (B) by redesignating subsections (d)
11 through (i) as subsections (c) through (h), re-
12 spectively; and

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

16 (d) OFFICE OF THE DIRECTOR OF NATIONAL INTEL-
17 LIGENCE.—

18 (1) IN GENERAL.—Section 103H(k)(5) of the
19 National Security Act of 1947 (50 U.S.C.
20 3033(k)(5)) is amended—

21 (A) in subparagraph (B), by striking “to
22 the Director” and inserting “to the congres-
23 sional intelligence committees”; and

24 (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

1 head of the element of the intelligence community, the Di-
2 rector of the Central Intelligence Agency, or the Director
3 of National Intelligence, as the case may be, of a com-
4 plaint or information otherwise authorized by law.

5 **SEC. 305. REPORTS ON MAJOR DEFENSE INTELLIGENCE**
6 **ACQUISITION PROGRAMS.**

7 (a) IN GENERAL.—The National Security Act of
8 1947 (50 U.S.C. 3001 et seq.) is amended by inserting
9 after section 506J the following new section:

10 **“SEC. 506K. REPORTS ON MAJOR DEFENSE INTELLIGENCE**
11 **ACQUISITION PROGRAMS AT EACH MILE-**
12 **STONE APPROVAL.**

13 “(a) REPORT ON MILESTONE A.—Not later than 15
14 days after granting Milestone A or equivalent approval for
15 a major defense intelligence acquisition program, the mile-
16 stone decision authority for the program shall submit to
17 the appropriate congressional committees a report con-
18 taining a brief summary of the following:

19 “(1) The estimated cost and schedule for the
20 program established by the military department con-
21 cerned, including—

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

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

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

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

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

12 “(3) A summary of the technical risks, includ-
13 ing cybersecurity risks and supply chain risks, asso-
14 ciated with the program, as determined by the mili-
15 tary department concerned, including identification
16 of any critical technologies that need to be matured.

17 “(4) A summary of the sufficiency review con-
18 ducted by the Director of Cost Assessment and Pro-
19 gram Evaluation of the Department of Defense of
20 the analysis of alternatives performed for the pro-
21 gram (as referred to in section 2366a(b)(6) of such
22 title).

23 “(5) Any other information the milestone deci-
24 sion authority considers relevant.

1 “(b) REPORT ON MILESTONE B.—Not later than 15
2 days after granting Milestone B or equivalent approval for
3 a major defense intelligence acquisition program, the mile-
4 stone decision authority for the program shall submit to
5 the appropriate congressional committees a report con-
6 taining a brief summary of the following:

7 “(1) The estimated cost and schedule for the
8 program established by the military department con-
9 cerned, including—

10 “(A) the dollar values estimated for the
11 program acquisition unit cost, average procure-
12 ment unit cost, and total life-cycle cost; and

13 “(B) the planned dates for each program
14 milestone, initial operational test and evalua-
15 tion, and initial operational capability.

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

20 “(A) the dollar values estimated for the
21 program acquisition unit cost, average procure-
22 ment unit cost, and total life-cycle cost; and

23 “(B) the planned dates for each program
24 milestone, initial operational test and evalua-
25 tion, and initial operational capability.

1 “(3) A summary of the technical risks, includ-
2 ing cybersecurity risks and supply chain risks, asso-
3 ciated with the program, as determined by the mili-
4 tary department concerned, including identification
5 of any critical technologies that have not been suc-
6 cessfully demonstrated in a relevant environment.

7 “(4) A summary of the sufficiency review con-
8 ducted by the Director of Cost Assessment and Pro-
9 gram Evaluation of the analysis of alternatives per-
10 formed for the program pursuant to section
11 2366a(b)(6) of such title.

12 “(5) A statement of whether the preliminary
13 design review for the program described in section
14 2366b(a)(1) of such title has been completed.

15 “(6) Any other information the milestone deci-
16 sion authority considers relevant.

17 “(c) REPORT ON MILESTONE C.—Not later than 15
18 days after granting Milestone C or equivalent approval for
19 a major defense intelligence acquisition program, the mile-
20 stone decision authority for the program shall submit to
21 the appropriate congressional committees a report con-
22 taining a brief summary of the following:

23 “(1) The estimated cost and schedule for the
24 program established by the military department con-
25 cerned, including—

1 “(A) the dollar values estimated for the
2 program acquisition unit cost, average procure-
3 ment unit cost, and total life-cycle cost; and

4 “(B) the planned dates for initial oper-
5 ational test and evaluation and initial oper-
6 ational capability.

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

11 “(A) the dollar values estimated for the
12 program acquisition unit cost, average procure-
13 ment unit cost, and total life-cycle cost; and

14 “(B) the planned dates for initial oper-
15 ational test and evaluation and initial oper-
16 ational capability.

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

19 “(4) A summary of the production, manufac-
20 turing, and fielding risks, including cybersecurity
21 risks and supply chain risks, associated with the
22 program.

23 “(5) Any other information the milestone deci-
24 sion authority considers relevant.

1 “(d) INITIAL OPERATING CAPABILITY OR FULL OP-
2 ERATING CAPABILITY.—Not later than 15 days after a
3 major defense intelligence acquisition program reaches ini-
4 tial operating capability or full operating capability, the
5 milestone decision authority for the program shall notify
6 the appropriate congressional committees of the program
7 reaching such capability.

8 “(e) ADDITIONAL INFORMATION.—At the request of
9 any of the appropriate congressional committees, the mile-
10 stone decision authority shall submit to the appropriate
11 congressional committees further information or under-
12 lying documentation for the information in a report sub-
13 mitted under subsection (a), (b), or (c), including the inde-
14 pendent cost and schedule estimates and the independent
15 technical risk assessments referred to in those subsections.

16 “(f) NONDUPLICATION OF EFFORT.—If any informa-
17 tion required under this section has been included in an-
18 other report or assessment previously submitted to the
19 congressional intelligence committees under sections
20 506A, 506C, or 506E, the milestone decision authority
21 may provide a list of such reports and assessments at the
22 time of submitting a report required under this section
23 instead of including such information in such report.

24 “(g) DEFINITIONS.—In this section:

1 “(1) The term ‘appropriate congressional com-
2 mittees’ means the congressional intelligence com-
3 mittees and the congressional defense committees
4 (as defined in section 101(a)(16) of title 10, United
5 States Code).

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

11 “(3) The term ‘Milestone A approval’ has the
12 meaning given that term in section 2366a(d) of title
13 10, United States Code.

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

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

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in the first section of the National Security Act of 1947
22 is amended by inserting after the item relating to section
23 506J the following new item:

 “Sec. 506K. Reports on major defense intelligence acquisition programs at each
 milestone approval.”.

1 **SEC. 306. MODIFICATIONS TO CERTAIN REQUIREMENTS**
2 **FOR CONSTRUCTION OF FACILITIES.**

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

7 (b) NOTIFICATION.—Section 602(a)(2) of the Intel-
8 ligence Authorization Act for Fiscal Year 1995 (Public
9 Law 103–359; 50 U.S.C. 3304(a)(2)) is amended by strik-
10 ing “improvement project to” and inserting “project for
11 the improvement, repair, or modification of”.

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

14 Section 1061(d) of the Intelligence Reform and Ter-
15 rorism Prevention Act of 2004 (42 U.S.C. 2000ee(d)) is
16 further amended by adding at the end the following new
17 paragraph:

18 “(5) INFORMATION.—

19 “(A) ACTIVITIES.—In addition to the re-
20 ports submitted to Congress under subsection
21 (e)(1)(B), the Board shall ensure that each offi-
22 cial and congressional committee specified in
23 subparagraph (B) is kept fully and currently in-
24 formed of the activities of the Board, including
25 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

1 section 504 of the National Security Act of 1947 (50
2 U.S.C. 3094).

3 **SEC. 309. TECHNICAL CORRECTION TO EXECUTIVE SCHED-**
4 **ULE.**

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

8 **SEC. 310. MAXIMUM AMOUNT CHARGED FOR DECLAS-**
9 **SIFICATION REVIEWS.**

10 In reviewing and processing a request by a person
11 for the mandatory declassification of information pursuant
12 to Executive Order 13526, a successor executive order, or
13 any other provision of law, the head of an element of the
14 intelligence community—

15 (1) may not charge the person reproduction
16 fees in excess of the amount of fees that the head
17 would charge the person for reproduction required in
18 the course of processing a request for information
19 under section 552 of title 5, United States Code
20 (commonly referred to as the “Freedom of Infor-
21 mation Act”); and

22 (2) may waive or reduce any processing fees in
23 the same manner as the head waives or reduces fees
24 under such section 552.

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director**
5 **of National Intelligence**

6 **SEC. 401. ANALYSES AND IMPACT STATEMENTS BY DIREC-**
7 **TOR OF NATIONAL INTELLIGENCE REGARD-**
8 **ING ACTIONS BY COMMITTEE ON FOREIGN**
9 **INVESTMENT IN THE UNITED STATES.**

10 Section 721(b)(4) of the Defense Production Act of
11 1950 (50 U.S.C. 4565) is amended by adding at the end
12 the following new subparagraphs:

13 “(E) SUBMISSION TO CONGRESSIONAL IN-
14 TELLIGENCE COMMITTEES.—Not later than 5
15 days after the completion of a review or an in-
16 vestigation of a covered transaction under this
17 subsection that concludes action under this sec-
18 tion, the Director shall submit to the Perma-
19 nent Select Committee on Intelligence of the
20 House of Representatives and the Select Com-
21 mittee on Intelligence of the Senate an analysis
22 under subparagraph (A) relating to such cov-
23 ered transaction previously provided to the
24 Committee, including any supplements or

1 amendments to such analysis made by the Di-
2 rector.

3 “(F) IMPACT STATEMENTS.—Not later
4 than 60 days after the completion of a review
5 or an investigation of a covered transaction
6 under this subsection that concludes action
7 under this section, the Director shall determine
8 whether the covered transaction will have an
9 operational impact on the intelligence commu-
10 nity, and, if so, shall submit a report on such
11 impact to the Permanent Select Committee on
12 Intelligence of the House of Representatives
13 and the Select Committee on Intelligence of the
14 Senate. Each such report shall—

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

18 “(ii) describe any actions that have
19 been or will be taken to mitigate such im-
20 pact.”.

21 **SEC. 402. NATIONAL COUNTERINTELLIGENCE AND SECU-**
22 **RITY CENTER.**

23 (a) REDESIGNATION OF OFFICE OF NATIONAL
24 COUNTERINTELLIGENCE EXECUTIVE.—Section 904 of the

1 Counterintelligence Enhancement Act of 2002 (50 U.S.C.
2 3383) is amended—

3 (1) by striking “Office of the National Counter-
4 intelligence Executive” each place it appears (includ-
5 ing in the section heading) and inserting “National
6 Counterintelligence and Security Center”;

7 (2) by striking “National Counterintelligence
8 Executive” each place it appears and inserting “Di-
9 rector of the National Counterintelligence and Secu-
10 rity Center”; and

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

14 (4) in subsection (d)—

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

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

19 (5) in subsection (f)(1), by striking “by the Of-
20 fice” and inserting “by the Center”;

21 (6) in subsection (g), by striking “of the Of-
22 fice” and inserting “of the Center”; and

23 (7) in subsection (h), by striking “of the Of-
24 fice” each place it appears and inserting “of the
25 Center”.

1 (b) REDESIGNATION OF NATIONAL COUNTERINTEL-
2 LIGENCE EXECUTIVE.—Section 902 of such Act (50
3 U.S.C. 3382) is amended—

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

6 “(a) ESTABLISHMENT.—There shall be a Director of
7 the National Counterintelligence and Security Center (re-
8 ferred to in this section as ‘the Director’), who shall be
9 appointed by the President, by and with the advice and
10 consent of the Senate.”;

11 (2) by striking “National Counterintelligence
12 Executive” each place it appears (including the sec-
13 tion heading) and inserting “Director of the Na-
14 tional Counterintelligence and Security Center”; and

15 (3) by striking “Office of the National Counter-
16 intelligence Executive” each place it appears and in-
17 serting “National Counterintelligence and Security
18 Center”.

19 (c) CONFORMING AMENDMENTS.—

20 (1) NATIONAL SECURITY ACT OF 1947.—The
21 National Security Act of 1947 (50 U.S.C. 3001 et
22 seq.) is amended—

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

25 “, the National Counterproliferation Center,

1 and the National Counterintelligence and Secu-
2 rity Center,”;

3 (B) in section 103(c)(8), by striking “Na-
4 tional Counterintelligence Executive (including
5 the Office of the National Counterintelligence
6 Executive)” and inserting “Director of the Na-
7 tional Counterintelligence and Security Center”;
8 and

9 (C) in section 103F, by striking “National
10 Counterintelligence Executive” each place it ap-
11 pears (including in the headings) and inserting
12 “Director of the National Counterintelligence
13 and Security Center”.

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

19 (A) in subsections (b) and (c)(1), by strik-
20 ing “The National Counterintelligence Execu-
21 tive” and inserting “The Director of the Na-
22 tional Counterintelligence and Security Center”;
23 and

24 (B) in subsection (d)(1)(B)(ii)—

1 (i) by striking “to the National Coun-
 2 terintelligence Executive” and inserting “to
 3 the Director of the National Counterintel-
 4 ligence and Security Center”; and

5 (ii) by striking “Office of the National
 6 Counterintelligence Executive” and insert-
 7 ing “National Counterintelligence and Se-
 8 curity Center”.

9 (3) INTELLIGENCE AUTHORIZATION ACT FOR
 10 FISCAL YEAR 2004.—Section 341(b) of the Intel-
 11 ligence Authorization Act for Fiscal Year 2004
 12 (Public Law 108–177; 28 U.S.C. 519 note) is
 13 amended by striking “Office of the National Coun-
 14 terintelligence Executive” and inserting “National
 15 Counterintelligence and Security Center”.

16 (d) CLERICAL AMENDMENT.—The table of sections
 17 in the first section of the National Security Act of 1947
 18 is amended by striking the item relating to section 103F
 19 and inserting the following:

“Sec. 103F. Director of the National Counterintelligence and Security Cen-
 ter.”.

20 (e) CONFORMING STYLE.—Any new language in-
 21 serted or added to a provision of law by the amendments
 22 made by this section shall conform to the typeface and
 23 typestyle of the matter in which the language is so in-
 24 serted or added.

1 (f) TECHNICAL EFFECTIVE DATE.—The amendment
2 made by subsection (a) of section 401 of the Intelligence
3 Authorization Act for Fiscal Year 2016 (division M of
4 Public Law 114–113) shall not take effect, or, if the date
5 of the enactment of this Act is on or after the effective
6 date specified in subsection (b) of such section, such
7 amendment shall be deemed to not have taken effect.

8 **SEC. 403. ASSISTANCE FOR GOVERNMENTAL ENTITIES AND**
9 **PRIVATE ENTITIES IN RECOGNIZING ONLINE**
10 **VIOLENT EXTREMIST CONTENT.**

11 (a) ASSISTANCE TO RECOGNIZE ONLINE VIOLENT
12 EXTREMIST CONTENT.—Not later than 180 days after the
13 date of the enactment of this Act, the Director of National
14 Intelligence shall publish on a publicly available Internet
15 website a list of all logos, symbols, insignia, and other
16 markings commonly associated with, or adopted by, an or-
17 ganization designated by the Secretary of State as a for-
18 eign terrorist organization under section 219(a) of the Im-
19 migration and Nationality Act (8 U.S.C. 1189(a)).

20 (b) UPDATES.—The Director shall update the list
21 published under subsection (a) every 180 days or more
22 frequently as needed.

**Subtitle B—Central Intelligence
Agency and Other Elements**

**SEC. 411. ENHANCED DEATH BENEFITS FOR EMPLOYEES
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 AN
EMPLOYEE

“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))

1 is amended by adding at the end the following new sub-
2 paragraph:

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

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

16 “(iii) For purposes of applying sections 3307(d),
17 8335(b), and 8425(b) of title 5, United States Code, the
18 Inspector General may exercise the functions, powers, and
19 duties of an agency head or appointing authority with re-
20 spect to the Office.”.

21 (b) RULE OF CONSTRUCTION.—Subparagraph (C) of
22 section 17(e)(7) of the Central Intelligence Agency Act of
23 1949 (50 U.S.C. 3517(e)(7)), as added by subsection (a),
24 may not be construed to confer on the Inspector General
25 of the Central Intelligence Agency, or any other officer

1 or employee of the Agency, any police or law enforcement
 2 or internal security functions or authorities.

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

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

9 (1) in subparagraph (B), by striking the semi-
 10 colon and inserting “; and”;

11 (2) in subparagraph (C), by striking “; and”
 12 and inserting a period; and

13 (3) by striking subparagraph (D).

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

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

23 (b) APPLICATION.—Subsection (a) shall apply with
 24 respect to a pay period beginning on or after the date that
 25 is one year after the date of the enactment of this Act.

1 **SEC. 415. PLAN ON ASSUMPTION OF CERTAIN WEATHER**
2 **MISSIONS BY THE NATIONAL RECONNAIS-**
3 **SANCE OFFICE.**

4 (a) PLAN.—

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

10 (A) a description of the related national se-
11 curity requirements for such missions;

12 (B) a description of the appropriate man-
13 ner to meet such requirements; and

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

19 (2) ACTIVITIES.—In developing the plan under
20 paragraph (1), the Director may conduct pre-acqui-
21 sition activities, including with respect to requests
22 for information, analyses of alternatives, study con-
23 tracts, modeling and simulation, and other activities
24 the Director determines necessary to develop such
25 plan.

1 (3) SUBMISSION.—Not later than the date on
2 which the President submits to Congress the budget
3 for fiscal year 2018 under section 1105(a) of title
4 31, United States Code, the Director shall submit to
5 the appropriate congressional committees the plan
6 under paragraph (1).

7 (b) INDEPENDENT COST ESTIMATE.—The Director
8 of the Cost Assessment Improvement Group of the Office
9 of the Director of National Intelligence, in coordination
10 with the Director of Cost Assessment and Program Eval-
11 uation of the Department of Defense, shall certify to the
12 appropriate congressional committees that the amounts of
13 funds identified under subsection (a)(1)(C) as being nec-
14 essary to transfer are appropriate and include funding for
15 positions and personnel to support program office costs.

16 (c) DEFINITIONS.—In this section:

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

19 (A) the congressional intelligence commit-
20 tees; and

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

24 (2) The term “covered space-based environ-
25 mental monitoring missions” means the acquisition

1 programs necessary to meet the national security re-
2 quirements for cloud characterization and theater
3 weather imagery.

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

6 (a) IN GENERAL.—The Director of National Intel-
7 ligence shall support the Secretary of Defense in the ef-
8 forts of the Secretary to develop and implement an infor-
9 mation technology system (in this section referred to as
10 the “System”) to—

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

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

18 (3) improve cyber security capabilities with re-
19 spect to sensitive security clearance data and proc-
20 esses;

21 (4) reduce the complexity and cost of the secu-
22 rity clearance process;

23 (5) provide information to managers on the fi-
24 nancial and administrative costs of the security
25 clearance process;

1 (6) strengthen the ties between counterintel-
2 ligence and personnel security communities; and

3 (7) improve system standardization in the secu-
4 rity clearance process.

5 (b) GUIDANCE.—The Director shall support the Sec-
6 retary in the efforts of the Secretary to issue guidance
7 establishing the respective roles, responsibilities, and obli-
8 gations of the Secretary and the Director with respect to
9 the development and implementation of the System.

10 **TITLE V—MATTERS RELATING**
11 **TO UNITED STATES NAVAL**
12 **STATION, GUANTANAMO BAY,**
13 **CUBA**

14 **SEC. 501. DECLASSIFICATION OF INFORMATION ON PAST**
15 **TERRORIST ACTIVITIES OF DETAINEES**
16 **TRANSFERRED FROM UNITED STATES NAVAL**
17 **STATION, GUANTANAMO BAY, CUBA, AFTER**
18 **SIGNING OF EXECUTIVE ORDER 13492.**

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

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

24 (A) complete a declassification review of
25 intelligence reports prepared by the National

1 Counterterrorism Center prior to Periodic Re-
2 view Board sessions or detainee transfers on
3 the past terrorist activities of individuals de-
4 tained at United States Naval Station, Guanta-
5 namo Bay, Cuba, who were transferred or re-
6 leased from United States Naval Station, Guan-
7 tanamo Bay, after the signing of Executive
8 Order 13492 (relating to the closure of the de-
9 tention facility at United States Naval Station,
10 Guantanamo Bay); and

11 (B) make available to the public any infor-
12 mation declassified as a result of the declas-
13 sification review; and

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

16 (A) the results of the declassification re-
17 view; and

18 (B) if any information covered by the de-
19 classification review was not declassified pursu-
20 ant to the review, a justification for the deter-
21 mination not to declassify such information.

22 (b) PAST TERRORIST ACTIVITIES.—For purposes of
23 this section, the past terrorist activities of an individual
24 shall include the terrorist activities conducted by the indi-
25 vidual before the transfer of the individual to the detention

1 facility at United States Naval Station, Guantanamo Bay,
2 including, at a minimum, the following:

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

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

6 (3) The role in past terrorist attacks against
7 the interests or allies of the United States.

8 (4) The direct responsibility, if any, for the
9 death of citizens of the United States or members of
10 the Armed Forces.

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

13 **TITLE VI—REPORTS AND OTHER** 14 **MATTERS**

15 **SEC. 601. REPORT ON INTELLIGENCE COMMUNITY EM-** 16 **PLOYEES DETAILED TO NATIONAL SECURITY** 17 **COUNCIL.**

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

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

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

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

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

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

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

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

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

4 **SEC. 603. REPORT ON INFORMATION RELATING TO ACA-**
5 **DEMIC PROGRAMS, SCHOLARSHIPS, FELLOW-**
6 **SHIPS, AND INTERNSHIPS SPONSORED, AD-**
7 **MINISTERED, OR USED BY THE INTEL-**
8 **LIGENCE COMMUNITY.**

9 (a) REPORT.—Not later than 90 days after the date
10 of the enactment of this Act, the Director of National In-
11 telligence shall submit to the congressional intelligence
12 committees a report by the intelligence community regard-
13 ing covered academic programs. Such report shall in-
14 clude—

15 (1) a description of the extent to which the Di-
16 rector and the heads of the elements of the intel-
17 ligence community independently collect information
18 on covered academic programs, including with re-
19 spect to—

20 (A) the number of applicants for such pro-
21 grams;

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

24 (C) the number of individuals who have
25 participated in such programs and were hired

1 by an element of the intelligence community
2 after completing such program;

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

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

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

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

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

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

1 (2) the National Security Education Program
2 under the David L. Boren National Security Edu-
3 cation Act of 1991 (50 U.S.C. 1901 et seq.);

4 (3) the Science, Mathematics, and Research for
5 Transformation Defense Education Program under
6 section 2192a of title 10, United States Code;

7 (4) the National Centers of Academic Excel-
8 lence in Information Assurance and Cyber Defense
9 of the National Security Agency and the Depart-
10 ment of Homeland Security; and

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

15 **SEC. 604. REPORT ON CYBERSECURITY THREATS TO SEA-**
16 **PORTS OF THE UNITED STATES AND MARI-**
17 **TIME SHIPPING.**

18 (a) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Under Secretary of
20 Homeland Security for Intelligence and Analysis, in con-
21 sultation with the Director of National Intelligence, shall
22 submit to the congressional intelligence committees a re-
23 port on the cybersecurity threats to, and the cyber
24 vulnerabilities within, the software, communications net-

1 works, computer networks, or other systems employed
2 by—

3 (1) entities conducting significant operations at
4 seaports in the United States;

5 (2) the maritime shipping concerns of the
6 United States; and

7 (3) entities conducting significant operations at
8 transshipment points in the United States.

9 (b) MATTERS INCLUDED.—The report under sub-
10 section (a) shall include the following:

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

17 (2) An assessment of—

18 (A) any planned cyberattacks directed
19 against such software, networks, and systems;

20 (B) any significant vulnerabilities to such
21 software, networks, and systems; and

22 (C) how such entities and concerns are
23 mitigating such vulnerabilities.

24 (3) An update on the status of the efforts of
25 the Coast Guard to include cybersecurity concerns in

1 the National Response Framework, Emergency Sup-
2 port Functions, or both, relating to the shipping or
3 ports of the United States.

4 **SEC. 605. REPORT ON COUNTER-MESSAGING ACTIVITIES.**

5 (a) REPORT.—Not later than 60 days after the date
6 of the enactment of this Act, the Under Secretary of
7 Homeland Security for Intelligence and Analysis shall sub-
8 mit to the congressional intelligence committees a report
9 on the counter-messaging activities of the Department of
10 Homeland Security with respect to the Islamic State and
11 other extremist groups.

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

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

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

7 **SEC. 606. REPORT ON REPRISALS AGAINST CONTRACTORS**
8 **OF THE INTELLIGENCE COMMUNITY.**

9 (a) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, the Inspector General of the
11 Intelligence Community shall submit to the congressional
12 intelligence committees a report on reprisals made against
13 covered contractor employees.

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

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

20 (2) An evaluation of the usefulness of estab-
21 lishing in law a prohibition on reprisals against cov-
22 ered contractor employees as a means of encour-
23 aging such contractors to make protected disclo-
24 sures.

1 (3) A description of any challenges associated
2 with establishing in law such a prohibition, including
3 with respect to the nature of the relationship be-
4 tween the Federal Government, the contractor, and
5 the covered contractor employee.

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

13 (5) Any recommendations the Inspector General
14 determines appropriate.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “covered contractor employee”
17 means an employee of a contractor of an element of
18 the intelligence community.

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

Union Calendar No. 443

114TH CONGRESS
2D Session

H. R. 5077

[Report No. 114-573]

A BILL

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.

MAY 18, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed