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2D SESSION

H. R. 6480

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

Received

AN ACT

To authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Intelligence 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.
- Sec. 3. Explanatory statement.

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 INTELLIGENCE COMMUNITY MATTERS

- Sec. 301. Restriction on conduct of intelligence activities.
- Sec. 302. Increase in employee compensation and benefits authorized by law.
- Sec. 303. Support to nonprofit organizations assisting intelligence community employees.
- Sec. 304. Promotion of science, technology, engineering, and mathematics education in the intelligence community.
- Sec. 305. Retention of employees of the intelligence community who have science, technology, engineering, or mathematics expertise.
- Sec. 306. Multi-sector workforce.
- Sec. 307. Notification of repair or modification of facilities to be used primarily by the intelligence community.
- Sec. 308. Guidance and reporting requirement regarding the interactions between the intelligence community and entertainment industry.
- Sec. 309. Protections for independent inspectors general of certain elements of the intelligence community.
- Sec. 310. Congressional oversight of policy directives and guidance.
- Sec. 311. Notification of memoranda of understanding.
- Sec. 312. Assistance for nationally significant critical infrastructure.
- Sec. 313. Technical correction to Executive Schedule.
- Sec. 314. 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. Designation of the Director of the National Counterintelligence and Security Center.
- Sec. 402. Analyses and impact statements by Director of National Intelligence regarding investment into the United States.
- Sec. 403. Assistance for governmental entities and private entities in recognizing online violent extremist content.

Subtitle B—Central Intelligence Agency

- 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.

Subtitle C—Other Elements

- Sec. 421. Enhancing the technical workforce for the Federal Bureau of Investigation.
- Sec. 422. Plan on assumption of certain weather missions by the National Reconnaissance Office.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

- Sec. 501. Committee to counter active measures by the Russian Federation to exert covert influence over peoples and governments.
- Sec. 502. Travel of accredited diplomatic and consular personnel of the Russian Federation in the United States.
- Sec. 503. Study and report on enhanced intelligence and information sharing with Open Skies Treaty member states.

TITLE VI—REPORTS AND OTHER MATTERS

- Sec. 601. Declassification review with respect to detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 602. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum.
- Sec. 603. Report on national security systems.
- Sec. 604. Joint facilities certification.
- Sec. 605. Leadership and management of space activities.
- Sec. 606. Advances in life sciences and biotechnology.
- Sec. 607. Reports on declassification proposals.
- Sec. 608. Improvement in Government classification and declassification.
- Sec. 609. Report on implementation of research and development recommendations.
- Sec. 610. Report on Intelligence Community Research and Development Corps.
- Sec. 611. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by the intelligence community.
- Sec. 612. Report on intelligence community employees detailed to National Security Council.
- Sec. 613. Intelligence community reporting to Congress on foreign fighter flows.
- Sec. 614. Report on cybersecurity threats to seaports of the United States and maritime shipping.

Sec. 615. Report on programs to counter terrorist narratives.

Sec. 616. 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.

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

14 **SEC. 3. EXPLANATORY STATEMENT.**

15 The explanatory statement regarding this Act, print-
16 ed in the House section of the Congressional Record on
17 or about December 8, 2016, by the Chairman of the Per-
18 manent Select Committee on Intelligence of the House of
19 Representatives, shall have the same effect with respect
20 to the implementation of this Act as if it were a joint ex-
21 planatory statement of a committee of conference.

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.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

1 (15) The National Geospatial-Intelligence Agen-
2 cy.

3 (16) The Department of Homeland Security.

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

5 (a) SPECIFICATIONS OF AMOUNTS.—The amounts
6 authorized to be appropriated under section 101 and, sub-
7 ject to section 103, the authorized personnel ceilings as
8 of September 30, 2017, for the conduct of the intelligence
9 activities of the elements listed in paragraphs (1) through
10 (16) of section 101, are those specified in the classified
11 Schedule of Authorizations prepared to accompany this
12 Act.

13 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
14 THORIZATIONS.—

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

20 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
21 ject to paragraph (3), the President shall provide for
22 suitable distribution of the classified Schedule of Au-
23 thorizations referred to in subsection (a), or of ap-
24 propriate portions of such Schedule, within the exec-
25 utive branch.

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

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

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

10 (C) as otherwise required by law.

11 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

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

24 (b) TREATMENT OF CERTAIN PERSONNEL.—The Di-
25 rector of National Intelligence shall establish guidelines

1 that govern, for each element of the intelligence commu-
2 nity, the treatment under the personnel levels authorized
3 under section 102(a), including any exemption from such
4 personnel levels, of employment or assignment in—

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

7 (2) a reserve corps or as a reemployed annu-
8 itant; or

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

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

16 (d) CONTRACTOR CONVERSIONS.—

17 (1) AUTHORITY FOR INCREASES.—In addition
18 to the authority under subsection (a), the Director
19 of National Intelligence may authorize employment
20 of civilian personnel in an element of the intelligence
21 community in excess of the number authorized for
22 fiscal year 2017 by the classified Schedule of Au-
23 thorizations referred to in section 102(a), as such
24 number may be increased pursuant to subsection
25 (a), if—

1 (A) the Director determines that the in-
2 crease under this paragraph is necessary to
3 convert the performance of any function of the
4 element by contractors to performance by civil-
5 ian personnel; and

6 (B) the number of civilian personnel of the
7 element employed in excess of the number au-
8 thorized under such section 102(a), as such
9 number may be increased pursuant to both sub-
10 section (a) and this paragraph, does not exceed
11 10 percent of the number of civilian personnel
12 authorized under such schedule for the element.

13 (2) NOTICE TO CONGRESSIONAL INTELLIGENCE
14 COMMITTEES.—Not less than 30 days prior to exer-
15 cising the authority described in paragraph (1), the
16 Director of National Intelligence shall submit to the
17 congressional intelligence committees, in writing—

18 (A) notification of exercising such author-
19 ity;

20 (B) justification for making the conversion
21 described in subparagraph (A) of such para-
22 graph; and

23 (C) certification that such conversion is
24 cost effective.

1 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
2 **COUNT.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated for the Intelligence Commu-
5 nity Management Account of the Director of National In-
6 telligence for fiscal year 2017 the sum of \$561,788,000.
7 Within such amount, funds identified in the classified
8 Schedule of Authorizations referred to in section 102(a)
9 for advanced research and development shall remain avail-
10 able until September 30, 2018.

11 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
12 ments within the Intelligence Community Management
13 Account of the Director of National Intelligence are au-
14 thorized 787 positions as of September 30, 2017. Per-
15 sonnel serving in such elements may be permanent em-
16 ployees of the Office of the Director of National Intel-
17 ligence or personnel detailed from other elements of the
18 United States Government.

19 (c) CLASSIFIED AUTHORIZATIONS.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—In
21 addition to amounts authorized to be appropriated
22 for the Intelligence Community Management Ac-
23 count by subsection (a), there are authorized to be
24 appropriated for the Intelligence Community Man-
25 agement Account for fiscal year 2017 such addi-
26 tional amounts as are specified in the classified

1 Schedule of Authorizations referred to in section
2 102(a). Such additional amounts made available for
3 advanced research and development shall remain
4 available until September 30, 2018.

5 (2) AUTHORIZATION OF PERSONNEL.—In addi-
6 tion to the personnel authorized by subsection (b)
7 for elements of the Intelligence Community Manage-
8 ment Account as of September 30, 2017, there are
9 authorized such additional personnel for the Com-
10 munity Management Account as of that date as are
11 specified in the classified Schedule of Authorizations
12 referred to in section 102(a).

13 **TITLE II—CENTRAL INTEL-**
14 **LIGENCE AGENCY RETIRE-**
15 **MENT AND DISABILITY SYS-**
16 **TEM**

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **TITLE III—GENERAL INTEL-**
2 **LIGENCE COMMUNITY MAT-**
3 **TERS**

4 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
5 **ACTIVITIES.**

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

10 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
11 **BENEFITS AUTHORIZED BY LAW.**

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

17 **SEC. 303. SUPPORT TO NONPROFIT ORGANIZATIONS AS-**
18 **SISTING INTELLIGENCE COMMUNITY EM-**
19 **PLOYEES.**

20 (a) DIRECTOR OF NATIONAL INTELLIGENCE.—Sec-
21 tion 102A of the National Security Act of 1947 (50 U.S.C.
22 3024) is amended by adding at the end the following:

23 “(y) FUNDRAISING.—(1) The Director of National
24 Intelligence may engage in fundraising in an official ca-
25 pacity for the benefit of nonprofit organizations that—

1 “(A) provide support to surviving family mem-
2 bers of a deceased employee of an element of the in-
3 telligence community; or

4 “(B) otherwise provide support for the welfare,
5 education, or recreation of employees of an element
6 of the intelligence community, former employees of
7 an element of the intelligence community, or family
8 members of such employees.

9 “(2) In this subsection, the term ‘fundraising’ means
10 the raising of funds through the active participation in the
11 promotion, production, or presentation of an event de-
12 signed to raise funds and does not include the direct solici-
13 tation of money by any other means.

14 “(3) Not later than 7 days after the date the Director
15 engages in fundraising authorized by this subsection or
16 at the time the decision is made to participate in such
17 fundraising, the Director shall notify the congressional in-
18 telligence committees of such fundraising.

19 “(4) The Director, in consultation with the Director
20 of the Office of Government Ethics, shall issue regulations
21 to carry out the authority provided in this subsection.
22 Such regulations shall ensure that such authority is exer-
23 cised in a manner that is consistent with all relevant eth-
24 ical constraints and principles, including the avoidance of

1 any prohibited conflict of interest or appearance of impro-
2 priety.”.

3 (b) DIRECTOR OF THE CENTRAL INTELLIGENCE
4 AGENCY.—Section 12(f) of the Central Intelligence Agen-
5 cy Act of 1949 (50 U.S.C. 3512(f)) is amended by adding
6 at the end the following:

7 “(3) Not later than the date that is 7 days after the
8 date the Director engages in fundraising authorized by
9 this subsection or at the time the decision is made to par-
10 ticipate in such fundraising, the Director shall notify the
11 Select Committee on Intelligence of the Senate and the
12 Permanent Select Committee on Intelligence of the House
13 of Representatives of the fundraising.”.

14 **SEC. 304. PROMOTION OF SCIENCE, TECHNOLOGY, ENGI-**
15 **NEERING, AND MATHEMATICS EDUCATION IN**
16 **THE INTELLIGENCE COMMUNITY.**

17 (a) REQUIREMENT FOR INVESTMENT STRATEGY FOR
18 STEM RECRUITING AND OUTREACH ACTIVITIES.—Along
19 with the budget for fiscal year 2018 submitted by the
20 President pursuant to section 1105(a) of title 31, United
21 States Code, the Director of National Intelligence shall
22 submit a five-year investment strategy for outreach and
23 recruiting efforts in the fields of science, technology, engi-
24 neering, and mathematics (STEM), to include cybersecu-
25 rity and computer literacy.

1 (b) REQUIREMENT FOR INTELLIGENCE COMMUNITY
 2 PLANS FOR STEM RECRUITING AND OUTREACH ACTIVI-
 3 TIES.—For each of the fiscal years 2018 through 2022,
 4 the head of each element of the intelligence community
 5 shall submit an investment plan along with the materials
 6 submitted as justification of the budget request of such
 7 element that supports the strategy required by subsection
 8 (a).

9 **SEC. 305. RETENTION OF EMPLOYEES OF THE INTEL-**
 10 **LIGENCE COMMUNITY WHO HAVE SCIENCE,**
 11 **TECHNOLOGY, ENGINEERING, OR MATHE-**
 12 **MATICS EXPERTISE.**

13 (a) SPECIAL RATES OF PAY FOR CERTAIN OCCUPA-
 14 TIONS IN THE INTELLIGENCE COMMUNITY.—The Na-
 15 tional Security Act of 1947 (50 U.S.C. 3001 et seq.) is
 16 amended by inserting after section 113A the following:

17 **“SEC. 113B. SPECIAL PAY AUTHORITY FOR SCIENCE, TECH-**
 18 **NOLOGY, ENGINEERING, OR MATHEMATICS**
 19 **POSITIONS.**

20 “(a) AUTHORITY TO SET SPECIAL RATES OF PAY.—
 21 Notwithstanding part III of title 5, United States Code,
 22 the head of each element of the intelligence community
 23 may establish higher minimum rates of pay for 1 or more
 24 categories of positions in such element that require exper-

1 tise in science, technology, engineering, or mathematics
2 (STEM).

3 “(b) MAXIMUM SPECIAL RATE OF PAY.—A minimum
4 rate of pay established for a category of positions under
5 subsection (a) may not exceed the maximum rate of basic
6 pay (excluding any locality-based comparability payment
7 under section 5304 of title 5, United States Code, or simi-
8 lar provision of law) for the position in that category of
9 positions without the authority of subsection (a) by more
10 than 30 percent, and no rate may be established under
11 this section in excess of the rate of basic pay payable for
12 level IV of the Executive Schedule under section 5315 of
13 title 5, United States Code.

14 “(c) NOTIFICATION OF REMOVAL FROM SPECIAL
15 RATE OF PAY.—If the head of an element of the intel-
16 ligence community removes a category of positions from
17 coverage under a rate of pay authorized by subsection (a)
18 after that rate of pay takes effect—

19 “(1) the head of such element shall provide no-
20 tice of the loss of coverage of the special rate of pay
21 to each individual in such category; and

22 “(2) the loss of coverage will take effect on the
23 first day of the first pay period after the date of the
24 notice.

1 “(d) REVISION OF SPECIAL RATES OF PAY.—Subject
2 to the limitations in this section, rates of pay established
3 under this section by the head of the element of the intel-
4 ligence community may be revised from time to time by
5 the head of such element and the revisions have the force
6 and effect of statute.

7 “(e) REGULATIONS.—The head of each element of
8 the intelligence community shall promulgate regulations to
9 carry out this section with respect to such element, which
10 shall, to the extent practicable, be comparable to the regu-
11 lations promulgated to carry out section 5305 of title 5,
12 United States Code.

13 “(f) REPORTS.—

14 “(1) REQUIREMENT FOR REPORTS.—Not later
15 than 90 days after the date of the enactment of the
16 Intelligence Authorization Act for Fiscal Year 2017,
17 the head of each element of the intelligence commu-
18 nity shall submit to the congressional intelligence
19 committees a report on any rates of pay established
20 for such element under this section.

21 “(2) CONTENTS.—Each report required by
22 paragraph (1) shall contain for each element of the
23 intelligence community—

24 “(A) a description of any rates of pay es-
25 tablished under subsection (a); and

1 “(B) the number of positions in such ele-
2 ment that will be subject to such rates of pay.”.

3 (b) TABLE OF CONTENTS AMENDMENT.—The table
4 of contents in the first section of the National Security
5 Act of 1947 is amended by inserting after the item relat-
6 ing to section 113A the following:

“Sec. 113B. Special pay authority for science, technology, engineering, or math
positions.”.

7 **SEC. 306. MULTI-SECTOR WORKFORCE.**

8 (a) MULTI-SECTOR WORKFORCE INITIATIVE.—

9 (1) REQUIREMENT.—The Director of National
10 Intelligence shall implement a multi-sector workforce
11 initiative—

12 (A) to improve management of the work-
13 force of the intelligence community;

14 (B) to achieve an appropriate ratio of em-
15 ployees of the United States Government and
16 core contractors in such workforce; and

17 (C) to establish processes that enables ele-
18 ments of the intelligence community to build
19 and maintain an appropriate ratio of such em-
20 ployees and core contractors.

21 (2) BRIEFING TO CONGRESS.—Not later than
22 90 days after the date of the enactment of this Act,
23 the Director of National Intelligence shall brief the

1 congressional intelligence committees on the initia-
2 tive required by paragraph (1).

3 (b) MANAGEMENT BASED ON WORKLOAD REQUIRE-
4 MENTS.—

5 (1) IN GENERAL.—Notwithstanding sections
6 102 and 103, during each of fiscal years 2017 and
7 2018, the personnel of the intelligence community
8 shall be managed each fiscal year solely on the basis
9 of, and consistent with—

10 (A) the workload required to carry out the
11 functions and activities of the intelligence com-
12 munity; and

13 (B) the funds made available to the intel-
14 ligence community for such fiscal year.

15 (2) PROHIBITION ON CONSTRAINTS OR LIMITA-
16 TIONS.—

17 (A) IN GENERAL.—Notwithstanding sec-
18 tions 102 and 103, the management of the per-
19 sonnel of the intelligence community in any fis-
20 cal year shall not be subject to any constraint
21 or limitation in terms of man years, end
22 strength, positions, or maximum number of em-
23 ployees.

1 (B) TERMINATION.—The prohibition on
2 constraints and limitations under subparagraph
3 (A) shall terminate on September 30, 2018.

4 (3) NEW STARTS.—Notwithstanding paragraph
5 (2)(A), any initiation, resumption, or continuation
6 by an element of intelligence community of any
7 project, subproject, activity, budget activity, program
8 element, or subprogram within a program element
9 for which an appropriation, fund, or other authority
10 was not made available during the previous fiscal
11 year may only be carried out if such project, sub-
12 project, activity, budget activity, program element,
13 or subprogram is specifically authorized consistent
14 with section 504 of the National Security Act of
15 1947 (50 U.S.C. 3094).

16 (c) REQUIRED EMPLOYEES.—Notwithstanding sec-
17 tions 102 and 103, during each of fiscal years 2017 and
18 2018 the Director of National Intelligence shall ensure
19 that there are employed during a fiscal year employees in
20 the number and with the combination of skills and quali-
21 fications that are necessary to carry out the functions for
22 which funds are provided to the intelligence community
23 for that fiscal year.

24 (d) BRIEFING AND REPORT TO CONGRESS.—Not
25 later than 180 days after the date of the enactment of

1 this Act, the Director of National Intelligence shall issue
2 a written report and provide a briefing to the congressional intelligence committees on—

4 (1) the methodology used to calculate the number of civilian and contractor full-time equivalent positions in the intelligence community;

7 (2) the cost analysis tool used to calculate personnel costs in the intelligence community; and

9 (3) the plans of the Director of National Intelligence and the head of each element of the intelligence community to implement a multi-sector workforce as required by subsections (a) and (b).

13 (e) REPORT.—Not later than 180 days after date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report on the accuracy of intelligence community data for the numbers and costs associated with the civilian and contractor workforce in each element of the intelligence community.

20 **SEC. 307. NOTIFICATION OF REPAIR OR MODIFICATION OF**
21 **FACILITIES TO BE USED PRIMARILY BY THE**
22 **INTELLIGENCE COMMUNITY.**

23 Section 602(a)(2) of the Intelligence Authorization
24 Act for Fiscal Year 1995 (50 U.S.C. 3304(a)(2)) is
25 amended by striking “improvement project to” and insert-

1 ing “project for the improvement, repair, or modification
2 of”.

3 **SEC. 308. GUIDANCE AND REPORTING REQUIREMENT RE-**
4 **GARDING THE INTERACTIONS BETWEEN THE**
5 **INTELLIGENCE COMMUNITY AND ENTER-**
6 **TAINMENT INDUSTRY.**

7 (a) DEFINITIONS.—In this section:

8 (1) ENGAGEMENT.—The term “engagement”—

9 (A) means any significant interaction be-
10 tween an element of the intelligence community
11 and an entertainment industry entity for the
12 purposes of contributing to an entertainment
13 product intended to be heard, read, viewed, or
14 otherwise experienced by the public; and

15 (B) does not include routine inquiries
16 made by the press or news media to the public
17 affairs office of an intelligence community.

18 (2) ENTERTAINMENT INDUSTRY ENTITY.—The
19 term “entertainment industry entity” means an enti-
20 ty that creates, produces, promotes, or distributes a
21 work of entertainment intended to be heard, read,
22 viewed, or otherwise experienced by an audience, in-
23 cluding—

24 (A) theater productions, motion pictures,
25 radio broadcasts, television broadcasts,

1 podcasts, webcasts, other sound or visual re-
2 cording, music, or dance;

3 (B) books and other published material;
4 and

5 (C) such other entertainment activity, as
6 determined by the Director of National Intel-
7 ligence.

8 (b) DIRECTOR OF NATIONAL INTELLIGENCE GUID-
9 ANCE.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Di-
12 rector of National Intelligence shall issue, and re-
13 lease to the public, guidance regarding engagements
14 by elements of the intelligence community with en-
15 tertainment industry entities.

16 (2) CRITERIA.—The guidance required by para-
17 graph (1) shall—

18 (A) permit an element of the intelligence
19 community to conduct engagements, if the head
20 of the element, or a designee of such head, pro-
21 vides prior approval; and

22 (B) require an unclassified annual report
23 to the congressional intelligence committees re-
24 garding engagements.

1 (c) ANNUAL REPORT.—Each report required by sub-
2 section (b)(2)(B) shall include the following:

3 (1) A description of the nature and duration of
4 each engagement included in the review.

5 (2) The cost incurred by the United States
6 Government for each such engagement.

7 (3) A description of the benefits to the United
8 States Government for each such engagement.

9 (4) A determination of whether any information
10 was declassified, and whether any classified informa-
11 tion was improperly disclosed, or each such engage-
12 ment.

13 (5) A description of the work produced through
14 each such engagement.

15 **SEC. 309. PROTECTIONS FOR INDEPENDENT INSPECTORS**

16 **GENERAL OF CERTAIN ELEMENTS OF THE IN-**
17 **TELLIGENCE COMMUNITY.**

18 (a) LIMITATION ON ACTIVITIES OF EMPLOYEES OF
19 AN OFFICE OF INSPECTOR GENERAL.—

20 (1) LIMITATIONS.—Not later than 180 days
21 after the date of the enactment of this Act, the Di-
22 rector of National Intelligence shall develop and im-
23 plement a uniform policy for each covered office of
24 an inspector general to better ensure the independ-
25 ence of each such office. Such policy shall include—

1 (A) provisions to prevent any conflict of in-
2 terest related to a matter any employee of a
3 covered office of an inspector general personally
4 and substantially participated in during pre-
5 vious employment;

6 (B) standards to ensure personnel of a cov-
7 ered office of an inspector general are free both
8 in fact and in appearance from personal, exter-
9 nal, and organizational impairments to inde-
10 pendence;

11 (C) provisions to permit the head of each
12 covered office of an inspector general to waive
13 the application of the policy with respect to an
14 individual if such head—

15 (i) prepares a written and signed jus-
16 tification for such waiver that sets out, in
17 detail, the need for such waiver, provided
18 that waivers shall not be issued for in fact
19 impairments to independence; and

20 (ii) submits to the congressional intel-
21 ligence committees each such justification;
22 and

23 (D) any other protections the Director de-
24 termines appropriate.

1 (2) COVERED OFFICE OF AN INSPECTOR GEN-
2 ERAL DEFINED.—The term “covered office of an in-
3 spector general” means—

4 (A) the Office of the Inspector General of
5 the Intelligence Community; and

6 (B) the office of an inspector general for—

7 (i) the Office of the Director of Na-
8 tional Intelligence;

9 (ii) the Central Intelligence Agency;

10 (iii) the National Security Agency;

11 (iv) the Defense Intelligence Agency;

12 (v) the National Geospatial-Intel-
13 ligence Agency; and

14 (vi) the National Reconnaissance Of-
15 fice.

16 (3) BRIEFING TO THE CONGRESSIONAL INTEL-
17 LIGENCE COMMITTEES.—Prior to the date that the
18 policy required by paragraph (1) takes effect, the
19 Director of National Intelligence shall provide the
20 congressional intelligence committees a briefing on
21 such policy.

22 (b) LIMITATION ON ROTATION OF EMPLOYEES OF AN
23 OFFICE OF INSPECTOR GENERAL.—Section 102A(l)(3) of
24 the National Security Act of 1947 (50 U.S.C. 3024(l)(3))
25 is amended by adding at the end the following:

1 “(D) The mechanisms prescribed under subpara-
2 graph (A) and any other policies of the Director—

3 “(i) may not require an employee of an office
4 of inspector general for an element of the intel-
5 ligence community, including the Office of the In-
6 spector General of the Intelligence Community, to
7 rotate to a position in an office or organization of
8 such an element over which such office of inspector
9 general exercises jurisdiction; and

10 “(ii) shall be implemented in a manner that ex-
11 empts employees of an office of inspector general
12 from a rotation that may impact the independence
13 of such office.”.

14 **SEC. 310. CONGRESSIONAL OVERSIGHT OF POLICY DIREC-**
15 **TIVES AND GUIDANCE.**

16 (a) COVERED POLICY DOCUMENT DEFINED.—In this
17 section, the term “covered policy document” means any
18 classified or unclassified Presidential Policy Directive,
19 Presidential Policy Guidance, or other similar policy docu-
20 ment issued by the President, including any classified or
21 unclassified annex to such a Directive, Guidance, or other
22 document, that assigns tasks, roles, or responsibilities to
23 the intelligence community or an element of the intel-
24 ligence community.

1 (b) SUBMISSIONS TO CONGRESS.—The Director of
2 National Intelligence shall submit to the congressional in-
3 telligence committees the following:

4 (1) Not later than 15 days after the date that
5 a covered policy document is issued, a written notice
6 of the issuance and a summary of the subject matter
7 addressed by such covered policy document.

8 (2) Not later than 15 days after the date that
9 the Director issues any guidance or direction on im-
10 plementation of a covered policy document or imple-
11 ments a covered policy document, a copy of such
12 guidance or direction or a description of such imple-
13 mentation.

14 (3) Not later than 15 days after the date of the
15 enactment of this Act, for any covered policy docu-
16 ment issued prior to such date that is being imple-
17 mented by any element of the intelligence commu-
18 nity or that is in effect on such date—

19 (A) a written notice that includes the date
20 such covered policy document was issued and a
21 summary of the subject matter addressed by
22 such covered policy document; and

23 (B) if the Director has issued any guid-
24 ance or direction on implementation of such
25 covered policy document or is implementing

1 such covered policy document, a copy of the
2 guidance or direction or a written description of
3 such implementation.

4 **SEC. 311. NOTIFICATION OF MEMORANDA OF UNDER-**
5 **STANDING.**

6 (a) IN GENERAL.—The head of each element of the
7 intelligence community shall submit to the congressional
8 intelligence committees a copy of each memorandum of
9 understanding or other agreement regarding significant
10 operational activities or policy between or among such ele-
11 ment and any other entity or entities of the United States
12 Government—

13 (1) for such a memorandum or agreement that
14 is in effect on the date of the enactment of this Act,
15 not later than 60 days after such date; and

16 (2) for such a memorandum or agreement en-
17 tered into after such date, in a timely manner and
18 not more than 60 days after the date such memo-
19 randum or other agreement is entered into.

20 (b) ADMINISTRATIVE MEMORANDUM OR AGREE-
21 MENT.—Nothing in this section may be construed to re-
22 quire an element of the intelligence community to submit
23 to the congressional intelligence committees any memo-
24 randum or agreement that is solely administrative in na-

1 ture, including a memorandum or agreement regarding
 2 joint duty or other routine personnel assignments.

3 **SEC. 312. ASSISTANCE FOR NATIONALLY SIGNIFICANT**
 4 **CRITICAL INFRASTRUCTURE.**

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED CRITICAL INFRASTRUCTURE.—

7 The term “covered critical infrastructure” means the
 8 critical infrastructure identified pursuant to section
 9 9(a) of Executive Order No. 13636 of February 12,
 10 2013 (78 Fed. Reg. 11742; related to improving
 11 critical infrastructure cybersecurity).

12 (2) COVERED CYBER ASSET.—The term “cov-
 13 ered cyber asset” means an information system or
 14 industrial control system that is essential to the op-
 15 eration of covered critical infrastructure.

16 (3) PROGRAM.—Except as otherwise specifically
 17 provided, the term “program” means the program
 18 required by subsection (b).

19 (4) SECTOR-SPECIFIC AGENCY.—The term “sec-
 20 tor-specific agency” has the meaning given that term
 21 in Presidential Policy Directive-21, issued February
 22 12, 2013 (related to critical infrastructure security
 23 and resilience), or any successor.

24 (5) VOLUNTARY PARTICIPANT.—The term “vol-
 25 untary participant” means an entity eligible to par-

1 ticipate in the program under subsection (b) that
2 has voluntarily elected to participate in the program.

3 (b) REQUIREMENT FOR PROGRAM.—Not later than
4 180 days after the date of the enactment of this Act, the
5 Under Secretary appointed pursuant to section
6 103(a)(1)(H) of the Homeland Security Act of 2002 (6
7 U.S.C. 113(a)(1)(H)), in consultation with appropriate
8 covered critical infrastructure and sector-specific agencies,
9 shall carry out a program to provide assistance to covered
10 critical infrastructure consistent with subsection (f).

11 (c) OBJECTIVE.—The objective of the program shall
12 be to reduce the risk of regional or national catastrophic
13 harm caused by a cyber attack against covered critical in-
14 frastructure.

15 (d) VOLUNTARY PARTICIPATION.—Participation in
16 the program by covered critical infrastructure shall be on
17 a voluntary basis.

18 (e) INTELLIGENCE COMMUNITY PARTICIPATION.—

19 (1) COORDINATION AND MANAGEMENT.—The
20 Under Secretary for Intelligence and Analysis of the
21 Department of Homeland Security shall coordinate
22 and lead the provision of assistance from appro-
23 priate elements of the intelligence community to the
24 Under Secretary appointed pursuant to section
25 103(a)(1)(H) of the Homeland Security Act of 2002

1 (6 U.S.C. 113(a)(1)(H)) to assist the national cyber-
2 security and communications integration center es-
3 tablished under section 227 of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 148) to fulfill the re-
5 quirements of this section.

6 (2) ACTIVITIES.—In the manner required by
7 paragraph (1) and subject to the approval of the
8 Under Secretary for Intelligence and Analysis of the
9 Department of Homeland Security, such assistance
10 may include:

11 (A) Activities to develop a national strat-
12 egy to effectively leverage intelligence commu-
13 nity resources made available to support the
14 program.

15 (B) Activities to consult with the Director
16 of National Intelligence and other appropriate
17 intelligence and law enforcement agencies to
18 identify within the existing framework gov-
19 erning intelligence prioritization, intelligence
20 gaps and foreign intelligence collection require-
21 ments relevant to the security of covered cyber
22 assets and covered critical infrastructure.

23 (C) Activities to improve the detection,
24 prevention, and mitigation of espionage con-

1 ducted by foreign actors against or concerning
2 covered critical infrastructure.

3 (D) Activities to identify or provide assist-
4 ance related to the research, design, and devel-
5 opment of protective and mitigation measures
6 for covered cyber assets and the components of
7 covered cyber assets.

8 (E) Activities to provide technical assist-
9 ance and input for testing and exercises related
10 to covered cyber assets.

11 (f) RELATIONSHIP TO EXISTING PROGRAMS.—This
12 section shall be carried out in a manner consistent with
13 the existing roles, responsibilities, authorities, and activi-
14 ties of the United States Government.

15 (g) NO COST TO COVERED CRITICAL INFRASTRUC-
16 TURE PARTICIPANTS.—A voluntary participant in the pro-
17 gram that is covered critical infrastructure shall not be
18 required to reimburse the United States Government for
19 the use of any facility, personnel, contractor, equipment,
20 service, or information of the United States Government
21 utilized in an activity carried out pursuant to the program.

22 (h) PRIORITIZATION OF ASSISTANCE.—The Director
23 of National Intelligence shall consider the national signifi-
24 cance of covered critical infrastructure identified by the
25 Under Secretary appointed pursuant to section

1 103(a)(1)(H) of the Homeland Security Act of 2002 (6
2 U.S.C. 113(a)(1)(H)) in the Director's process for
3 prioritizing requirements and effectively allocating the re-
4 sources of the intelligence community for assisting govern-
5 ment efforts to help protect critical infrastructure owned
6 or operated in the private sector.

7 (i) PARTICIPATION APPROVAL.—Participation in the
8 program by any private entity shall be subject to the ap-
9 proval of the Under Secretary appointed pursuant to sec-
10 tion 103(a)(1)(H) of the Homeland Security Act of 2002
11 (6 U.S.C. 113(a)(1)(H)), and in the case of any support
12 assistance provided by the intelligence community, the ap-
13 proval of the Director of National Intelligence.

14 (j) NO NEW REGULATORY AUTHORITY.—Nothing in
15 this section may be construed to authorize the Director
16 of National Intelligence, the Secretary of Homeland Secu-
17 rity, or any other Federal regulator to promulgate new
18 regulations.

19 (k) BRIEFING.—Not less frequently than once each
20 year, the Under Secretary for Intelligence and Analysis
21 shall brief the congressional intelligence committees, the
22 Committee on Homeland Security and Governmental Af-
23 fairs of the Senate, and Committee on Homeland Security
24 of the House of Representatives on progress and chal-
25 lenges of the program.

1 (k) CONSTRUCTION.—Nothing in this section may be
2 construed to limit any authority or responsibility of an
3 agency or department of the United States under any law
4 in effect on the date of the enactment of this Act.

5 **SEC. 313. TECHNICAL CORRECTION TO EXECUTIVE SCHED-**
6 **ULE.**

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

10 **SEC. 314. MAXIMUM AMOUNT CHARGED FOR DECLASS-**
11 **SIFICATION REVIEWS.**

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

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

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

4 **TITLE IV—MATTERS RELATING**
5 **TO ELEMENTS OF THE INTEL-**
6 **LIGENCE COMMUNITY**

7 **Subtitle A—Office of the Director**
8 **of National Intelligence**

9 **SEC. 401. DESIGNATION OF THE DIRECTOR OF THE NA-**
10 **TIONAL COUNTERINTELLIGENCE AND SECU-**
11 **RITY CENTER.**

12 (a) IN GENERAL.—

13 (1) IN GENERAL.—Section 902 of the Counter-
14 intelligence Enhancement Act of 2002 (50 U.S.C.
15 3382) is amended to read as follows:

16 **“SEC. 902. DIRECTOR OF THE NATIONAL COUNTERINTEL-**
17 **LIGENCE AND SECURITY CENTER.**

18 “(a) ESTABLISHMENT.—There shall be a Director of
19 the National Counterintelligence and Security Center (re-
20 ferred to in this section as the ‘Director’), who shall be
21 appointed by the President, by and with the advice and
22 consent of the Senate.

23 “(b) MISSION.—The mission of the Director shall be
24 to serve as the head of national counterintelligence for the
25 United States Government.

1 “(c) DUTIES.—Subject to the direction and control
2 of the Director of National Intelligence, the duties of the
3 Director are as follows:

4 “(1) To carry out the mission referred to in
5 subsection (b).

6 “(2) To act as chairperson of the National
7 Counterintelligence Policy Board established under
8 section 811 of the Counterintelligence and Security
9 Enhancements Act of 1994 (50 U.S.C. 3381).

10 “(3) To act as head of the National Counter-
11 intelligence and Security Center established under
12 section 904.

13 “(4) To participate as an observer on such
14 boards, committees, and entities of the executive
15 branch as the Director of National Intelligence con-
16 siderers appropriate for the discharge of the mission
17 and functions of the Director and the National
18 Counterintelligence and Security Center under sec-
19 tion 904.”.

20 (2) TABLE OF CONTENTS AMENDMENT.—The
21 table of contents in section 1(b) of the Intelligence
22 Authorization Act for Fiscal Year 2003 (Public Law
23 107–306; 116 Stat. 2383) is amended by striking
24 the item relating to section 902 and inserting the
25 following:

“Sec. 902. Director of the National Counterintelligence and Security Center.”.

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

9 (b) NATIONAL COUNTERINTELLIGENCE AND SECU-
 10 RITY CENTER.—

11 (1) IN GENERAL.—Section 904 of the Counter-
 12 intelligence Enhancement Act of 2002 (50 U.S.C.
 13 3383) is amended—

14 (A) by striking the section heading and in-
 15 serting “**NATIONAL COUNTERINTEL-**
 16 **LIGENCE AND SECURITY CENTER.**”; and

17 (B) by striking subsections (a), (b), and
 18 (c) and inserting the following:

19 “(a) ESTABLISHMENT.—There shall be a National
 20 Counterintelligence and Security Center.

21 “(b) HEAD OF CENTER.—The Director of the Na-
 22 tional Counterintelligence and Security Center shall be the
 23 head of the National Counterintelligence and Security
 24 Center.

1 “(c) LOCATION OF CENTER.—The National Counter-
2 intelligence and Security Center shall be located in the Of-
3 fice of the Director of National Intelligence.”.

4 (2) FUNCTIONS.—Section 904(d) of the Coun-
5 terintelligence Enhancement Act of 2002 (50 U.S.C.
6 3383(d)) is amended—

7 (A) in the matter preceding paragraph (1),
8 by striking “National Counterintelligence Exec-
9 utive, the functions of the Office of the Na-
10 tional Counterintelligence Executive” and in-
11 serting “Director of the National Counterintel-
12 ligence and Security Center, the functions of
13 the National Counterintelligence and Security
14 Center”;

15 (B) in paragraph (5), in the matter pre-
16 ceding subparagraph (A), by striking “In con-
17 sultation with” and inserting “At the direction
18 of”; and

19 (C) in paragraph (6), in the matter pre-
20 ceding subparagraph (A), by striking “Office”
21 and inserting “National Counterintelligence and
22 Security Center”.

23 (3) PERSONNEL.—Section 904(f) of the Coun-
24 terintelligence Enhancement Act of 2002 (50 U.S.C.
25 3383(f)) is amended—

1 (A) in paragraph (1), by striking “Office
2 of the National Counterintelligence Executive
3 may consist of personnel employed by the Of-
4 fice” and inserting “National Counterintel-
5 ligence and Security Center may consist of per-
6 sonnel employed by the Center”; and

7 (B) in paragraph (2), by striking “Na-
8 tional Counterintelligence Executive” and in-
9 serting “Director of the National Counterintel-
10 ligence and Security Center”.

11 (4) TREATMENT OF ACTIVITIES UNDER CER-
12 TAIN ADMINISTRATIVE LAWS.—Section 904(g) of the
13 Counterintelligence Enhancement Act of 2002 (50
14 U.S.C. 3383(g)) is amended by striking “Office shall
15 be treated as operational files of the Central Intel-
16 ligence Agency for purposes of section 701 of the
17 National Security Act of 1947 (50 U.S.C. 431)” and
18 inserting “National Counterintelligence and Security
19 Center shall be treated as operational files of the
20 Central Intelligence Agency for purposes of section
21 701 of the National Security Act of 1947 (50 U.S.C.
22 3141)”.

23 (5) OVERSIGHT BY CONGRESS.—Section 904(h)
24 of the Counterintelligence Enhancement Act of 2002
25 (50 U.S.C. 3383(h)) is amended—

1 (A) in the matter preceding paragraph (1),
2 by striking “Office of the National Counter-
3 intelligence Executive” and inserting “National
4 Counterintelligence and Security Center”; and

5 (B) in paragraphs (1) and (2), by striking
6 “Office” and inserting “Center” both places
7 that term appears.

8 (6) TABLE OF CONTENTS AMENDMENT.—The
9 table of contents in section 1(b) of the Intelligence
10 Authorization Act for Fiscal Year 2003 (Public Law
11 107–306; 116 Stat. 2383), as amended by sub-
12 section (a)(2), is further amended by striking the
13 item relating to section 904 and inserting the fol-
14 lowing:

“Sec. 904. National Counterintelligence and Security Center.”.

15 (c) OVERSIGHT OF NATIONAL INTELLIGENCE CEN-
16 TERS.—Section 102A(f)(2) of the National Security Act
17 of 1947 (50 U.S.C. 3024(f)(2)) is amended by inserting
18 “, the National Counterproliferation Center, and the Na-
19 tional Counterintelligence and Security Center” after
20 “National Counterterrorism Center”.

21 (d) DIRECTOR OF THE NATIONAL COUNTERINTEL-
22 LIGENCE AND SECURITY CENTER WITHIN THE OFFICE
23 OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Para-
24 graph (8) of section 103(c) of the National Security Act

1 of 1947 (50 U.S.C. 3025(c)) is amended to read as fol-
2 lows:

3 “(8) The Director of the National Counterintel-
4 ligence and Security Center.”.

5 (e) DUTIES OF THE DIRECTOR OF THE NATIONAL
6 COUNTERINTELLIGENCE AND SECURITY CENTER.—

7 (1) IN GENERAL.—Section 103F of the Na-
8 tional Security Act of 1947 (50 U.S.C. 3031) is
9 amended—

10 (A) by striking the section heading and in-
11 serting “DIRECTOR OF THE NATIONAL COUN-
12 TERINTELLIGENCE AND SECURITY CENTER”;

13 (B) in subsection (a)—

14 (i) by striking the subsection heading
15 and inserting “DIRECTOR OF THE NA-
16 TIONAL COUNTERINTELLIGENCE AND SE-
17 CURITY CENTER.—”; and

18 (ii) by striking “National Counter-
19 intelligence Executive under section 902 of
20 the Counterintelligence Enhancement Act
21 of 2002 (title IX of Public Law 107–306;
22 50 U.S.C. 402b et seq.)” and inserting
23 “Director of the National Counterintel-
24 ligence and Security Center appointed
25 under section 902 of the Counterintel-

1 ligence Enhancement Act of 2002 (50
2 U.S.C. 3382)”; and

3 (C) in subsection (b), by striking “Na-
4 tional Counterintelligence Executive” and in-
5 serting “Director of the National Counterintel-
6 ligence and Security Center”.

7 (2) TABLE OF CONTENTS AMENDMENT.—The
8 table of contents in the first section of the National
9 Security Act of 1947 is amended by striking the
10 item relating to section 103F and inserting the fol-
11 lowing:

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

12 (f) COORDINATION OF COUNTERINTELLIGENCE AC-
13 TIVITIES.—Section 811 of the Counterintelligence and Se-
14 curity Enhancements Act of 1994 (50 U.S.C. 3381) is
15 amended—

16 (1) in subsection (b), by striking “National
17 Counterintelligence Executive under section 902 of
18 the Counterintelligence Enhancement Act of 2002”
19 and inserting “Director of the National Counter-
20 intelligence and Security Center appointed under
21 section 902 of the Counterintelligence Enhancement
22 Act of 2002 (50 U.S.C. 3382)”;

23 (2) in subsection (c)(1), by striking “National
24 Counterintelligence Executive.” and inserting “Di-

1 rector of the National Counterintelligence and Secu-
 2 rity Center.”; and

3 (3) in subsection (d)(1)(B)(ii)—

4 (A) by striking “National Counterintel-
 5 ligence Executive” and inserting “Director of
 6 the National Counterintelligence and Security
 7 Center”; and

8 (B) by striking “by the Office of the Na-
 9 tional Counterintelligence Executive under sec-
 10 tion 904(e)(2) of that Act” and inserting “pur-
 11 suant to section 904(d)(2) of that Act (50
 12 U.S.C. 3383(d)(2))”.

13 (g) INTELLIGENCE AND NATIONAL SECURITY AS-
 14 PECTS OF ESPIONAGE PROSECUTIONS.—Section 341(b) of
 15 the Intelligence Authorization Act for Fiscal Year 2004
 16 (Public Law 108–177, 28 U.S.C. 519 note) is amended
 17 by striking “Office of the National Counterintelligence Ex-
 18 ecutive,” and inserting “National Counterintelligence and
 19 Security Center,”.

20 **SEC. 402. ANALYSES AND IMPACT STATEMENTS BY DIREC-**
 21 **TOR OF NATIONAL INTELLIGENCE REGARD-**
 22 **ING INVESTMENT INTO THE UNITED STATES.**

23 Section 102A of the National Security Act of 1947
 24 (50 U.S.C. 3024), as amended by section 303, is further

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

3 “(z) ANALYSES AND IMPACT STATEMENTS REGARD-
4 ING PROPOSED INVESTMENT INTO THE UNITED
5 STATES.—(1) Not later than 20 days after the completion
6 of a review or an investigation of any proposed investment
7 into the United States for which the Director has prepared
8 analytic materials, the Director shall submit to the Select
9 Committee on Intelligence of the Senate and the Perma-
10 nent Select Committee on Intelligence of the House of
11 Representative copies of such analytic materials, including
12 any supplements or amendments to such analysis made
13 by the Director.

14 “(2) Not later than 60 days after the completion of
15 consideration by the United States Government of any in-
16 vestment described in paragraph (1), the Director shall
17 determine whether such investment will have an oper-
18 ational impact on the intelligence community, and, if so,
19 shall submit a report on such impact to the Select Com-
20 mittee on Intelligence of the Senate and the Permanent
21 Select Committee on Intelligence of the House of Rep-
22 resentatives. Each such report shall—

23 “(A) describe the operational impact of the in-
24 vestment on the intelligence community; and

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

3 **SEC. 403. ASSISTANCE FOR GOVERNMENTAL ENTITIES AND**
4 **PRIVATE ENTITIES IN RECOGNIZING ONLINE**
5 **VIOLENT EXTREMIST CONTENT.**

6 (a) ASSISTANCE TO RECOGNIZE ONLINE VIOLENT
7 EXTREMIST CONTENT.—Not later than 180 days after the
8 date of the enactment of this Act, and consistent with the
9 protection of intelligence sources and methods, the Direc-
10 tor of National Intelligence shall publish on a publicly
11 available Internet website a list of all logos, symbols, insig-
12 nia, and other markings commonly associated with, or
13 adopted by, an organization designated by the Secretary
14 of State as a foreign terrorist organization under section
15 219(a) of the Immigration and Nationality Act (8 U.S.C.
16 1189(a)).

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

20 **Subtitle B—Central Intelligence**
21 **Agency**

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

24 Section 11 of the Central Intelligence Agency Act of
25 1949 (50 U.S.C. 3511) is amended to read as follows:

1 “BENEFITS AVAILABLE IN EVENT OF THE DEATH OF
2 PERSONNEL

3 “SEC. 11. (a) AUTHORITY.—The Director may pay
4 death benefits substantially similar to those authorized for
5 members of the Foreign Service pursuant to the Foreign
6 Service Act of 1980 (22 U.S.C. 3901 et seq.) or any other
7 provision of law. The Director may adjust the eligibility
8 for death benefits as necessary to meet the unique require-
9 ments of the mission of the Agency.

10 “(b) REGULATIONS.—Regulations issued pursuant to
11 this section shall be submitted to the Select Committee
12 on Intelligence of the Senate and the Permanent Select
13 Committee on Intelligence of the House of Representatives
14 before such regulations take effect.”.

15 **SEC. 412. PAY AND RETIREMENT AUTHORITIES OF THE IN-**
16 **SPECTOR GENERAL OF THE CENTRAL INTEL-**
17 **LIGENCE AGENCY.**

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

22 “(C)(i) The Inspector General may designate an offi-
23 cer or employee appointed in accordance with subpara-
24 graph (A) as a law enforcement officer solely for purposes
25 of subchapter III of chapter 83 or chapter 84 of title 5,

1 United States Code, if such officer or employee is ap-
2 pointed to a position with responsibility for investigating
3 suspected offenses against the criminal laws of the United
4 States.

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

10 “(iii) For purposes of applying sections 3307(d),
11 8335(b), and 8425(b) of title 5, United States Code, the
12 Inspector General may exercise the functions, powers, and
13 duties of an agency head or appointing authority with re-
14 spect to the Office.”.

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

1 **Subtitle C—Other Elements**

2 **SEC. 421. ENHANCING THE TECHNICAL WORKFORCE FOR** 3 **THE FEDERAL BUREAU OF INVESTIGATION.**

4 (a) REPORT REQUIRED.—Building on the basic cyber
5 human capital strategic plan provided to the congressional
6 intelligence committees in 2015, not later than 180 days
7 after the date of the enactment of this Act and updated
8 two years thereafter, the Director of the Federal Bureau
9 of Investigation shall submit to the congressional intel-
10 ligence committees, the Committee on the Judiciary of the
11 Senate, and the Committee on the Judiciary of the House
12 of Representatives a comprehensive strategic workforce re-
13 port regarding initiatives to effectively integrate informa-
14 tion technology expertise in the investigative process.

15 (b) ELEMENTS.—The report required by subsection
16 (a) shall include the following:

17 (1) An assessment, including measurable bench-
18 marks, of progress on initiatives to recruit, train,
19 and retain personnel with the necessary skills and
20 experiences in vital areas, including encryption, cryp-
21 tography, and big data analytics.

22 (2) An assessment of whether officers of the
23 Federal Bureau of Investigation who possess such
24 skills are fully integrated into the Bureau's work, in-
25 cluding Agent-led investigations.

1 (3) A description of the quality and quantity of
 2 the collaborations between the Bureau and private
 3 sector entities on cyber issues, including the status
 4 of efforts to benefit from employees with experience
 5 transitioning between the public and private sectors.

6 (4) An assessment of the utility of reinstituting,
 7 if applicable, and leveraging the Director's Advisory
 8 Board, which was originally constituted in 2005, to
 9 provide outside advice on how to better integrate
 10 technical expertise with the investigative process and
 11 on emerging concerns in cyber-related issues.

12 **SEC. 422. PLAN ON ASSUMPTION OF CERTAIN WEATHER**
 13 **MISSIONS BY THE NATIONAL RECONNAIS-**
 14 **SANCE OFFICE.**

15 (a) PLAN.—

16 (1) IN GENERAL.—Except as provided in sub-
 17 section (c), the Director of the National Reconnaissance Office shall develop a plan for the National
 18 Reconnaissance Office to address how to carry out
 19 covered space-based environmental monitoring mis-
 20 sions. Such plan shall include—

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

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

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

6 (2) ACTIVITIES.—In developing the plan under
7 paragraph (1), the Director may conduct pre-acqui-
8 sition activities, including with respect to requests
9 for information, analyses of alternatives, study con-
10 tracts, modeling and simulation, and other activities
11 the Director determines necessary to develop such
12 plan.

13 (3) SUBMISSION.—Not later than July 1, 2017,
14 and except as provided in subsection (c), the Direc-
15 tor shall submit to the appropriate congressional
16 committees the plan under paragraph (1).

17 (b) INDEPENDENT COST ESTIMATE.—The Director
18 of the Cost Assessment Improvement Group of the Office
19 of the Director of National Intelligence, in coordination
20 with the Director of Cost Assessment and Program Eval-
21 uation, shall certify to the appropriate congressional com-
22 mittees that the amounts of funds identified under sub-
23 section (a)(1)(C) as being necessary to transfer are appro-
24 priate and include funding for positions and personnel to
25 support program office costs.

1 (c) WAIVER BASED ON REPORT AND CERTIFICATION
2 OF AIR FORCE ACQUISITION PROGRAM.—The Director of
3 the National Reconnaissance Office may waive the re-
4 quirement to develop a plan under subsection (a), if the
5 Under Secretary of Defense for Acquisition Technology,
6 and Logistics and the Chairman of the Joint Chiefs of
7 Staff jointly submit to the appropriate congressional com-
8 mittees a report by not later than July 1, 2017) that con-
9 tains—

10 (1) a certification that the Secretary of the Air
11 Force is carrying out a formal acquisition program
12 that has received Milestone A approval to address
13 the cloud characterization and theater weather im-
14 agery requirements of the Department of Defense;
15 and

16 (2) an identification of the cost, schedule, re-
17 quirements, and acquisition strategy of such acquisi-
18 tion program.

19 (d) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the congressional intelligence commit-
24 tees; and

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

4 (2) COVERED SPACE-BASED ENVIRONMENTAL
 5 MONITORING MISSIONS.—The term “covered space-
 6 based environmental monitoring missions” means
 7 the acquisition programs necessary to meet the na-
 8 tional security requirements for cloud characteriza-
 9 tion and theater weather imagery.

10 (3) MILESTONE A APPROVAL.—The term “Mile-
 11 stone A approval” has the meaning given that term
 12 in section 2366a(d) of title 10, United States Code.

13 **TITLE V—MATTERS RELATING** 14 **TO FOREIGN COUNTRIES**

15 **SEC. 501. COMMITTEE TO COUNTER ACTIVE MEASURES BY** 16 **THE RUSSIAN FEDERATION TO EXERT COV-** 17 **ERT INFLUENCE OVER PEOPLES AND GOV-** 18 **ERNMENTS.**

19 (a) DEFINITIONS.—In this section:

20 (1) ACTIVE MEASURES BY RUSSIA TO EXERT
 21 COVERT INFLUENCE.—The term “active measures
 22 by Russia to exert covert influence” means activities
 23 intended to influence a person or government that
 24 are carried out in coordination with, or at the behest
 25 of, political leaders or the security services of the

1 Russian Federation and the role of the Russian Fed-
2 eration has been hidden or not acknowledged pub-
3 licly, including the following:

4 (A) Establishment or funding of a front
5 group.

6 (B) Covert broadcasting.

7 (C) Media manipulation.

8 (D) Disinformation and forgeries.

9 (E) Funding agents of influence.

10 (F) Incitement and offensive counterintel-
11 ligence.

12 (G) Assassinations.

13 (H) Terrorist acts.

14 (2) APPROPRIATE COMMITTEES OF CON-
15 GRESS.—The term “appropriate committees of Con-
16 gress” means—

17 (A) the congressional intelligence commit-
18 tees;

19 (B) the Committee on Armed Services and
20 the Committee on Foreign Relations of the Sen-
21 ate; and

22 (C) the Committee on Armed Services and
23 the Committee on Foreign Affairs of the House
24 of Representatives.

1 (b) ESTABLISHMENT.—There is established within
2 the executive branch an interagency committee to counter
3 active measures by the Russian Federation to exert covert
4 influence.

5 (c) MEMBERSHIP.—

6 (1) APPOINTMENT.—Each head of an agency or
7 department of the Government set out under para-
8 graph (2) shall appoint one member of the com-
9 mittee established by subsection (b) from among of-
10 ficials of such agency or department who occupy a
11 position that is required to be appointed by the
12 President, with the advice and consent of the Sen-
13 ate.

14 (2) HEAD OF AN AGENCY OR DEPARTMENT.—
15 The head of an agency or department of the Govern-
16 ment set out under this paragraph are the following:

17 (A) The Director of National Intelligence.

18 (B) The Secretary of State.

19 (C) The Secretary of Defense.

20 (D) The Secretary of the Treasury.

21 (E) The Attorney General.

22 (F) The Secretary of Energy.

23 (G) The Director of the Federal Bureau of
24 Investigation.

1 (H) The head of any other agency or de-
2 partment of the United States Government des-
3 ignated by the President for purposes of this
4 section.

5 (d) MEETINGS.—The committee shall meet on a reg-
6 ular basis.

7 (e) DUTIES.—The duties of the committee estab-
8 lished by subsection (b) shall be as follows:

9 (1) To counter active measures by Russia to
10 exert covert influence, including by exposing false-
11 hoods, agents of influence, corruption, human rights
12 abuses, terrorism, and assassinations carried out by
13 the security services or political elites of the Russian
14 Federation or their proxies.

15 (2) Such other duties as the President may des-
16 ignate for purposes of this section.

17 (f) STAFF.—The committee established by subsection
18 (b) may employ such staff as the members of such com-
19 mittee consider appropriate.

20 (g) BUDGET REQUEST.—A request for funds re-
21 quired for the functioning of the committee established by
22 subsection (b) may be included in each budget for a fiscal
23 year submitted by the President pursuant to section
24 1105(a) of title 31, United States Code.

25 (h) ANNUAL REPORT.—

1 (1) REQUIREMENT.—Not later than 180 days
2 after the date of the enactment of this Act, and an-
3 nually thereafter, and consistent with the protection
4 of intelligence sources and methods, the committee
5 established by subsection (b) shall submit to the ap-
6 propriate committees of Congress a report describing
7 steps being taken by the committee to counter active
8 measures by Russia to exert covert influence.

9 (2) CONTENT.—Each report required by para-
10 graph (1) shall include the following:

11 (A) A summary of the active measures by
12 the Russian Federation to exert covert influence
13 during the previous year, including significant
14 incidents and notable trends.

15 (B) A description of the key initiatives of
16 the committee.

17 (C) A description of the implementation of
18 the committee’s initiatives by the head of an
19 agency or department of the Government set
20 out under subsection (c)(2).

21 (D) An analysis of the impact of the com-
22 mittee’s initiatives.

23 (E) Recommendations for changes to the
24 committee’s initiatives from the previous year.

1 (3) SEPARATE REPORTING REQUIREMENT.—

2 The requirement to submit an annual report under
3 paragraph (1) is in addition to any other reporting
4 requirements with respect to Russia.

5 **SEC. 502. TRAVEL OF ACCREDITED DIPLOMATIC AND CON-**
6 **SULAR PERSONNEL OF THE RUSSIAN FED-**
7 **ERATION IN THE UNITED STATES.**

8 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
9 FINED.—In this section, the term “appropriate commit-
10 tees of Congress” means—

11 (1) the congressional intelligence committees;

12 (2) the Committee on Foreign Relations and
13 the Committee on the Judiciary of the Senate; and

14 (3) the Committee on Foreign Affairs and the
15 Committee on the Judiciary of the House of Rep-
16 resentatives.

17 (b) ADVANCE NOTIFICATION REQUIREMENT.—The
18 Secretary of State shall, in coordination with the Director
19 of the Federal Bureau of Investigation and the Director
20 of National Intelligence, establish a mandatory advance
21 notification regime governing all travel by accredited dip-
22 lomatic and consular personnel of the Russian Federation
23 in the United States and take necessary action to secure
24 full compliance by Russian personnel and address any
25 noncompliance.

1 (c) INTERAGENCY COOPERATION.—The Secretary of
2 State, the Director of the Federal Bureau of Investigation,
3 and the Director of National Intelligence shall develop
4 written mechanisms to share information—

5 (1) on travel by accredited diplomatic and con-
6 sular personnel of the Russian Federation who are
7 in the United States; and

8 (2) on any known or suspected noncompliance
9 by such personnel with the regime required by sub-
10 section (b).

11 (d) QUARTERLY REPORTS.—Not later than 90 days
12 after the date of the enactment of this Act, and quarterly
13 thereafter, and consistent with the protection of intel-
14 ligence sources and methods—

15 (1) the Secretary of State shall submit to the
16 appropriate committees of Congress a written report
17 detailing the number of notifications submitted
18 under the regime required by subsection (b); and

19 (2) the Secretary of State and the Director of
20 the Federal Bureau of Investigation shall jointly
21 submit to the appropriate committees of Congress a
22 written report detailing the number of known or sus-
23 pected violations of such requirements by any ac-
24 credited diplomatic and consular personnel of the
25 Russian Federation.

1 **SEC. 503. STUDY AND REPORT ON ENHANCED INTEL-**
2 **LIGENCE AND INFORMATION SHARING WITH**
3 **OPEN SKIES TREATY MEMBER STATES.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—The term “appropriate committees of Con-
7 gress” means—

8 (A) congressional intelligence committees;

9 (B) the Committee on Armed Services and
10 the Committee on Foreign Relations of the Sen-
11 ate; and

12 (C) the Committee on Armed Services and
13 the Committee on Foreign Affairs of the House
14 of Representatives.

15 (2) COVERED STATE PARTY.—The term “cov-
16 ered state party” means a foreign country, that—

17 (A) was a state party to the Open Skies
18 Treaty on February 22, 2016; and

19 (B) is not the Russian Federation or the
20 Republic of Belarus.

21 (3) OPEN SKIES TREATY.—The term “Open
22 Skies Treaty” means the Treaty on Open Skies,
23 done at Helsinki March 24, 1992, and entered into
24 force January 1, 2002.

25 (b) FEASIBILITY STUDY.—

1 (1) REQUIREMENT FOR STUDY.—Not later than
2 180 days after the date of the enactment of this Act,
3 the Director of National Intelligence shall conduct
4 and submit to the appropriate committees of Con-
5 gress a study to determine the feasibility of creating
6 an intelligence sharing arrangement and database to
7 provide covered state parties with imagery that is
8 comparable, delivered more frequently, and in equal
9 or higher resolution than imagery available through
10 the database established under the Open Skies Trea-
11 ty.

12 (2) ELEMENTS.—The study required by para-
13 graph (1) shall include an evaluation of the fol-
14 lowing:

15 (A) The methods by which the United
16 States could collect and provide imagery, in-
17 cluding commercial satellite imagery, national
18 technical means, and through other intelligence,
19 surveillance, and reconnaissance platforms,
20 under an information sharing arrangement and
21 database referred to in paragraph (1).

22 (B) The ability of other covered state par-
23 ties to contribute imagery to the arrangement
24 and database.

1 (C) Any impediments to the United States
2 and other covered states parties providing such
3 imagery, including any statutory barriers,
4 insufficiencies in the ability to collect the im-
5 agery or funding, under such an arrangement.

6 (D) Whether imagery of Moscow,
7 Chechnya, the international border between
8 Russia and Georgia, Kaliningrad, or the Repub-
9 lic of Belarus could be provided under such an
10 arrangement.

11 (E) The annual and projected costs associ-
12 ated with the establishment of such an arrange-
13 ment and database, as compared with costs to
14 the United States and other covered state par-
15 ties of being parties to the Open Skies Treaty,
16 including Open Skies Treaty plane mainte-
17 nance, aircraft fuel, crew expenses, mitigation
18 measures necessary associated with Russian
19 Federation overflights over the United States or
20 covered state parties, and new sensor develop-
21 ment and acquisition.

22 (3) SUPPORT FROM OTHER FEDERAL AGEN-
23 CIES.—Each head of a Federal agency shall provide
24 such support to the Director as may be necessary

1 for the Director to conduct the study required by
2 paragraph (1).

3 (c) REPORT.—

4 (1) REQUIREMENT FOR REPORT.—Not later
5 than 180 days after the date of the enactment of
6 this Act, the Director of National Intelligence shall
7 submit to the appropriate committees of Congress
8 the report described in this subsection.

9 (2) CONTENT OF REPORT.—The report re-
10 quired by paragraph (1) shall include the following:

11 (A) An intelligence assessment on Russian
12 Federation warfighting doctrine and the extent
13 to which Russian Federation flights under the
14 Open Skies Treaty contribute to such doctrine.

15 (B) A counterintelligence analysis as to
16 whether the Russian Federation has, could
17 have, or intends to have the capability to exceed
18 the imagery limits set forth in the Open Skies
19 Treaty.

20 (C) A list of intelligence exchanges with
21 covered state parties that have been updated on
22 the information described in subparagraphs (A)
23 and (B) and the date and form such informa-
24 tion was provided.

1 (d) FORM OF SUBMISSION.—The study required by
2 subsection (b) and the report required by subsection (c)
3 shall be submitted in an unclassified form but may include
4 a classified annex.

5 **TITLE VI—REPORTS AND OTHER**
6 **MATTERS**

7 **SEC. 601. DECLASSIFICATION REVIEW WITH RESPECT TO**
8 **DETAINEES TRANSFERRED FROM UNITED**
9 **STATES NAVAL STATION, GUANTANAMO BAY,**
10 **CUBA.**

11 (a) IN GENERAL.—For each individual detained at
12 United States Naval Station, Guantanamo Bay, Cuba,
13 who was transferred or released from United States Naval
14 Station, Guantanamo Bay, Cuba, the Director of National
15 Intelligence shall—

16 (1)(A) complete a declassification review of in-
17 telligence reports regarding past terrorist activities
18 of that individual prepared by the National Counter-
19 terrorism Center for the individual's Periodic Review
20 Board sessions, transfer, or release; or

21 (B) if the individual's transfer or release oc-
22 curred prior to the date on which the National
23 Counterterrorism Center first began to prepare such
24 reports regarding detainees, such other intelligence
25 report or reports that contain the same or similar

1 information regarding the individual's past terrorist
2 activities;

3 (2) make available to the public—

4 (A) any intelligence reports declassified as
5 a result of the declassification review; and

6 (B) with respect to each individual trans-
7 ferred or released, for whom intelligence reports
8 are declassified as a result of the declassifica-
9 tion review, an unclassified summary which
10 shall be prepared by the President of measures
11 being taken by the country to which the indi-
12 vidual was transferred or released to monitor
13 the individual and to prevent the individual
14 from carrying out future terrorist activities; and

15 (3) submit to the congressional intelligence
16 committees a report setting out the results of the de-
17 classification review, including a description of intel-
18 ligence reports covered by the review that were not
19 declassified.

20 (b) SCHEDULE.—

21 (1) TRANSFER OR RELEASE PRIOR TO ENACT-
22 MENT.—Not later than 210 days after the date of
23 the enactment of this Act, the Director of National
24 Intelligence shall submit the report required by sub-
25 section (a)(3), which shall include the results of the

1 declassification review completed for each individual
2 detained at United States Naval Station, Guanta-
3 namo Bay, Cuba, who was transferred or released
4 from United States Naval Station, Guantanamo
5 Bay, prior to the date of the enactment of this Act.

6 (2) TRANSFER OR RELEASE AFTER ENACT-
7 MENT.—Not later than 120 days after the date an
8 individual detained at United States Naval Station,
9 Guantanamo Bay, on or after the date of the enact-
10 ment of this Act is transferred or released from
11 United States Naval Station, Guantanamo Bay, the
12 Director shall submit the report required by sub-
13 section (a)(3) for such individual.

14 (c) PAST TERRORIST ACTIVITIES.—For purposes of
15 this section, the past terrorist activities of an individual
16 shall include all terrorist activities conducted by the indi-
17 vidual before the individual's transfer to the detention fa-
18 cility at United States Naval Station, Guantanamo Bay,
19 including, at a minimum, the following:

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

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

23 (3) The role in past terrorist attacks against
24 United States interests or allies.

1 (4) The direct responsibility, if any, for the
2 death of United States citizens or members of the
3 Armed Forces.

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

6 (6) A description of the intelligence supporting
7 any matter specified in paragraphs (1) through (5),
8 including the extent to which such intelligence was
9 corroborated, the level of confidence held by the in-
10 telligence community, and any dissent or reassess-
11 ment by an element of the intelligence community.

12 **SEC. 602. CYBER CENTER FOR EDUCATION AND INNOVA-**
13 **TION-HOME OF THE NATIONAL CRYPTOLOGIC**
14 **MUSEUM.**

15 (a) AUTHORITY TO ESTABLISH AND OPERATE CEN-
16 TER.—Chapter 449 of title 10, United States Code, is
17 amended by adding at the end the following new section:

18 **“§ 4781. Cyber Center for Education and Innovation-**
19 **Home of the National Cryptologic Mu-**
20 **seum**

21 “(a) ESTABLISHMENT.—(1) The Secretary of De-
22 fense may establish at a publicly accessible location at
23 Fort George G. Meade the ‘Cyber Center for Education
24 and Innovation-Home of the National Cryptologic Mu-
25 seum’ (in this section referred to as the ‘Center’).

1 “(2) The Center may be used for the identification,
2 curation, storage, and public viewing of materials relating
3 to the activities of the National Security Agency, its prede-
4 cessor or successor organizations, and the history of
5 cryptology.

6 “(3) The Center may contain meeting, conference,
7 and classroom facilities that will be used to support such
8 education, training, public outreach, and other purposes
9 as the Secretary considers appropriate.

10 “(b) DESIGN, CONSTRUCTION, AND OPERATION.—
11 The Secretary may enter into an agreement with the Na-
12 tional Cryptologic Museum Foundation (in this section re-
13 ferred to as the ‘Foundation’), a nonprofit organization,
14 for the design, construction, and operation of the Center.

15 “(c) ACCEPTANCE AUTHORITY.—(1) If the Founda-
16 tion constructs the Center pursuant to an agreement with
17 the Foundation under subsection (b), upon satisfactory
18 completion of the Center’s construction or any phase
19 thereof, as determined by the Secretary, and upon full sat-
20 isfaction by the Foundation of any other obligations pur-
21 suant to such agreement, the Secretary may accept the
22 Center (or any phase thereof) from the Foundation, and
23 all right, title, and interest in the Center or such phase
24 shall vest in the United States.

1 “(2) Notwithstanding section 1342 of title 31, the
2 Secretary may accept services from the Foundation in con-
3 nection with the design construction, and operation of the
4 Center. For purposes of this section and any other provi-
5 sion of law, employees or personnel of the Foundation
6 shall not be considered to be employees of the United
7 States.

8 “(d) FEES AND USER CHARGES.—(1) The Secretary
9 may assess fees and user charges to cover the cost of the
10 use of Center facilities and property, including rental,
11 user, conference, and concession fees.

12 “(2) Amounts received under paragraph (1) shall be
13 deposited into the fund established under subsection (e).

14 “(e) FUND.—(1) Upon the Secretary’s acceptance of
15 the Center under subsection (c)(1)) there is established
16 in the Treasury a fund to be known as the ‘Cyber Center
17 for Education and Innovation-Home of the National
18 Cryptologic Museum Fund’ (in this subsection referred to
19 as the ‘Fund’).

20 “(2) The Fund shall consist of the following amounts:

21 “(A) Fees and user charges deposited by the
22 Secretary under subsection (d).

23 “(B) Any other amounts received by the Sec-
24 retary which are attributable to the operation of the
25 Center.

1 “(3) Amounts in the Fund shall be available to the
 2 Secretary for the benefit and operation of the Center, in-
 3 cluding the costs of operation and the acquisition of books,
 4 manuscripts, works of art, historical artifacts, drawings,
 5 plans, models, and condemned or obsolete combat mate-
 6 riel.

7 “(4) Amounts in the Fund shall be available without
 8 fiscal year limitation.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of chapter 449 of title 10, United States
 11 Code, is amended by adding at the end the following new
 12 item:

“4781. Cyber Center for Education and Innovation-Home of the National
 Cryptologic Museum.”.

13 **SEC. 603. REPORT ON NATIONAL SECURITY SYSTEMS.**

14 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
 15 FINED.—In this section, the term “appropriate commit-
 16 tees of Congress” means—

- 17 (1) the congressional intelligence committees;
- 18 (2) the Committee on Appropriations and the
 19 Committee on Armed Services of the Senate; and
- 20 (3) the Committee on Appropriations and the
 21 Committee on Armed Services of the House of Rep-
 22 resentatives.

23 (b) REPORT.—Not later than 120 days after the date
 24 of the enactment of this Act, and annually thereafter, the

1 Director of the National Security Agency, in coordination
2 with the Secretary of Defense and the Chairman of the
3 Joint Chiefs of Staff, shall submit to the appropriate com-
4 mittees of Congress a report on national security systems.

5 (c) CONTENT.—Each report submitted under sub-
6 section (b) shall include information related to—

7 (1) national security systems or components
8 thereof that have been decertified and are still in
9 operational use;

10 (2) extension requests and the current status of
11 any national security systems still in use or compo-
12 nents thereof that have been decertified and are still
13 in use;

14 (3) national security systems known to not be
15 in compliance with the policies, principles, stand-
16 ards, and guidelines issued by the Committee on Na-
17 tional Security Systems established pursuant to Na-
18 tional Security Directive 42, signed by the President
19 on July 5, 1990; and

20 (4) organizations which have not provided ac-
21 cess or information to the Director of the National
22 Security Agency that is adequate to enable the Di-
23 rector to make a determination as to whether such
24 organizations are in compliance with the policies,

1 principles, standards, and guidelines issued by such
2 Committee on National Security Systems.

3 **SEC. 604. JOINT FACILITIES CERTIFICATION.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Director of National Intelligence set a
6 strategic goal to use joint facilities as a means to
7 save costs by consolidating administrative and sup-
8 port functions across multiple elements of the intel-
9 ligence community.

10 (2) The use of joint facilities provides more op-
11 portunities for operational collaboration and infor-
12 mation sharing among elements of the intelligence
13 community.

14 (b) CERTIFICATION.—Before an element of the intel-
15 ligence community purchases, leases, or constructs a new
16 facility that is 20,000 square feet or larger, the head of
17 that element of the intelligence community shall submit
18 to the Director of National Intelligence—

19 (1) a written certification that, to the best of
20 the knowledge of the head of such element, all pro-
21 spective joint facilities in the vicinity have been con-
22 sidered and the element is unable to identify a joint
23 facility that meets the operational requirements of
24 such element; and

1 (2) a written statement listing the reasons for
2 not participating in the prospective joint facilities
3 considered by the element.

4 **SEC. 605. LEADERSHIP AND MANAGEMENT OF SPACE AC-**
5 **TIVITIES.**

6 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
7 FINED.—In this section, the term “appropriate commit-
8 tees of Congress” means the congressional intelligence
9 committees, the Committee on Armed Services of the Sen-
10 ate, and the Committee on Armed Services of the House
11 of Representatives.

12 (b) UPDATE TO STRATEGY FOR COMPREHENSIVE
13 INTERAGENCY REVIEW OF THE UNITED STATES NA-
14 TIONAL SECURITY OVERHEAD SATELLITE ARCHITEC-
15 TURE.—Not later than 180 days after the date of the en-
16 actment of this Act, the Director of National Intelligence,
17 in consultation with the Secretary of Defense and the
18 Chairman of the Joint Chiefs of Staff, shall issue a written
19 update to the strategy required by section 312 of the Intel-
20 ligence Authorization Act for Fiscal Year 2016 (division
21 M of Public Law 114–113; 129 Stat. 2919).

22 (c) UNITY OF EFFORT IN SPACE OPERATIONS BE-
23 TWEEN THE INTELLIGENCE COMMUNITY AND DEPART-
24 MENT OF DEFENSE.—

1 (1) REQUIREMENT FOR PLAN.—Not later than
2 180 days after the date of the enactment of this Act,
3 the Director of National Intelligence, in consultation
4 with the Secretary of Defense, shall submit to the
5 appropriate committees of Congress a plan to func-
6 tionally integrate the governance, operations, anal-
7 ysis, collection, policy, and acquisition activities re-
8 lated to space and counterspace carried out by the
9 intelligence community. The plan shall include anal-
10 ysis of no fewer than 2 alternative constructs to im-
11 plement this plan, and an assessment of statutory,
12 policy, organizational, programmatic, and resources
13 changes that may be required to implement each al-
14 ternative construct.

15 (2) APPOINTMENT BY THE DIRECTOR OF NA-
16 TIONAL INTELLIGENCE.—Not later than 30 days
17 after the date of the enactment of this Act, the Di-
18 rector of National Intelligence, in consultation with
19 the Secretary of Defense, shall appoint a single offi-
20 cial to oversee development of the plan required by
21 paragraph (1).

22 (3) SCOPE OF PLAN.—The plan required by
23 paragraph (1) shall include methods to functionally
24 integrate activities carried out by—

25 (A) the National Reconnaissance Office;

1 (B) the functional managers for signals in-
2 telligence and geospatial intelligence;

3 (C) the Office of the Director of National
4 Intelligence;

5 (D) other Intelligence Community elements
6 with space-related programs;

7 (E) joint interagency efforts; and

8 (F) other entities as identified by the Di-
9 rector of National Intelligence in coordination
10 with the Secretary of Defense.

11 (d) INTELLIGENCE COMMUNITY SPACE WORK-
12 FORCE.—Not later than 180 days after the date of the
13 enactment of this Act, the Director of National Intel-
14 ligence shall submit to the congressional intelligence com-
15 mittees a workforce plan to recruit, develop, and retain
16 personnel in the intelligence community with skills and ex-
17 perience in space and counterspace operations, analysis,
18 collection, policy, and acquisition.

19 (e) JOINT INTERAGENCY COMBINED SPACE OPER-
20 ATIONS CENTER.—

21 (1) SUBMISSION TO CONGRESS.—The Director
22 of the National Reconnaissance Office and the Com-
23 mander of the United States Strategic Command, in
24 consultation with the Director of National Intel-
25 ligence, the Under Secretary of Defense for Intel-

1 ligence, and the Chairman of the Joint Chiefs of
2 Staff, shall submit to the appropriate committees of
3 Congress concept of operations and requirements
4 documents for the Joint Interagency Combined
5 Space Operations Center by the date that is the ear-
6 lier of—

7 (A) the completion of the experimental
8 phase of such Center; or

9 (B) 30 days after the date of the enact-
10 ment of this Act.

11 (2) QUARTERLY BRIEFINGS.—The Director of
12 the National Reconnaissance Office and the Com-
13 mander of the United States Strategic Command, in
14 coordination with the Director of National Intel-
15 ligence and Under Secretary of Defense for Intel-
16 ligence, shall provide to the appropriate committees
17 of Congress briefings providing updates on activities
18 and progress of the Joint Interagency Combined
19 Space Operations Center to begin 30 days after the
20 date of the enactment of this Act. Such briefings
21 shall be quarterly for the first year following enact-
22 ment, and annually thereafter.

1 **SEC. 606. ADVANCES IN LIFE SCIENCES AND BIO-**
2 **TECHNOLOGY.**

3 (a) REQUIREMENT FOR PLAN.—Not later than 180
4 days after the date of the enactment of this Act, the Direc-
5 tor of National Intelligence shall brief the congressional
6 intelligence committees on a proposed plan to monitor ad-
7 vances in life sciences and biotechnology to be carried out
8 by the Director.

9 (b) CONTENTS OF PLAN.—The plan required by sub-
10 section (a) shall include—

11 (1) a description of the approach the elements
12 of the intelligence community will take to make use
13 of organic life science and biotechnology expertise
14 within and outside the intelligence community on a
15 routine and contingency basis;

16 (2) an assessment of the current collection and
17 analytical posture of the life sciences and bio-
18 technology portfolio as it relates to United States
19 competitiveness and the global bio-economy, the
20 risks and threats evolving with advances in genetic
21 editing technologies, and the implications of such ad-
22 vances on future biodefense requirements; and

23 (3) an analysis of organizational requirements
24 and responsibilities, including potentially creating
25 new positions.

1 (c) REPORT TO CONGRESS.—Not later than 180 days
2 after the date of the enactment of this Act, the Director
3 of National Intelligence shall submit to the congressional
4 intelligence committees, the Committee on Armed Services
5 of the Senate, and the Committee on Armed Services of
6 the House of Representatives a report and provide a brief-
7 ing on the role of the intelligence community in the event
8 of a biological attack on the United States, including an
9 assessment of the capabilities and gaps in technical capa-
10 bilities that exist to address the potential circumstance of
11 a novel unknown pathogen.

12 **SEC. 607. REPORTS ON DECLASSIFICATION PROPOSALS.**

13 (a) COVERED STUDIES DEFINED.—In this section,
14 the term “covered studies” means the studies that the Di-
15 rector of National Intelligence requested that the elements
16 of the intelligence community produce in the course of pro-
17 ducing the fundamental classification guidance review for
18 fiscal year 2017 required by Executive Order No. 13526
19 (50 U.S.C. 3161 note), as follows:

20 (1) A study of the feasibility of reducing the
21 number of original classification authorities in each
22 element of the intelligence community to the min-
23 imum number required and any negative impacts
24 that reduction could have on mission capabilities.

1 (2) A study of the actions required to imple-
2 ment a proactive discretionary declassification pro-
3 gram distinct from the systematic, automatic, and
4 mandatory declassification review programs outlined
5 in part 2001 of title 32, Code of Federal Regula-
6 tions, including section 2001.35 of such part.

7 (3) A study of the benefits and drawbacks of
8 implementing a single classification guide that could
9 be used by all elements of the intelligence commu-
10 nity in the nonoperational and more common areas
11 of such elements.

12 (4) A study of whether the classification level of
13 “confidential” could be eliminated within agency-
14 generated classification guides from use by elements
15 of the intelligence community and any negative im-
16 pacts that elimination could have on mission success.

17 (b) REPORTS AND BRIEFINGS TO CONGRESS.—

18 (1) PROGRESS REPORT.—Not later than 30
19 days after the date of the enactment of this Act, the
20 Director of National Intelligence shall submit a re-
21 port to the congressional intelligence committees and
22 provide the congressional intelligence committees a
23 briefing on the progress of the elements of the intel-
24 ligence community in producing the covered studies.

1 (2) FINAL REPORT.—Not later than the earlier
2 of 120 days after the date of the enactment of this
3 Act or June 30, 2017, the Director of National In-
4 telligence shall submit a report and provide a brief-
5 ing to the congressional intelligence committees on—

6 (A) the final versions of the covered stud-
7 ies that have been provided to the Director by
8 the elements of the intelligence community; and

9 (B) a plan for implementation of each ini-
10 tiative included in each such covered study.

11 **SEC. 608. IMPROVEMENT IN GOVERNMENT CLASSIFICA-**
12 **TION AND DECLASSIFICATION.**

13 (a) REVIEW OF GOVERNMENT CLASSIFICATION AND
14 DECLASSIFICATION.—Not later than 180 days after the
15 date of the enactment of this Act, the Director of National
16 Intelligence shall—

17 (1) review the system by which the Government
18 classifies and declassifies information;

19 (2) develop recommendations—

20 (A) to make such system a more effective
21 tool for the protection of information relating to
22 national security;

23 (B) to improve the sharing of information
24 with partners and allies of the Government; and

1 (C) to support the appropriate declassifica-
2 tion of information; and

3 (3) submit to the congressional intelligence
4 committees a report with—

5 (A) the findings of the Director with re-
6 spect to the review conducted under paragraph
7 (1); and

8 (B) the recommendations developed under
9 paragraph (2).

10 (b) ANNUAL CERTIFICATION OF CONTROLLED AC-
11 CESS PROGRAMS.—

12 (1) IN GENERAL.—Not less frequently than
13 once each year, the Director of National Intelligence
14 shall certify in writing to the congressional intel-
15 ligence committees whether the creation, validation,
16 or substantial modification, including termination,
17 for all existing and proposed controlled access pro-
18 grams, and the compartments and subcompartments
19 within each, are substantiated and justified based on
20 the information required by paragraph (2).

21 (2) INFORMATION REQUIRED.—Each certifi-
22 cation pursuant to paragraph (1) shall include—

23 (A) the rationale for the revalidation, vali-
24 dation, or substantial modification, including

1 termination, of each controlled access program,
2 compartment and subcompartment;

3 (B) the identification of a control officer
4 for each controlled access program; and

5 (C) a statement of protection requirements
6 for each controlled access program.

7 **SEC. 609. REPORT ON IMPLEMENTATION OF RESEARCH**
8 **AND DEVELOPMENT RECOMMENDATIONS.**

9 Not later than 120 days after the date of the enact-
10 ment of this Act, the Director of National Intelligence
11 shall submit to the congressional intelligence committees
12 a report that includes the following:

13 (1) An assessment of the actions each element
14 of the intelligence community has completed to im-
15 plement the recommendations made by the National
16 Commission for the Review of the Research and De-
17 velopment Programs of the United States Intel-
18 ligence Community established under section 1002
19 of the Intelligence Authorization Act for Fiscal Year
20 2003 (Public Law 107–306; 50 U.S.C. 3001 note).

21 (2) An analysis of the balance between short-,
22 medium-, and long-term research efforts carried out
23 by each element of the intelligence community.

1 **SEC. 610. REPORT ON INTELLIGENCE COMMUNITY RE-**
2 **SEARCH AND DEVELOPMENT CORPS.**

3 Not later than 120 days after the date of the enact-
4 ment of this Act, the Director of National Intelligence
5 shall submit to the congressional intelligence committees
6 a report and provide a briefing on a plan, with milestones
7 and benchmarks, to implement an Intelligence Community
8 Research and Development Corps, as recommended in the
9 Report of the National Commission for the Review of the
10 Research and Development Programs of the United States
11 Intelligence Community, including an assessment—

12 (1) of the funding and modification to existing
13 authorities needed to allow for the implementation of
14 such Corps; and

15 (2) of additional legislative authorities, if any,
16 necessary to undertake such implementation.

17 **SEC. 611. REPORT ON INFORMATION RELATING TO ACA-**
18 **DEMIC PROGRAMS, SCHOLARSHIPS, FELLOW-**
19 **SHIPS, AND INTERNSHIPS SPONSORED, AD-**
20 **MINISTERED, OR USED BY THE INTEL-**
21 **LIGENCE COMMUNITY.**

22 (a) REPORT.—Not later than 120 days after the date
23 of the enactment of this Act, the Director of National In-
24 telligence shall submit to the congressional intelligence
25 committees a report by the intelligence community regard-

1 ing covered academic programs. Such report shall in-
2 clude—

3 (1) a description of the extent to which the Di-
4 rector and the heads of the elements of the intel-
5 ligence community independently collect information
6 on covered academic programs, including with re-
7 spect to—

8 (A) the number of applicants for such pro-
9 grams;

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

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

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

23 (3) to the extent that the Director and the
24 heads do not independently collect the information

1 described in paragraph (1) as of the date of the re-
2 port—

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

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

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

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

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

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

21 (4) the National Centers of Academic Excel-
22 lence in Information Assurance and Cyber Defense
23 of the National Security Agency and the Depart-
24 ment of Homeland Security; and

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

5 **SEC. 612. REPORT ON INTELLIGENCE COMMUNITY EM-**
6 **EMPLOYEES DETAILED TO NATIONAL SECURITY**
7 **COUNCIL.**

8 Not later than 60 days after the date of the enact-
9 ment of this Act, the Director of National Intelligence
10 shall submit to the congressional intelligence committees
11 a report, in writing, listing, by year, the number of em-
12 ployees of an element of the intelligence community who
13 have been detailed to the National Security Council during
14 the 10-year period preceding the date of the report. Such
15 report may be submitted in classified form.

16 **SEC. 613. INTELLIGENCE COMMUNITY REPORTING TO CON-**
17 **GRESS ON FOREIGN FIGHTER FLOWS.**

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

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

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

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

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

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

17 (d) SUNSET.—The requirement to submit reports
18 under subsection (a) shall terminate on the date that is
19 2 years after the date of the enactment of this Act.

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

23 (1) in the Senate—

24 (A) the Committee on Armed Services;

25 (B) the Select Committee on Intelligence;

- 1 (C) the Committee on the Judiciary;
- 2 (D) the Committee on Homeland Security
- 3 and Governmental Affairs;
- 4 (E) the Committee on Banking, Housing,
- 5 and Urban Affairs;
- 6 (F) the Committee on Foreign Relations;
- 7 and
- 8 (G) the Committee on Appropriations; and
- 9 (2) in the House of Representatives—
- 10 (A) the Committee on Armed Services;
- 11 (B) the Permanent Select Committee on
- 12 Intelligence;
- 13 (C) the Committee on the Judiciary;
- 14 (D) the Committee on Homeland Security;
- 15 (E) the Committee on Financial Services;
- 16 (F) the Committee on Foreign Affairs; and
- 17 (G) the Committee on Appropriations.

18 **SEC. 614. REPORT ON CYBERSECURITY THREATS TO SEA-**

19 **PORTS OF THE UNITED STATES AND MARI-**

20 **TIME SHIPPING.**

21 (a) REPORT.—Not later than 180 days after the date

22 of the enactment of this Act, the Under Secretary of

23 Homeland Security for Intelligence and Analysis, in con-

24 sultation with the Director of National Intelligence, and

25 consistent with the protection of sources and methods,

1 shall submit to the appropriate congressional committees
2 a report on the cybersecurity threats to, and the cyber
3 vulnerabilities within, the software, communications net-
4 works, computer networks, or other systems employed
5 by—

6 (1) entities conducting significant operations at
7 seaports in the United States;

8 (2) the maritime shipping concerns of the
9 United States; and

10 (3) entities conducting significant operations at
11 transshipment points in the United States.

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

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

20 (2) An assessment of—

21 (A) any planned cyberattacks directed
22 against such software, networks, and systems;

23 (B) any significant vulnerabilities to such
24 software, networks, and systems; and

1 (C) how such entities and concerns are
2 mitigating such vulnerabilities.

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

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

11 (1) the congressional intelligence committees;

12 (2) the Committee on Homeland Security and
13 Governmental Affairs and the Committee on Com-
14 merce, Science, and Transportation of the Senate;
15 and

16 (3) the Committee on Homeland Security and
17 the Committee on Transportation and Infrastructure
18 of the House of Representatives.

19 **SEC. 615. REPORT ON PROGRAMS TO COUNTER TERRORIST**
20 **NARRATIVES.**

21 (a) REPORT.—Not later than 60 days after the date
22 of the enactment of this Act, the Secretary of Homeland
23 Security shall submit to the appropriate congressional
24 committees a report on the programs of the Department

1 of Homeland Security to counter the narratives of the Is-
2 lamic State and other extremist groups.

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

5 (1) A description of whether, and to what ex-
6 tent, the Secretary, in carrying out programs to
7 counter the narratives of the Islamic State and other
8 extremist groups, consults or coordinates with the
9 Secretary of State regarding the counter-messaging
10 activities undertaken by the Department of State
11 with respect to the Islamic State and other extremist
12 groups, including counter-messaging activities con-
13 ducted by the Global Engagement Center of the De-
14 partment of State.

15 (2) Any criteria employed by the Secretary of
16 Homeland Security for selecting, developing, promul-
17 gating, or changing the programs of the Department
18 of Homeland Security to counter the narratives of
19 the Islamic State and other extremist groups.

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

23 (1) the congressional intelligence committees;

1 (2) the Committee on Homeland Security and
2 Governmental Affairs and the Committee on the Ju-
3 diciary of the Senate; and

4 (3) the Committee on Homeland Security and
5 the Committee on the Judiciary of the House of
6 Representatives.

7 **SEC. 616. 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, consistent with the protection of
12 sources and methods, shall submit to the congressional in-
13 telligence committees a report on reprisals made against
14 covered contractor employees.

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

17 (1) Identification of the number of known or
18 claimed reprisals made against covered contractor
19 employees during the 3-year period preceding the
20 date of the report and any evaluation of such repris-
21 als.

22 (2) An evaluation of the usefulness of estab-
23 lishing a prohibition on reprisals against covered
24 contractor employees as a means of encouraging
25 such contractors to make protected disclosures.

1 (3) A description of any challenges associated
2 with establishing such a prohibition, including with
3 respect to the nature of the relationship between the
4 Federal Government, the contractor, and the covered
5 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) COVERED CONTRACTOR EMPLOYEE.—The
17 term “covered contractor employee” means an em-
18 ployee of a contractor of an element of the intel-
19 ligence community.

20 (2) REPRISAL.—The term “reprisal” means the
21 discharge or other adverse personnel action made
22 against a covered contractor employee for making a
23 disclosure of information that would be a disclosure

1 protected by law if the contractor were an employee
2 of the Federal Government.

Passed the House of Representatives December 8,
2016.

Attest:

KAREN L. HAAS,
Clerk.