

Waxman-Markey bill, during this administration and the previous administration, between 2005 and 2012, carbon emissions in this country fell by 10 percent because of market-based activity.

That puts the United States halfway to the goal that it set for itself in the United Nations agreement, a goal that we would reduce carbon emissions by 20 percent in the year 2020.

We are halfway there, a 10 percent reduction. That is without Waxman-Markey. That is without any international agreement that the President might think he is entertaining or entering into over in Paris.

Mr. Speaker, today's rule provides for the consideration of three important bills for our energy future, two resolutions disapproving of the Environmental Protection Agency's greenhouse gas regulations and a bill that is forward looking that will set this country on the path to greater energy security.

The material previously referred to by Mr. McGOVERN of Massachusetts is as follows:

AN AMENDMENT TO H. RES. 539 OFFERED BY  
MR. McGOVERN OF MASSACHUSETTS

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), de-

scribes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

Mr. NUNES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4127) to authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4127

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2016".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Budgetary effects.

### 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.
- Sec. 105. Clarification regarding authority for flexible personnel management among elements of intelligence community.

### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

### TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Provision of information and assistance to Inspector General of the Intelligence Community.
- Sec. 304. Inclusion of Inspector General of Intelligence Community in Council of Inspectors General on Integrity and Efficiency.
- Sec. 305. Clarification of authority of Privacy and Civil Liberties Oversight Board.
- Sec. 306. Enhancing government personnel security programs.
- Sec. 307. Notification of changes to retention of call detail record policies.
- Sec. 308. Personnel information notification policy by the Director of National Intelligence.
- Sec. 309. Designation of lead intelligence officer for tunnels.

- Sec. 310. Reporting process required for tracking certain requests for country clearance.
- Sec. 311. Study on reduction of analytic duplication.
- Sec. 312. Strategy for comprehensive inter-agency review of the United States national security overhead satellite architecture.
- Sec. 313. Cyber attack standards of measurement study.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Appointment and confirmation of the National Counterintelligence Executive.
- Sec. 402. Technical amendments relating to pay under title 5, United States Code.
- Sec. 403. Analytic objectivity review.
- Subtitle B—Central Intelligence Agency and Other Elements
- Sec. 411. Authorities of the Inspector General for the Central Intelligence Agency.
- Sec. 412. Prior congressional notification of transfers of funds for certain intelligence activities.

#### TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

##### Subtitle A—Matters Relating to Russia

- Sec. 501. Notice of deployment or transfer of Club-K container missile system by the Russian Federation.
- Sec. 502. Assessment on funding of political parties and nongovernmental organizations by the Russian Federation.
- Sec. 503. Assessment on the use of political assassinations as a form of statecraft by the Russian Federation.

##### Subtitle B—Matters Relating to Other Countries

- Sec. 511. Report on resources and collection posture with regard to the South China Sea and East China Sea.
- Sec. 512. Use of locally employed staff serving at a United States diplomatic facility in Cuba.
- Sec. 513. Inclusion of sensitive compartmented information facilities in United States diplomatic facilities in Cuba.
- Sec. 514. Report on use by Iran of funds made available through sanctions relief.

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

- Sec. 601. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 602. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 603. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

#### TITLE VII—REPORTS AND OTHER MATTERS

##### Subtitle A—Reports

- Sec. 701. Repeal of certain reporting requirements.
- Sec. 702. Reports on foreign fighters.
- Sec. 703. Report on strategy, efforts, and resources to detect, deter, and degrade Islamic State revenue mechanisms.
- Sec. 704. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qai'da, and their affiliated groups, associated groups, and adherents.

- Sec. 705. Report on effects of data breach of Office of Personnel Management.

- Sec. 706. Report on hiring of graduates of Cyber Corps Scholarship Program by intelligence community.

- Sec. 707. Report on use of certain business concerns.

##### Subtitle B—Other Matters

- Sec. 711. Use of homeland security grant funds in conjunction with Department of Energy national laboratories.
- Sec. 712. Inclusion of certain minority-serving institutions in grant program to enhance recruiting of intelligence community workforce.

#### SEC. 2. DEFINITIONS.

In this Act:

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

- (1) the Select Committee on Intelligence of the Senate; and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives.

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

#### SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### TITLE I—INTELLIGENCE ACTIVITIES

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2016 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.
- (15) The National Geospatial-Intelligence Agency.

- (16) The Department of Homeland Security.

##### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2016, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this bill.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

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

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

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

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

(C) as otherwise required by law.

##### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2016 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such schedule for such element.

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

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

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

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

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

##### SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2016 the sum of \$516,306,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2017.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community

Management Account of the Director of National Intelligence are authorized 785 positions as of September 30, 2016. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2016 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2017.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2016, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

**SEC. 105. CLARIFICATION REGARDING AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG ELEMENTS OF INTELLIGENCE COMMUNITY.**

(a) CLARIFICATION.—Section 102A(v) of the National Security Act of 1947 (50 U.S.C. 3024(v)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) A covered department may appoint an individual to a position converted or established pursuant to this subsection without regard to the civil-service laws, including parts II and III of title 5, United States Code.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to an appointment under section 102A(v) of the National Security Act of 1947 (50 U.S.C. 3024(v)) made on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112-87) and to any proceeding pending on or filed after the date of the enactment of this section that relates to such an appointment.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**  
There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2016 the sum of \$514,000,000.

**TITLE III—GENERAL PROVISIONS**

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

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

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

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

**SEC. 303. PROVISION OF INFORMATION AND ASSISTANCE TO INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**

Section 103H(j)(4) of the National Security Act of 1947 (50 U.S.C. 3033(j)(4)) is amended—

(1) in subparagraph (A), by striking “any department, agency, or other element of the United States Government” and inserting “any Federal, State (as defined in section 804), or local governmental agency or unit thereof”; and

(2) in subparagraph (B), by inserting “from a department, agency, or element of the Federal Government” before “under subparagraph (A)”.

**SEC. 304. INCLUSION OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY IN COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**

Section 11(b)(1)(B) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.) is amended by striking “the Office of the Director of National Intelligence” and inserting “the Intelligence Community”.

**SEC. 305. CLARIFICATION OF AUTHORITY OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.**

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

“(5) ACCESS.—Nothing in this section shall be construed to authorize the Board, or any agent thereof, to gain access to information regarding an activity covered by section 503(a) of the National Security Act of 1947 (50 U.S.C. 3093(a)).”

**SEC. 306. ENHANCING GOVERNMENT PERSONNEL SECURITY PROGRAMS.**

(a) ENHANCED SECURITY CLEARANCE PROGRAMS.—

(1) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end the following:

**“Subpart J—Enhanced Personnel Security Programs**

**“CHAPTER 110—ENHANCED PERSONNEL SECURITY PROGRAMS**

“Sec.

“11001. Enhanced personnel security programs.

**“SEC. 11001. ENHANCED PERSONNEL SECURITY PROGRAMS.**

“(a) ENHANCED PERSONNEL SECURITY PROGRAM.—The Director of National Intelligence shall direct each agency to implement a program to provide enhanced security review of covered individuals—

“(1) in accordance with this section; and

“(2) not later than the earlier of—

“(A) the date that is 5 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016; or

“(B) the date on which the backlog of overdue periodic reinvestigations of covered individuals is eliminated, as determined by the Director of National Intelligence.

“(b) COMPREHENSIVENESS.—

“(1) SOURCES OF INFORMATION.—The enhanced personnel security program of an agency shall integrate relevant and appropriate information from various sources, including government, publicly available, and commercial data sources, consumer reporting agencies, social media, and such other sources as determined by the Director of National Intelligence.

“(2) TYPES OF INFORMATION.—Information obtained and integrated from sources described in paragraph (1) may include—

“(A) information relating to any criminal or civil legal proceeding;

“(B) financial information relating to the covered individual, including the credit worthiness of the covered individual;

“(C) publicly available information, whether electronic, printed, or other form, including relevant security or counterintelligence information about the covered individual or information that may suggest ill intent, vulnerability to blackmail, compulsive behavior, allegiance to another country, change in

ideology, or that the covered individual lacks good judgment, reliability, or trustworthiness; and

“(D) data maintained on any terrorist or criminal watch list maintained by any agency, State or local government, or international organization.

“(c) REVIEWS OF COVERED INDIVIDUALS.—

“(1) REVIEWS.—

“(A) IN GENERAL.—The enhanced personnel security program of an agency shall require that, not less than 2 times every 5 years, the head of the agency shall conduct or request the conduct of automated record checks and checks of information from sources under subsection (b) to ensure the continued eligibility of each covered individual to access classified information and hold a sensitive position unless more frequent reviews of automated record checks and checks of information from sources under subsection (b) are conducted on the covered individual.

“(B) SCOPE OF REVIEWS.—Except for a covered individual who is subject to more frequent reviews to ensure the continued eligibility of the covered individual to access classified information and hold a sensitive position, the reviews under subparagraph (A) shall consist of random or aperiodic checks of covered individuals, such that each covered individual is subject to at least 2 reviews during the 5-year period beginning on the date on which the agency implements the enhanced personnel security program of an agency, and during each 5-year period thereafter.

“(C) INDIVIDUAL REVIEWS.—A review of the information relating to the continued eligibility of a covered individual to access classified information and hold a sensitive position under subparagraph (A) may not be conducted until after the end of the 120-day period beginning on the date the covered individual receives the notification required under paragraph (3).

“(2) RESULTS.—The head of an agency shall take appropriate action if a review under paragraph (1) finds relevant information that may affect the continued eligibility of a covered individual to access classified information and hold a sensitive position.

“(3) INFORMATION FOR COVERED INDIVIDUALS.—The head of an agency shall ensure that each covered individual is adequately advised of the types of relevant security or counterintelligence information the covered individual is required to report to the head of the agency.

“(4) LIMITATION.—Nothing in this subsection shall be construed to affect the authority of an agency to determine the appropriate weight to be given to information relating to a covered individual in evaluating the continued eligibility of the covered individual.

“(5) AUTHORITY OF THE PRESIDENT.—Nothing in this subsection shall be construed as limiting the authority of the President to direct or perpetuate periodic reinvestigations of a more comprehensive nature or to delegate the authority to direct or perpetuate such reinvestigations.

“(6) EFFECT ON OTHER REVIEWS.—Reviews conducted under paragraph (1) are in addition to investigations and reinvestigations conducted pursuant to section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

“(d) AUDIT.—

“(1) IN GENERAL.—Beginning 2 years after the date of the implementation of the enhanced personnel security program of an agency under subsection (a), the Inspector General of the agency shall conduct at least 1 audit to assess the effectiveness and fairness, which shall be determined in accordance with performance measures and standards established by the Director of National

Intelligence, to covered individuals of the enhanced personnel security program of the agency.

“(2) SUBMISSIONS TO DNI.—The results of each audit conducted under paragraph (1) shall be submitted to the Director of National Intelligence to assess the effectiveness and fairness of the enhanced personnel security programs across the Federal Government.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘agency’ has the meaning given that term in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341);

“(2) the term ‘consumer reporting agency’ has the meaning given that term in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a);

“(3) the term ‘covered individual’ means an individual employed by an agency or a contractor of an agency who has been determined eligible for access to classified information or eligible to hold a sensitive position;

“(4) the term ‘enhanced personnel security program’ means a program implemented by an agency at the direction of the Director of National Intelligence under subsection (a); and”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by adding at the end following:

“Subpart J—Enhanced Personnel Security Programs

“110. Enhanced personnel security programs ..... 11001”.

(b) RESOLUTION OF BACKLOG OF OVERDUE PERIODIC REINVESTIGATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall develop and implement a plan to eliminate the backlog of overdue periodic reinvestigations of covered individuals.

(2) REQUIREMENTS.—The plan developed under paragraph (1) shall—

(A) use a risk-based approach to—

(i) identify high-risk populations; and

(ii) prioritize reinvestigations that are due or overdue to be conducted; and

(B) use random automated record checks of covered individuals that shall include all covered individuals in the pool of individuals subject to a one-time check.

(3) DEFINITIONS.—In this subsection:

(A) The term “covered individual” means an individual who has been determined eligible for access to classified information or eligible to hold a sensitive position.

(B) The term “periodic reinvestigations” has the meaning given such term in section 3001(a)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)(7)).

#### SEC. 307. NOTIFICATION OF CHANGES TO RETENTION OF CALL DETAIL RECORD POLICIES.

(a) REQUIREMENT TO RETAIN.—

(1) IN GENERAL.—Not later than 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed the policy of the provider on the retention of such call detail records to result in a retention period of less than 18 months, the Director of National Intelligence shall notify, in writing, the congressional intelligence committees of such change.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report identifying each electronic communication service provider that has, as of the date of the report, a policy to retain call detail records for a period of 18 months or less.

(b) DEFINITIONS.—In this section:

(1) CALL DETAIL RECORD.—The term “call detail record” has the meaning given that term in section 501(k) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(k)).

(2) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term “electronic communication service provider” has the meaning given that term in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)).

#### SEC. 308. PERSONNEL INFORMATION NOTIFICATION POLICY BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) DIRECTIVE REQUIRED.—The Director of National Intelligence shall issue a directive containing a written policy for the timely notification to the congressional intelligence committees of the identities of individuals occupying senior level positions within the intelligence community.

(b) SENIOR LEVEL POSITION.—In identifying positions that are senior level positions in the intelligence community for purposes of the directive required under subsection (a), the Director of National Intelligence shall consider whether a position—

(1) constitutes the head of an entity or a significant component within an agency;

(2) is involved in the management or oversight of matters of significant import to the leadership of an entity of the intelligence community;

(3) provides significant responsibility on behalf of the intelligence community;

(4) requires the management of a significant number of personnel or funds;

(5) requires responsibility management or oversight of sensitive intelligence activities; and

(6) is held by an individual designated as a senior intelligence management official as such term is defined in section 368(a)(6) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259; 50 U.S.C. 4041 note).

(c) NOTIFICATION.—The Director shall ensure that each notification under the directive issued under subsection (a) includes each of the following:

(1) The name of the individual occupying the position.

(2) Any previous senior level position held by the individual, if applicable, or the position held by the individual immediately prior to the appointment.

(3) The position to be occupied by the individual.

(4) Any other information the Director determines appropriate.

(d) RELATIONSHIP TO OTHER LAWS.—The directive issued under subsection (a) and any amendment to such directive shall be consistent with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(e) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees the directive issued under subsection (a).

#### SEC. 309. DESIGNATION OF LEAD INTELLIGENCE OFFICER FOR TUNNELS.

(a) IN GENERAL.—The Director of National Intelligence shall designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and nonstate actors.

(b) ANNUAL REPORT.—Not later than the date that is 10 months after the date of the enactment of this Act, and biennially thereafter until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees and the congressional defense committees (as such term is defined in section 101(a)(16) of title 10, United States Code) a report describing—

(1) trends in the use of tunnels by foreign state and nonstate actors; and

(2) collaboration efforts between the United States and partner countries to address the use of tunnels by adversaries.

#### SEC. 310. REPORTING PROCESS REQUIRED FOR TRACKING CERTAIN REQUESTS FOR COUNTRY CLEARANCE.

(a) IN GENERAL.—By not later than September 30, 2016, the Director of National Intelligence shall establish a formal internal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives by departments and agencies of the United States. Such reporting process shall include a mechanism for tracking the department or agency that submits each such request and the date on which each such request is submitted.

(b) CONGRESSIONAL BRIEFING.—By not later than December 31, 2016, the Director of National Intelligence shall brief the congressional intelligence committees on the progress of the Director in establishing the process required under subsection (a).

#### SEC. 311. STUDY ON REDUCTION OF ANALYTIC DUPLICATION.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than January 31, 2016, the Director of National Intelligence shall—

(A) carry out a study to evaluate and measure the incidence of duplication in finished intelligence analysis products; and

(B) submit to the congressional intelligence committees a report on the findings of such study.

(2) METHODOLOGY REQUIREMENTS.—The methodology used to carry out the study required by this subsection shall be able to be repeated for use in other subsequent studies.

(b) ELEMENTS.—The report required by subsection (a)(1)(B) shall include—

(1) detailed information—

(A) relating to the frequency of duplication of finished intelligence analysis products; and

(B) that describes the types of, and the reasons for, any such duplication; and

(2) a determination as to whether to make the production of such information a routine part of the mission of the Analytic Integrity and Standards Group.

(c) CUSTOMER IMPACT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a plan for revising analytic practice, tradecraft, and standards to ensure customers are able to clearly identify—

(1) the manner in which intelligence products written on similar topics and that are produced contemporaneously differ from one another in terms of methodology, sourcing, or other distinguishing analytic characteristics; and

(2) the significance of that difference.

(d) CONSTRUCTION.—Nothing in this section may be construed to impose any requirement that would interfere with the production of an operationally urgent or otherwise time-sensitive current intelligence product.

#### SEC. 312. STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.

(a) REQUIREMENT FOR STRATEGY.—The Director of National Intelligence shall collaborate with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to develop a strategy, with milestones and benchmarks, to ensure that there is a comprehensive interagency review of policies and practices for planning and acquiring national security satellite systems and architectures,

including the capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010. Such strategy shall, where applicable, account for the unique missions and authorities vested in the Department of Defense and the intelligence community.

(b) **ELEMENTS.**—The strategy required by subsection (a) shall ensure that the United States national security overhead satellite architecture—

(1) meets the needs of the United States in peace time and is resilient in war time;

(2) is fiscally responsible;

(3) accurately takes into account cost and performance tradeoffs;

(4) meets realistic requirements;

(5) produces excellence, innovation, competition, and a robust industrial base;

(6) aims to produce in less than 5 years innovative satellite systems that are able to leverage common, standardized design elements and commercially available technologies;

(7) takes advantage of rapid advances in commercial technology, innovation, and commercial-like acquisition practices;

(8) is open to innovative concepts, such as distributed, disaggregated architectures, that could allow for better resiliency, reconstitution, replenishment, and rapid technological refresh; and

(9) emphasizes deterrence and recognizes the importance of offensive and defensive space control capabilities.

(c) **REPORT ON STRATEGY.**—Not later than February 28, 2016, the Director of National Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the strategy required by subsection (a).

#### **SEC. 313. CYBER ATTACK STANDARDS OF MEASUREMENT STUDY.**

(a) **STUDY REQUIRED.**—The Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Secretary of Defense, shall carry out a study to determine appropriate standards that—

(1) can be used to measure the damage of cyber incidents for the purposes of determining the response to such incidents; and

(2) include a method for quantifying the damage caused to affected computers, systems, and devices.

(b) **REPORTS TO CONGRESS.**—

(1) **PRELIMINARY FINDINGS.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees the initial findings of the study required under subsection (a).

(2) **REPORT.**—Not later than 360 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the complete findings of such study.

(3) **FORM OF REPORT.**—The report required by paragraph (2) shall be submitted in unclassified form, but may contain a classified annex.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

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

### **TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

#### **Subtitle A—Office of the Director of National Intelligence**

##### **SEC. 401. APPOINTMENT AND CONFIRMATION OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.**

(a) **IN GENERAL.**—Section 902(a) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) is amended to read as follows:

“(a) **ESTABLISHMENT.**—There shall be a National Counterintelligence Executive who shall be appointed by the President, by and with the advice and consent of the Senate.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

##### **SEC. 402. TECHNICAL AMENDMENTS RELATING TO PAY UNDER TITLE 5, UNITED STATES CODE.**

Section 5102(a)(1) of title 5, United States Code, is amended—

(1) in clause (vii), by striking “or”;

(2) by inserting after clause (vii) the following new clause:

“(viii) the Office of the Director of National Intelligence;” and

(3) in clause (x), by striking the period and inserting a semicolon.

##### **SEC. 403. ANALYTIC OBJECTIVITY REVIEW.**

(a) **ASSESSMENT.**—The Director of National Intelligence shall assign the Chief of the Analytic Integrity and Standards Group to conduct a review of finished intelligence products produced by the Central Intelligence Agency to assess whether the reorganization of the Agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity.

(b) **SUBMISSION.**—Not later than March 6, 2017, the Director of National Intelligence shall submit to the congressional intelligence committees, in writing, the results of the review required under subsection (a), including—

(1) an assessment comparing the analytic objectivity of a representative sample of finished intelligence products produced by the Central Intelligence Agency before the reorganization and a representative sample of such finished intelligence products produced after the reorganization, predicated on the products’ communication of uncertainty, expression of alternative analysis, and other underlying evaluative criteria referenced in the Strategic Evaluation of All-Source Analysis directed by the Director;

(2) an assessment comparing the historical results of anonymous surveys of Central Intelligence Agency and customers conducted before the reorganization and the results of such anonymous surveys conducted after the reorganization, with a focus on the analytic standard of objectivity;

(3) a metrics-based evaluation measuring the effect that the reorganization’s integration of operational, analytic, support, technical, and digital personnel and capabilities into Mission Centers has had on analytic objectivity; and

(4) any recommendations for ensuring that analysts of the Central Intelligence Agency perform their functions with objectivity, are not unduly constrained, and are not influenced by the force of preference for a particular policy.

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

##### **SEC. 411. AUTHORITIES OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.**

(a) **INFORMATION AND ASSISTANCE.**—Paragraph (9) of section 17(e) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(9)) is amended to read as follows:

“(9)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

“(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) Nothing in this paragraph may be construed to provide any new authority to the Central Intelligence Agency to conduct intelligence activity in the United States.

“(D) In this paragraph, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.”.

(b) **TECHNICAL AMENDMENTS RELATING TO SELECTION OF EMPLOYEES.**—Paragraph (7) of such section (50 U.S.C. 3517(e)(7)) is amended—

(1) by inserting “(A)” before “Subject to applicable law”; and

(2) by adding at the end the following new subparagraph:

“(B) Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(i) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(ii) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”.

##### **SEC. 412. PRIOR CONGRESSIONAL NOTIFICATION OF TRANSFERS OF FUNDS FOR CERTAIN INTELLIGENCE ACTIVITIES.**

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the intelligence community for fiscal year 2016 may be used to initiate a transfer of funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund to be used for intelligence activities unless the Director of National Intelligence or the Secretary of Defense, as appropriate, submits to the congressional intelligence committees, by not later than 30 days before initiating such a transfer, written notice of the transfer.

(b) **WAIVER.**—

(1) **IN GENERAL.**—The Director of National Intelligence or the Secretary of Defense, as appropriate, may waive subsection (a) with respect to the initiation of a transfer of funds if the Director or Secretary, as the case may be, determines that an emergency situation makes it impossible or impractical to provide the notice required under such subsection by the date that is 30 days before such initiation.

(2) NOTICE.—If the Director or Secretary issues a waiver under paragraph (1), the Director or Secretary, as the case may be, shall submit to the congressional intelligence committees, by not later than 48 hours after the initiation of the transfer of funds covered by the waiver, written notice of the waiver and a justification for the waiver, including a description of the emergency situation that necessitated the waiver.

## TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

### Subtitle A—Matters Relating to Russia

#### SEC. 501. NOTICE OF DEPLOYMENT OR TRANSFER OF CLUB-K CONTAINER MISSILE SYSTEM BY THE RUSSIAN FEDERATION.

(a) NOTICE TO CONGRESS.—The Director of National Intelligence shall submit to the appropriate congressional committees written notice if the intelligence community receives intelligence that the Russian Federation has—

(1) deployed, or is about to deploy, the Club-K container missile system through the Russian military; or

(2) transferred or sold, or intends to transfer or sell, the Club-K container missile system to another state or non-state actor.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later than 30 days after the date on which the Director submits a notice under subsection (a), the Director shall submit to the congressional intelligence committees a written update regarding any intelligence community engagement with a foreign partner on the deployment and impacts of a deployment of the Club-K container missile system to any potentially impacted nation.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

#### SEC. 502. ASSESSMENT ON FUNDING OF POLITICAL PARTIES AND NONGOVERNMENTAL ORGANIZATIONS BY THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an intelligence community assessment on the funding of political parties and nongovernmental organizations in former Soviet states and countries in Europe by the Russian Security Services since January 1, 2006. Such assessment shall include the following:

(1) The country involved, the entity funded, the security service involved, and the intended effect of the funding.

(2) An evaluation of such intended effects, including with respect to—

(A) undermining the political cohesion of the country involved;

(B) undermining the missile defense of the United States and the North Atlantic Treaty Organization; and

(C) undermining energy projects that could provide an alternative to Russian energy.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

#### SEC. 503. ASSESSMENT ON THE USE OF POLITICAL ASSASSINATIONS AS A FORM OF STATECRAFT BY THE RUSSIAN FEDERATION.

(a) REQUIREMENT FOR ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an intelligence community assessment on the use of political assassinations as a form of statecraft by the Russian Federation since January 1, 2000.

(b) CONTENT.—The assessment required by subsection (a) shall include—

(1) a list of Russian politicians, businessmen, dissidents, journalists, current or former government officials, foreign heads-of-state, foreign political leaders, foreign journalists, members of nongovernmental organizations, and other relevant individuals that the intelligence community assesses were assassinated by Russian Security Services, or agents of such services, since January 1, 2000; and

(2) for each individual described in paragraph (1), the country in which the assassination took place, the means used, associated individuals and organizations, and other background information related to the assassination of the individual.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

### Subtitle B—Matters Relating to Other Countries

#### SEC. 511. REPORT ON RESOURCES AND COLLECTION POSTURE WITH REGARD TO THE SOUTH CHINA SEA AND EAST CHINA SEA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees an intelligence community assessment on the resources used for collection efforts and the collection posture of the intelligence community with regard to the South China Sea and East China Sea.

(b) ELEMENTS.—The intelligence community assessment required by subsection (a) shall provide detailed information related to intelligence collection by the United States with regard to the South China Sea and East China Sea, including—

(1) a review of intelligence community collection activities and a description of these activities, including the lead agency, key partners, purpose of collection activity, annual funding and personnel, the manner in which the collection is conducted, and types of information collected;

(2) an explanation of how the intelligence community prioritizes and coordinates collection activities focused on such region; and

(3) a description of any collection and resourcing gaps and efforts being made to address such gaps.

#### SEC. 512. USE OF LOCALLY EMPLOYED STAFF SERVING AT A UNITED STATES DIPLOMATIC FACILITY IN CUBA.

(a) SUPERVISORY REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than one year after the date of the enactment of this Act, the Secretary of State shall ensure that each

key supervisory position at a United States diplomatic facility in Cuba is occupied by a citizen of the United States.

(2) EXTENSION.—The Secretary of State may extend the deadline to carry out paragraph (1) by not more than one year if the Secretary submits to the appropriate congressional committees written notification and justification of such extension before making such extension.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate departments or agencies of the Federal Government, shall submit to the appropriate congressional committees a report on—

(1) the progress made by the Secretary with respect to carrying out subsection (a)(1); and

(2) the use of locally employed staff in United States diplomatic facilities, including—

(A) the number of such staff;

(B) the responsibilities of such staff;

(C) the manner in which such staff are selected, including efforts to mitigate counter-intelligence threats to the United States; and

(D) the potential cost and effect on the operational capacity of the diplomatic facility if the number of such staff was reduced.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

#### SEC. 513. INCLUSION OF SENSITIVE COMPARTMENTED INFORMATION FACILITIES IN UNITED STATES DIPLOMATIC FACILITIES IN CUBA.

(a) RESTRICTED ACCESS SPACE REQUIREMENT.—The Secretary of State shall ensure that each United States diplomatic facility in Cuba that, after the date of the enactment of this Act, is constructed or undergoes a construction upgrade includes a sensitive compartmented information facility.

(b) NATIONAL SECURITY WAIVER.—The Secretary of State may waive the requirement under subsection (a) if the Secretary—

(1) determines that such waiver is in the national security interest of the United States;

(2) submits to the appropriate congressional committees written justification for such waiver; and

(3) a period of 90 days elapses following the date of such submission.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

#### SEC. 514. REPORT ON USE BY IRAN OF FUNDS MADE AVAILABLE THROUGH SANCTIONS RELIEF.

(a) IN GENERAL.—At the times specified in subsection (b), the Director of National Intelligence, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report assessing the following:

(1) The monetary value of any direct or indirect forms of sanctions relief that Iran has



received since the Joint Plan of Action first entered into effect.

(2) How Iran has used funds made available through sanctions relief, including the extent to which any such funds have facilitated the ability of Iran—

(A) to provide support for—

(i) any individual or entity designated for the imposition of sanctions for activities relating to international terrorism pursuant to an executive order or by the Office of Foreign Assets Control of the Department of the Treasury as of the date of the enactment of this Act;

(ii) any organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) as of the date of the enactment of this Act;

(iii) any other terrorist organization; or

(iv) the regime of Bashar al Assad in Syria;

(B) to advance the efforts of Iran or any other country to develop nuclear weapons or ballistic missiles overtly or covertly; or

(C) to commit any violation of the human rights of the people of Iran.

(3) The extent to which any senior official of the Government of Iran has diverted any funds made available through sanctions relief to be used by the official for personal use.

(b) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The Director shall submit the report required by subsection (a) to the appropriate congressional committees—

(A) not later than 180 days after the date of the enactment of this Act and every 180 days thereafter during the period that the Joint Plan of Action is in effect; and

(B) not later than 1 year after a subsequent agreement with Iran relating to the nuclear program of Iran takes effect and annually thereafter during the period that such agreement remains in effect.

(2) NONDUPLICATION.—The Director may submit the information required by subsection (a) with a report required to be submitted to Congress under another provision of law if—

(A) the Director notifies the appropriate congressional committees of the intention of making such submission before submitting that report; and

(B) all matters required to be covered by subsection (a) are included in that report.

(c) FORM OF REPORTS.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) JOINT PLAN OF ACTION.—The term “Joint Plan of Action” means the Joint Plan of Action, signed at Geneva November 24, 2013, by Iran and by France, Germany, the Russian Federation, the People’s Republic of China, the United Kingdom, and the United States, and all implementing materials and agreements related to the Joint Plan of Action, including the technical understandings reached on January 12, 2014, the extension thereto agreed to on July 18, 2014, and the extension thereto agreed to on November 24, 2014.

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

### SEC. 601. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release, to or within the United States, its territories, or possessions, Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

### SEC. 602. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

### SEC. 603. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Libya.

(2) Somalia.

(3) Syria.

(4) Yemen.

## TITLE VII—REPORTS AND OTHER MATTERS

### Subtitle A—Reports

#### SEC. 701. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) QUADRENNIAL AUDIT OF POSITIONS REQUIRING SECURITY CLEARANCES.—Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by striking “The results required under subsection (a)(2) and the reports required under subsection (b)(1)” and inserting “The reports required under subsection (a)(1)”.

(b) REPORTS ON ROLE OF ANALYSTS AT FBI.—Section 2001(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3700; 28 U.S.C. 532 note) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(c) REPORT ON OUTSIDE EMPLOYMENT BY OFFICERS AND EMPLOYEES OF INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Section 102A(u) of the National Security Act of 1947 (50 U.S.C. 3024(u)) is amended—

(A) by striking “(1) The Director” and inserting “The Director”; and

(B) by striking paragraph (2).

(2) CONFORMING AMENDMENT.—Subsection (a) of section 507 of such Act (50 U.S.C. 3106) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraph (6) as paragraph (5).

(3) TECHNICAL AMENDMENT.—Subsection (c)(1) of such section 507 is amended by striking “subsection (a)(1)” and inserting “subsection (a)”.

(d) REPORTS ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES.—Section 1055 of the National Defense Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371) is repealed.

(e) REPORTS ON ESPIONAGE BY PEOPLE’S REPUBLIC OF CHINA.—Section 3151 of the National Defense Authorization Act for Fiscal Year 2000 (42 U.S.C. 7383e) is repealed.

(f) REPORTS ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is repealed.

#### SEC. 702. REPORTS ON FOREIGN FIGHTERS.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on foreign fighter flows to and from Syria and to and from Iraq. The Director shall define the term “foreign fighter” in such reports.

(b) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include each of the following:

(1) The total number of foreign fighters who have traveled to Syria or Iraq since January 1, 2011, the total number of foreign fighters in Syria or Iraq as of the date of the submittal of the report, the total number of foreign fighters whose countries of origin have a visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the total number of foreign fighters who have left Syria or Iraq, the total number of female foreign fighters, and the total number of deceased foreign fighters.

(2) The total number of United States persons who have traveled or attempted to travel to Syria or Iraq since January 1, 2011, the total number of such persons who have arrived in Syria or Iraq since such date, and the total number of such persons who have

returned to the United States from Syria or Iraq since such date.

(3) The total number of foreign fighters in the Terrorist Identities Datamart Environment and the status of each such foreign fighter in that database, the number of such foreign fighters who are on a watchlist, and the number of such foreign fighters who are not on a watchlist.

(4) The total number of foreign fighters who have been processed with biometrics, including face images, fingerprints, and iris scans.

(5) Any programmatic updates to the foreign fighter report since the last report was submitted, including updated analysis on foreign country cooperation, as well as actions taken, such as denying or revoking visas.

(6) A worldwide graphic that describes foreign fighters flows to and from Syria, with points of origin by country.

(c) **ADDITIONAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that includes—

(1) with respect to the travel of foreign fighters to and from Iraq and Syria, a description of the intelligence sharing relationships between the United States and member states of the European Union and member states of the North Atlantic Treaty Organization; and

(2) an analysis of the challenges impeding such intelligence sharing relationships.

(d) **FORM.**—The reports submitted under subsections (a) and (c) may be submitted in classified form.

(e) **TERMINATION.**—The requirement to submit reports under subsection (a) shall terminate on the date that is 3 years after the date of the enactment of this Act.

**SEC. 703. REPORT ON STRATEGY, EFFORTS, AND RESOURCES TO DETECT, DETER, AND DEGRADE ISLAMIC STATE REVENUE MECHANISMS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the intelligence community should dedicate necessary resources to defeating the revenue mechanisms of the Islamic State.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the strategy, efforts, and resources of the intelligence community that are necessary to detect, deter, and degrade the revenue mechanisms of the Islamic State.

**SEC. 704. REPORT ON UNITED STATES COUNTER-TERRORISM STRATEGY TO DISRUPT, DISMANTLE, AND DEFEAT THE ISLAMIC STATE, AL-QA'IDA, AND THEIR AFFILIATED GROUPS, ASSOCIATED GROUPS, AND ADHERENTS.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a comprehensive report on the counterterrorism strategy of the United States to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

(2) **COORDINATION.**—The report under paragraph (1) shall be prepared in coordination with the Director of National Intelligence, the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Defense, and the head of any other department or agency of the Federal Government that has responsibility for activities directed at combating the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

(3) **ELEMENTS.**—The report under by paragraph (1) shall include each of the following:

(A) A definition of—

(i) core al-Qa'ida, including a list of which known individuals constitute core al-Qa'ida;

(ii) the Islamic State, including a list of which known individuals constitute Islamic State leadership;

(iii) an affiliated group of the Islamic State or al-Qa'ida, including a list of which known groups constitute an affiliate group of the Islamic State or al-Qa'ida;

(iv) an associated group of the Islamic State or al-Qa'ida, including a list of which known groups constitute an associated group of the Islamic State or al-Qa'ida;

(v) an adherent of the Islamic State or al-Qa'ida, including a list of which known groups constitute an adherent of the Islamic State or al-Qa'ida; and

(vi) a group aligned with the Islamic State or al-Qa'ida, including a description of what actions a group takes or statements it makes that qualify it as a group aligned with the Islamic State or al-Qa'ida.

(B) An assessment of the relationship between all identified Islamic State or al-Qa'ida affiliated groups, associated groups, and adherents with Islamic State leadership or core al-Qa'ida.

(C) An assessment of the strengthening or weakening of the Islamic State or al-Qa'ida, its affiliated groups, associated groups, and adherents, from January 1, 2010, to the present, including a description of the metrics that are used to assess strengthening or weakening and an assessment of the relative increase or decrease in violent attacks attributed to such entities.

(D) An assessment of whether an individual can be a member of core al-Qa'ida if such individual is not located in Afghanistan or Pakistan.

(E) An assessment of whether an individual can be a member of core al-Qa'ida as well as a member of an al-Qa'ida affiliated group, associated group, or adherent.

(F) A definition of defeat of the Islamic State or core al-Qa'ida.

(G) An assessment of the extent or coordination, command, and control between the Islamic State or core al-Qa'ida and their affiliated groups, associated groups, and adherents, specifically addressing each such entity.

(H) An assessment of the effectiveness of counterterrorism operations against the Islamic State or core al-Qa'ida, their affiliated groups, associated groups, and adherents, and whether such operations have had a sustained impact on the capabilities and effectiveness of the Islamic State or core al-Qa'ida, their affiliated groups, associated groups, and adherents.

(4) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 705. REPORT ON EFFECTS OF DATA BREACH OF OFFICE OF PERSONNEL MANAGEMENT.**

(a) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the congressional intelligence committees a report on the data breach of the Office of Personnel Management disclosed in June 2015.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) The effects, if any, of the data breach on the operations of the intelligence community abroad, including the types of operations, if any, that have been negatively affected or entirely suspended or terminated as a result of the data breach.

(2) An assessment of the effects of the data breach on each element of the intelligence community.

(3) An assessment of how foreign persons, groups, or countries may use the data collected by the data breach (particularly regarding information included in background investigations for security clearances), including with respect to—

(A) recruiting intelligence assets;

(B) influencing decisionmaking processes within the Federal Government, including regarding foreign policy decisions; and

(C) compromising employees of the Federal Government and friends and families of such employees for the purpose of gaining access to sensitive national security and economic information.

(4) An assessment of which departments or agencies of the Federal Government use the best practices to protect sensitive data, including a summary of any such best practices that were not used by the Office of Personnel Management.

(5) An assessment of the best practices used by the departments or agencies identified under paragraph (4) to identify and fix potential vulnerabilities in the systems of the department or agency.

(c) **BRIEFING.**—The Director of National Intelligence shall provide to the congressional intelligence committees an interim briefing on the report under subsection (a), including a discussion of proposals and options for responding to cyber attacks.

(d) **FORM.**—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 706. REPORT ON HIRING OF GRADUATES OF CYBER CORPS SCHOLARSHIP PROGRAM BY INTELLIGENCE COMMUNITY.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the National Science Foundation, shall submit to the congressional intelligence committees a report on the employment by the intelligence community of graduates of the Cyber Corps Scholarship Program. The report shall include the following:

(1) The number of graduates of the Cyber Corps Scholarship Program hired by each element of the intelligence community.

(2) A description of how each element of the intelligence community recruits graduates of the Cyber Corps Scholar Program.

(3) A description of any processes available to the intelligence community to expedite the hiring or processing of security clearances for graduates of the Cyber Corps Scholar Program.

(4) Recommendations by the Director of National Intelligence to improve the hiring by the intelligence community of graduates of the Cyber Corps Scholarship Program, including any recommendations for legislative action to carry out such improvements.

(b) **CYBER CORPS SCHOLARSHIP PROGRAM DEFINED.**—In this section, the term “Cyber Corps Scholarship Program” means the Federal Cyber Scholarship-for-Service Program under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442).

**SEC. 707. REPORT ON USE OF CERTAIN BUSINESS CONCERNS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall



submit to the congressional intelligence committees a report on the representation, as of the date of the report, of covered business concerns among the contractors that are awarded contracts by elements of the intelligence community for goods, equipment, tools, and services.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) The representation of covered business concerns as described in subsection (a), including such representation by—

(A) each type of covered business concern; and

(B) each element of the intelligence community.

(2) If, as of the date of the enactment of this Act, the Director does not record and monitor the statistics required to carry out this section, a description of the actions taken by the Director to ensure that such statistics are recorded and monitored beginning in fiscal year 2016.

(3) The actions the Director plans to take during fiscal year 2016 to enhance the awarding of contracts to covered business concerns by elements of the intelligence community.

(c) **COVERED BUSINESS CONCERNS DEFINED.**—In this section, the term “covered business concerns” means the following:

(1) Minority-owned businesses.

(2) Women-owned businesses.

(3) Small disadvantaged businesses.

(4) Service-disabled veteran-owned businesses.

(5) Veteran-owned small businesses.

#### **Subtitle B—Other Matters**

#### **SEC. 711. USE OF HOMELAND SECURITY GRANT FUNDS IN CONJUNCTION WITH DEPARTMENT OF ENERGY NATIONAL LABORATORIES.**

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended in the matter preceding paragraph (1) by inserting “including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))),” after “plans.”.

#### **SEC. 712. INCLUSION OF CERTAIN MINORITY-SERVING INSTITUTIONS IN GRANT PROGRAM TO ENHANCE RECRUITING OF INTELLIGENCE COMMUNITY WORKFORCE.**

Section 1024 of the National Security Act of 1947 (50 U.S.C. 3224) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “historically black colleges and universities and Predominantly Black Institutions” and inserting “historically black colleges and universities, Predominantly Black Institutions, Hispanic-serving institutions, and Asian American and Native American Pacific Islander-serving institutions”; and

(B) in the subsection heading, by striking “HISTORICALLY BLACK” and inserting “CERTAIN MINORITY-SERVING”; and

(2) in subsection (g)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following new paragraphs (5) and (6):

“(5) **HISPANIC-SERVING INSTITUTION.**—The term ‘Hispanic-serving institution’ has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

“(6) **ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.**—The term ‘Asian American and Native American Pacific Islander-serving institution’ has the meaning given that term in section 320(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)(2)).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. NUNES) and the gen-

tleman from California (Mr. SCHIFF) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. NUNES).

#### **GENERAL LEAVE**

Mr. NUNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 4127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NUNES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when Ranking Member SCHIFF and I assumed the helm of the Intelligence Committee, we committed to carrying on the practice of passing annual intelligence authorization bills, which is the most important tool Congress can use to control the intelligence activities of the United States Government. Today, building on the legacy of Chairman ROGERS and Ranking Member RUPPERSBERGER, we are bringing the sixth consecutive intelligence authorization bill to the floor.

Earlier this year the House passed its version of the bill with a strong vote. Since then, the Senate Select Committee on Intelligence reported out its version of the bill by a unanimous consent vote. I commend Chairman BURR and Vice Chairman FEINSTEIN for their leadership on the bill, and I look forward to working with them in future years.

The current bill contains text agreed to by both the House and the Senate committees. It preserves key House initiatives while adding several important provisions from the Senate. None of these provisions are considered controversial.

As most of the intelligence budget involves highly classified programs, the bulk of the direction is found in the bill's classified annex, which has been available in HVC-304 for all Members to review since yesterday.

At an unclassified level, I can report that the classified annex is consistent with the Bipartisan Budget Act of 2015. It reduces the President's request by less than 1 percent while still providing an increase above last year's level.

The agreed text preserves key committee and House funding initiatives that are vital to national security. These initiatives are offset by reductions to unnecessary programs and increased efficiencies. The agreement also provides substantial intelligence resources to help defeat ISIS and other terrorist groups.

Mr. Speaker, today the threat facing America is higher than at any time since 9/11. ISIS has established a safe haven across Iraq and Syria, and the group hopes to create a state stretching from Lebanon to Iraq, including Syria, Jordan, and Israel.

The goal of our counterterrorism strategy should be to deny safe havens from which terrorists can plot attacks against the United States and our al-

lies. Regrettably, we have not prevented ISIS from establishing a safe haven and the group has become skilled at hiding from western intelligence services.

ISIS members have used that breathing room to plan attacks in Europe, North Africa, and the Middle East, and they are undoubtedly planning attacks against the United States.

We rightly demand that our intelligence agencies provide policymakers with the best and most timely information possible on the threats we face. We ask them to track terrorists wherever they train, plan, and fundraise. We ask them to stop devastating cyber attacks that steal American jobs. We ask them to track nuclear missile threats. We demand that they get it right every time.

This bill will ensure that the dedicated men and women of our intelligence community have the funding, authorities, and support they need to carry out their mission and to keep us safe.

Before closing, I want to take a moment to thank the men and women of this country who serve in our intelligence community. I am honored to get to know so many of them in the course of our oversight work.

I would also like to thank all the staff of the committee, both majority and minority, for their hard work on the bill and for their daily oversight of the intelligence community.

I would especially like to thank Jeff Shockey, Shannon Stuart, Andy Peterson, Jake Crisp, and Michael Ellis for all the long hours they put in to get this bill across the finish line.

From the minority staff, I would like to thank Michael Bahar, Tim Bergreen, Carly Blake, and Wells Bennett for their work on the bill.

Finally, thank you to the gentleman from California (Mr. SCHIFF). It has been a pleasure to work with him on this bill, and I look forward to continuing the committee's oversight work with him over the next year.

I would also like to recognize one member of the committee staff, Bill Flanigan. Bill is undergoing surgery today. We wish him all the best in his recovery.

I urge passage of H.R. 4127.

I reserve the balance of my time.

#### **JOINT EXPLANATORY STATEMENT TO ACCOMPANY THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016**

The following consists of the joint explanatory statement to accompany the Intelligence Authorization Act for Fiscal Year 2016.

This joint explanatory statement reflects the status of negotiations and disposition of issues reached between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereinafter, “the Agreement”). The joint explanatory statement shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

The joint explanatory statement comprises three parts: first, an overview of the application of the annex to accompany this statement; second, select unclassified congressional direction; and third, a section-by-section analysis of the unclassified legislative text.

#### PART I: APPLICATION OF THE CLASSIFIED ANNEX

The classified nature of U.S. intelligence activities prevents the congressional intelligence committees from publicly disclosing many details concerning the conclusions and recommendations of the Agreement. Therefore, a classified Schedule of Authorizations and a classified annex have been prepared to describe in detail the scope and intent of the congressional intelligence committees' actions. The Agreement authorizes the Intelligence Community to obligate and expend funds not altered or modified by the classified Schedule of Authorizations as requested in the President's budget, subject to modification under applicable reprogramming procedures.

The classified annex is the result of negotiations between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. It reconciles the differences between the committees' respective versions of the bill for National Intelligence Program (NIP) and the Homeland Security Intelligence Program for Fiscal Year 2016. The Agreement also makes recommendations for the Military Intelligence Program (MIP), and the Information Systems Security Program, consistent with the National Defense Authorization Act for Fiscal Year 2016, and provides certain direction for these two programs.

The Agreement supersedes the classified annexes to the reports accompanying H.R. 2596, as passed by the House on June 16, 2015, and S. 1705, as reported by the Senate Select Committee on Intelligence on July 7, 2015. All references to the House-passed and Senate-reported annexes are solely to identify the heritage of specific provisions.

The classified Schedule of Authorizations is incorporated into the bill pursuant to Section 102. It has the status of law. The classified annex supplements and adds detail to clarify the authorization levels found in the bill and the classified Schedule of Authorizations. The classified annex shall have the same legal force as the report to accompany the bill.

#### PART II: SELECT UNCLASSIFIED CONGRESSIONAL DIRECTION

##### *Enhancing Geographic and Demographic Diversity*

The Agreement directs the Office of the Director for National Intelligence (ODNI) to conduct an awareness, outreach, and recruitment program to rural, under-represented colleges and universities that are not part of the IC Centers of Academic Excellence (IC CAE) program. Further, the Agreement directs that ODNI shall increase and formally track the number of competitive candidates for IC employment or internships who studied at IC CAE schools and other scholarship programs supported by the IC.

Additionally, the Agreement directs that ODNI, acting through the Executive Agent for the IC CAE program, the IC Chief Human Capital Officer, and the Director, IC Equal Opportunity & Diversity, as appropriate, shall:

1. Add a criterion to the IC CAE selection process that applicants must be part of a consortium or actively collaborate with under-resourced schools in their area;
2. Work with CAE schools to reach out to rural and under-resourced schools, including by inviting such schools to participate in the annual IC CAE colloquium and IC recruitment events;

3. Increase and formally track the number of competitive IC internship candidates from IC CAE schools, starting with Fiscal Year 2016 IC summer internships, and provide a report, within 180 days of the enactment of this Act, on its plan to do so;

4. Develop metrics to ascertain whether IC CAE, the Pat Roberts Intelligence Scholars Program, the Louis Stokes Educational Scholarship Program, and the Intelligence Officer Training Program reach a diverse demographic and serve as feeders to the IC workforce;

5. Include in the annual report on minority hiring and retention a breakdown of the students participating in these programs who serve as IC interns, applied for full-time IC employment, received offers of employment, and entered on duty in the IC;

6. Conduct a feasibility study with necessary funding levels regarding how the IC CAE could be better tailored to serve under-resourced schools, and provide such study to the congressional intelligence committees within 180 days of the enactment of this Act;

7. Publicize all IC elements' recruitment activities, including the new Applicant Gateway and the IC Virtual Career Fair, to rural schools, Historically Black Colleges and Universities, and other minority-serving institutions that have been contacted by IC recruiters;

8. Contact new groups with the objective of expanding the IC Heritage Community Liaison Council; and

9. Ensure that IC elements add such activities listed above that may be appropriate to their recruitment plans for Fiscal Year 2016.

ODNI shall provide an interim update to the congressional intelligence committees on its efforts within 90 days of the enactment of this Act and include final results in its annual report on minority hiring and retention.

##### *Analytic Duplication & Improving Customer Impact*

The congressional intelligence committees are concerned about potential duplication in finished analytic products. Specifically, the congressional intelligence committees are concerned that contemporaneous publication of substantially similar intelligence products fosters confusion among intelligence customers (including those in Congress), impedes analytic coherence across the IC, and wastes time and effort. The congressional intelligence committees value competitive analysis, but believe there is room to reduce duplicative analytic activity and improve customer impact.

Therefore, the Agreement directs ODNI to pilot a repeatable methodology to evaluate potential duplication in finished intelligence analytic products and to report the findings to the congressional intelligence committees within 60 days of the enactment of this Act. In addition, the Agreement directs ODNI to report to the congressional intelligence committees within 180 days of enactment of this Act how it will revise analytic practice, tradecraft, and standards to ensure customers can clearly identify how products that are produced contemporaneously and cover similar topics differ from one another in their methodological, informational, or temporal aspects, and the significance of those differences. This report is not intended to cover operationally urgent analysis or current intelligence.

##### *Countering Violent Extremism and the Islamic State in Iraq and the Levant*

The Agreement directs ODNI, within 180 days of enactment of this Act and in consultation with appropriate interagency partners, to brief the congressional intelligence committees on how intelligence agencies are supporting both (1) the Administration's

Countering Violent Extremism (CVE) program first detailed in the 2011 White House strategy Empowering Local Partners to Prevent Violent Extremism in the United States, which was expanded following the January 2015 White House Summit on Countering Violent Extremism, and (2) the Administration's Strategy to Counter the Islamic State of Iraq and the Levant, which was announced in September 2014.

##### *Analytic Health Reports*

The Agreement directs the Defense Intelligence Agency (DIA) to provide Analytic Health Reports to the congressional intelligence committees on a quarterly basis, including an update on the specific effect of analytic modernization on the health of the Defense Intelligence Analysis Program (DIAP) and its ability to reduce analytic risk.

##### *All-Source Analysis Standards*

The Agreement directs DIA to conduct a comprehensive evaluation of the Defense Intelligence Enterprise's (DIE) all-source analysis capability and production in Fiscal Year 2015. The evaluation should assess the analytic output of both NIP and MIP funded all-source analysts, separately and collectively, and apply the following four criteria identified in the ODNI Strategic Evaluation Report for all-source analysis: 1) integrated, 2) objective, 3) timely, and 4) value-added. The results of this evaluation shall be included as part of the Fiscal Year 2017 congressional budget justification book.

##### *Terrorism Investigations*

The Agreement directs the Federal Bureau of Investigation (FBI) to submit to the congressional intelligence committees, within 180 days of enactment of this Act, a report detailing how FBI has allocated resources between domestic and foreign terrorist threats based on numbers of investigations over the past 5 years. The report should be submitted in unclassified form but may include a classified annex.

##### *Investigations of Minors Involved in Radicalization*

The Agreement directs the FBI to provide a briefing to the congressional intelligence committees within 180 days of enactment of this Act on investigations in which minors are encouraged to turn away from violent extremism rather than take actions which that would lead to Federal terrorism indictments. This briefing should place these rates in the context of all investigations of minors for violent extremist activity and should describe any FBI engagement with minors' families, law enforcement, or other individuals or groups connected to the minor during or after investigations.

Furthermore, the Agreement directs the FBI to include how often undercover agents pursue investigations based on a location of interest related to violent extremist activity compared to investigations of an individual or group believed to be engaged in such activity. Included should be the number of locations of interest associated with a religious group or entity. This briefing also should include trend analysis covering the last five years describing violent extremist activity in the U.S.

#### PART III: SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF LEGISLATIVE TEXT

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2016.

##### TITLE I—INTELLIGENCE ACTIVITIES

###### *Section 101. Authorization of appropriations*

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2016.

*Section 102. Classified Schedule of Authorizations*

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2016 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

*Section 103. Personnel ceiling adjustments*

Section 103 is intended to provide additional flexibility to the Director of National Intelligence (DNI) in managing the civilian personnel of the Intelligence Community (IC). Section 103 provides that the DNI may authorize employment of civilian personnel in Fiscal Year 2016 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

*Section 104. Intelligence Community Management Account*

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the Director of National Intelligence and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2016.

*Section 105. Clarification regarding authority for flexible personnel management among elements of intelligence community*

Section 105 clarifies that certain Intelligence Community elements may make hiring decisions based on the excepted service designation.

**TITLE II—CENTRAL INTELLIGENCE AGENCY  
RETIREMENT AND DISABILITY SYSTEM**

*Section 201. Authorization of appropriations*

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2016 for the Central Intelligence Agency Retirement and Disability Fund.

Mr. SCHIFF. Mr. Speaker, I yield myself as much time as I may consume.

First, I want to begin by thanking Chairman NUNES. It has been a great pleasure to work with him. I greatly appreciate his dedication to the responsibilities that we have, the bipartisan way that he has run this committee, the professional way that he and his staff have conducted all the business of the committee. It has just been an honor to work with him, and I am greatly appreciative of all he has done to bring this bill forward.

I also want to express my gratitude to Senators BURR and FEINSTEIN for their efforts at producing this bipartisan, bicameral work product.

Earlier this year the House passed its version of the Intelligence Authorization Act for the fiscal year 2016. After the Senate's Intelligence Committee advanced its version out of committee, we worked together to produce the bill that is before us today. It is the result of careful negotiations and of a bipartisan and bicameral commitment to produce a strong intelligence bill for the sake of our country and of our allies.

I was not able to vote for the intelligence authorization when it first

came before the House in June, but I am proud to support it today. Many of the underlying issues have been resolved or significantly improved. This annual bill, like those that came before it, funds, equips, and sets priorities for the U.S. intelligence community, which is critical in the world that we inhabit today.

The recent Paris attacks drive home just how vigilant we need to be, and the bill before us provides urgent resources for the fight against ISIS and al Qaeda. At the same time, we must never let our focus on any one threat or terror group distract us from the other challenges we face, like those posed by Iran, North Korea, Russia, and China.

This bill strikes the right balance by providing the necessary means to counter other wide-ranging threats from state and nonstate actors, particularly in cyberspace, outer space, and in the undersea environment. The bill also takes critical steps to shore up our counterintelligence capabilities. This is of particular significance after the devastating OPM breach.

Additionally, the intelligence authorization continues to be the single most important means by which Congress conducts oversight of the intelligence community. We much support the IC, but we also have to rigorously oversee it and make sure that what it does in our name comports with our values.

The bill, therefore, prioritizes and provides detailed guidance, strict authorizations, and precise limitations on the activities of the intelligence community. It also fences funds to ensure that throughout the year congressional guidance is strictly followed.

Some of the other highlights of the bill include emphasizing collection to monitor and ensure Iran's compliance with the Joint Comprehensive Plan of Action—this is critical—funding our most important space programs, investing in space protection and resiliency, preserving investments in cutting-edge technologies, and enhancing oversight of contracting and procurement practices. I am particularly pleased with where the revised bill ends up with respect to our space programs.

Other highlights of the bill are promoting enhancements to our foreign partner capabilities, which are crucial to multiplying the reach and impact of our own intelligence efforts; enhancing human intelligence capabilities, which is often the key to understanding and predicting global events; greatly intensifying oversight of defense special operation forces activities worldwide.

The revised bill also continues to incorporate some of the excellent provisions championed by many of the Democratic members of the House Intelligence Committee as well as Republicans, in particular, Mr. HIMES' effort to enhance the quality of metrics we use to enable more thorough oversight, Ms. SEWELL's provisions to enhance diversity within the intelligence commu-

nity, Mr. CARSON's provisions to better understand FBI resource allocation against domestic and foreign threats and the role of FBI and DNI in countering violent extremism particularly in minors, Ms. SPEIER's provision to provide greater human rights oversight of the IC's relationships with certain foreign partners, Mr. QUIGLEY's provision regarding intelligence support to Ukraine, and Mr. SWALWELL's provision to ensure that Department of Energy's national labs can work with State and local government recipients of Homeland Security grants.

As I said earlier, I was not able to support the prior version of the bill, but I am proud to support this version. I urge my colleagues to do the same. This version corrects the misguided overreliance on short-term overseas contingency operations funding to evade the Budget Control Act caps at the expense of our domestic programs.

The bill still contains unwelcome restrictions, in my view, on the closure of our facility at Guantanamo Bay, but it modifies them to mirror the provisions, which passed in the National Defense Authorization Act and which the President recently signed into law. To the extent there are any intelligence funds which could be used to close the prison, these IAA provisions would subject them to the same restrictions as govern the spending of defense funds in the NDAA.

I remain strongly opposed to any restrictions on closing the prison at Guantanamo Bay. As these provisions reflect what is currently in law, I support the larger bill. Especially with what happened in Paris, we need to act now to fund and enable our intelligence agencies.

Once again, I want to thank Chairman NUNES, Chairman BURR, and Vice Chairman FEINSTEIN, as well as the wonderful and hardworking staff of the HPSCI and the SSCL. I also want to thank the administration for their good work.

Mr. Speaker, I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I insert in the RECORD at this point the second part of the joint explanatory statement.

**TITLE III—GENERAL PROVISIONS**

*Section 301. Increase in employee compensation and benefits authorized by law*

Section 301 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

*Section 302. Restriction on conduct of intelligence activities*

Section 302 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

*Section 303. Provision of information and assistance to Inspector General of the Intelligence Community*

Section 303 amends the National Security Act of 1947 to clarify the Inspector General

of the Intelligence Community's authority to seek information and assistance from federal, state, and local agencies or units thereof.

*Section 304. Inclusion of Inspector General of Intelligence Community in Council of Inspectors General on Integrity and Efficiency*

Section 304 amends Section 11(b)(1)(B) of the Inspector General Act of 1978 to reflect the correct name of the Office of the Inspector General of the Intelligence Community. The section also clarifies that the Inspector General of the Intelligence Community is a member of the Council of the Inspectors General on Integrity and Efficiency.

*Section 305. Clarification of authority of Privacy and Civil Liberties Oversight Board*

Section 305 amends the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) to clarify that nothing in the statute authorizing the Privacy and Civil Liberties Oversight Board should be construed to allow that Board to gain access to information regarding an activity covered by section 503 of the National Security Act of 1947.

*Section 306. Enhancing government personnel security programs*

Section 306 directs the Director of National Intelligence (DNI) to develop and implement a plan for eliminating the backlog of overdue periodic investigations, and further requires the DNI to direct each agency to implement a program to provide enhanced security review to individuals determined eligible for access to classified information or eligible to hold a sensitive position.

These enhanced personnel security programs will integrate information relevant and appropriate for determining an individual's suitability for access to classified information; be conducted at least 2 times every 5 years; and commence not later than 5 years after the date of enactment of the Fiscal Year 2016 Intelligence Authorization Act, or the elimination of the backlog of overdue periodic investigations, whichever occurs first.

*Section 307. Notification of changes to retention of call detail record policies*

Section 307 requires the Director of National Intelligence to notify the congressional intelligence committees in writing not later than 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed its policy on the retention of such call details records to result in a retention period of less than 18 months. Section 307 further requires the Director to submit to the congressional intelligence committees within 30 days of enactment a report identifying each electronic communication service provider (if any) that has a current policy in place to retain call detail records for 18 months or less.

*Section 308. Personnel information notification policy by the Director of National Intelligence*

Section 308 requires the Director of National Intelligence to establish a policy to ensure timely notification to the congressional intelligence committees of the identities of individuals occupying senior level positions within the Intelligence Community.

*Section 309. Designation of lead intelligence officer for tunnels*

Section 309 requires the Director of National Intelligence to designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by State and non-State actors.

*Section 310. Reporting process for tracking country clearance requests*

Section 310 requires the Director of National Intelligence (DNI) to establish a for-

mal reporting process for tracking requests for country clearance submitted to overseas DNI representatives. Section 310 also requires the DNI to brief the congressional intelligence committees on its progress.

*Section 311. Study on reduction of analytic duplication*

Sec. 311 requires DNI to carry out a study to identify duplicative analytic products and the reasons for such duplication, ascertain the frequency of and reasons for duplication, and determine whether this review should be considered a part of the responsibilities assigned to the Analytic Integrity and Standards office inside the Office of the DNI. Sec. 311 also requires DNI to provide a plan for revising analytic practice, tradecraft and standards to ensure customers are able to readily identify how analytic products on similar topics that are produced contemporaneously differ from one another and what is the significance of those differences.

*Section 312. Strategy for comprehensive interagency review of the United States national security overhead satellite architecture*

Section 312 requires the Director of National Intelligence, in collaboration with the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, to develop a strategy, with milestones and benchmarks, to ensure that there is a comprehensive interagency review of policies and practices for planning and acquiring national security satellite systems and architectures, including the capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010. Where applicable, this strategy shall account for the unique missions and authorities vested in the Department of Defense and the Intelligence Community.

*Section 313. Cyber attack standards of measurement study*

Section 313 directs the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Secretary of Defense, to carry out a study to determine the appropriate standards to measure the damage of cyber incidents.

**TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

**SUBTITLE A—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE**

*Section 401. Appointment and confirmation of the National Counterintelligence Executive*

Section 401 makes subject to Presidential appointment and Senate confirmation, the executive branch position of National Counterintelligence Executive (NCIX), which was created by the 2002 Counterintelligence Enhancement Act. Effective December 2014, the NCIX was also dual-hatted as the Director of the National Counterintelligence and Security Center.

*Section 402. Technical amendments relating to pay under title 5, United States Code*

Section 402 amends 5 U.S.C. §5102(a)(1) to expressly exclude the Office of the Director of National Intelligence (ODNI) from the provisions of chapter 51 of title 5, relating to position classification, pay, and allowances for General Schedule employees, which does not apply to ODNI by virtue of the National Security Act. This proposal would have no substantive effect.

*Section 403. Analytic Objectivity Review*

The ODNI's Analytic Integrity and Standards (AIS) office was established in response to the requirement in IRTPA for the designation of an entity responsible for ensuring that the Intelligence Community's finished intelligence products are timely, objective, independent of political considerations,

based upon all sources of available intelligence, and demonstrative of the standards of proper analytic tradecraft.

Consistent with responsibilities prescribed under IRTPA, Section 403 requires the AIS Chief to conduct a review of finished intelligence products produced by the CIA to assess whether the reorganization of the Agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity. The report is due two years from the date that the reorganization was announced, March 6, 2017.

**SUBTITLE B—CENTRAL INTELLIGENCE AGENCY AND OTHER ELEMENTS**

*Section 411. Authorities of the Inspector General for the Central Intelligence Agency*

Section 411 amends Section 17 of the Central Intelligence Agency Act of 1949 to consolidate the Inspector General's personnel authorities and to provide the Inspector General with the same authorities as other Inspector Generals to request assistance and information from federal, state, and local agencies or units thereof.

*Section 412. Prior congressional notification of transfers of funds for certain intelligence activities*

Section 412 requires notification to the congressional intelligence committees before transferring funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund that are to be used for intelligence activities.

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

**SUBTITLE A—MATTERS RELATING TO RUSSIA**

*Section 501. Notice of deployment or transfer of Club-K container missile system by the Russian Federation*

Section 501 requires the Director of National Intelligence to submit written notice to the appropriate congressional committees if the Intelligence Community receives intelligence that the Russian Federation has deployed, or is about to deploy, the Club-K container missile system through the Russian military, or transferred or sold, or intends to transfer or sell, such system to another state or non-state actor.

*Section 502. Assessment on funding of political parties and nongovernmental organizations by the Russian Federation*

Section 502 requires the Director of National Intelligence to submit an Intelligence Community assessment to the appropriate congressional committees concerning the funding of political parties and nongovernmental organizations in the former Soviet States and Europe by the Russian Security Services since January 1, 2006, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

*Section 503. Assessment on the use of political assassinations as a form of statecraft by the Russian Federation*

Section 503 requires the Director of National Intelligence to submit an Intelligence Community assessment concerning the use of political assassinations as a form of statecraft by the Russian Federation to the appropriate congressional committees, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

**SUBTITLE B—MATTERS RELATING TO OTHER COUNTRIES**

*Section 511. Report of resources and collection posture with regard to the South China Sea and East China Sea*

Section 511 requires the Director of National Intelligence to submit to the appropriate congressional committees an Intelligence Community assessment on Intelligence Community resourcing and collection posture with regard to the South China

Sea and East China Sea, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

*Section 512. Use of locally employed staff serving at a United States diplomatic facility in Cuba*

Section 512 requires the Secretary of State, not later than one year after the date of the enactment of this Act, to ensure that every supervisory position at a United States diplomatic facility in Cuba is occupied by a citizen of the United States who has passed a thorough background check. Further, not later than 180 days after the date of the enactment of this Act, the provision requires the Secretary of State, in coordination with other appropriate government agencies, to submit to the appropriate congressional committees a plan to further reduce the reliance on locally employed staff in United States diplomatic facilities in Cuba. The plan shall, at a minimum, include cost estimates, timelines, and numbers of employees to be replaced.

*Section 513. Inclusion of sensitive compartmented information facilities in United States diplomatic facilities in Cuba*

Section 513 requires that each United States diplomatic facility in Cuba that is constructed, or undergoes a construction upgrade, be constructed to include a sensitive compartmented information facility.

*Section 514. Report on use by Iran of funds made available through sanctions relief*

Section 514 requires the Director of National Intelligence, in consultation with the Secretary of the Treasury, to submit to the appropriate congressional committees a report assessing the monetary value of any direct or indirect form of sanctions relief Iran has received since the Joint Plan of Action (JPOA) entered into effect, and how Iran has used funds made available through such sanctions relief. This report shall be submitted every 180 days while the JPOA is in effect, and not later than 1 year after an agreement relating to Iran's nuclear program takes effect, and annually thereafter while that agreement remains in effect.

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

*Section 601. Prohibition on use of funds for transfer or release of individual detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States*

Section 601 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release individuals detained at Guantanamo Bay to or within the United States, its territories, or possessions.

*Section 602. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba*

Section 602 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to construct or modify facilities in the United States, its territories, or possessions to house detainees transferred from Guantanamo Bay.

*Section 603. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba*

Section 603 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release an individual detained at Guantanamo

Bay to the custody or control of any country, or any entity within such country, as follows: Libya, Somalia, Syria, or Yemen.

**TITLE VII—REPORTS AND OTHER MATTERS**

**SUBTITLE A—REPORTS**

*Section 701. Repeal of certain reporting requirements*

Section 701 repeals certain reporting requirements.

*Section 702. Reports on foreign fighters*

Section 702 requires the Director of National Intelligence to submit a report every 60 days for the three years following the enactment of this Act to the congressional intelligence committees on foreign fighter flows to and from Syria and Iraq. Section 702 requires information on the total number of foreign fighters who have traveled to Syria or Iraq, the total number of United States persons who have traveled or attempted to travel to Syria or Iraq, the total number of foreign fighters in Terrorist Identities Datamart Environment, the total number of foreign fighters who have been processed with biometrics, any programmatic updates to the foreign fighter report, and a worldwide graphic that describes foreign fighter flows to and from Syria.

*Section 703. Report on strategy, efforts, and resources to detect, deter, and degrade Islamic State revenue mechanisms*

Section 703 requires the Director of National Intelligence to submit a report on the strategy, efforts, and resources of the intelligence community that are necessary to detect, deter, and degrade the revenue mechanisms of the Islamic State.

*Section 704. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents*

Section 704 requires the President to submit to the appropriated congressional committees a comprehensive report on the counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

*Section 705. Report on effects of data breach of Office of Personnel Management*

Section 705 requires the President to transmit to the congressional intelligence communities a report on the data breach of the Office of Personnel Management. Section 705 requires information on the impact of the breach on intelligence community operations abroad, in addition to an assessment of how foreign persons, groups, or countries may use data collected by the breach and what Federal Government agencies use best practices to protect sensitive data.

*Section 706. Report on hiring of graduates of Cyber Corps Scholarship Program by intelligence community*

Section 706 requires the Director of National Intelligence (DNI) to submit to the congressional intelligence committees a report on the employment by the intelligence community of graduates of the Cyber Corps Scholarship Program. Section 706 requires information on the number of graduates hired by each element of the intelligence community, the recruitment process for each element of the intelligence community, and DNI recommendations to improve the hiring process.

*Section 707. Report on use of certain business concerns*

Section 707 requires the Director of National Intelligence to submit to the congressional intelligence committees a report of covered business concerns—including minority-owned, women-owned, small disadvan-

taged, service-enabled veteran-owned, and veteran-owned small businesses—among contractors that are awarded contracts by the intelligence community for goods, equipment, tools and services.

**SUBTITLE B—OTHER MATTERS**

*Section 711. Use of homeland security grant funds in conjunction with Department of Energy national laboratories*

Section 711 amends Section 2008(a) of the Homeland Security Act of 2002 to clarify that the Department of Energy's national laboratories may seek access to homeland security grant funds.

*Section 712. Inclusion of certain minority-serving institutions in grant program to enhance recruiting of intelligence community workforce*

Section 712 amends the National Security Act of 1947 to include certain minority-serving institutions in the intelligence officer training programs established under Section 1024 of the Act.

□ 1315

Mr. SCHIFF. Mr. Speaker, I yield myself the remainder of my time.

The world is a dangerous place, and our intelligence agencies and professionals are on the front lines of keeping us, our allies, and our partners safe. We also have to ensure that no matter how dangerous the world becomes, the United States adheres to its values. What is done to protect America cannot undermine America, and this legislation ensures consistent and rigorous oversight.

To the men and women of our intelligence community, you continue to have my sincerest gratitude and respect for all that you do and my full appreciation of your dedication, your patriotism, and your unparalleled skills.

We in Congress must now do our part by passing this bill, and then we must turn to completing work on cyber legislation and to beginning the urgent task of preparing for the fiscal year 2017 authorization bill.

To Chairman NUNES, Chairman BURR, and Vice Chair FEINSTEIN, thank you again for your leadership, your bipartisanship, and your determination to do what is right.

To all the Members of the House Permanent Select Committee on Intelligence, I thank you for your good work as well.

Finally, thank you to our very superb professional staff. You do a great job each and every day, and often for very, very long hours.

Mr. Speaker, I yield back the balance of my time.

Mr. NUNES. Mr. Speaker, before I close, I want to reiterate that the bill is the most effective way for Congress to carry out oversight of intelligence activities. This bill forces the executive branch to remain responsive to congressional direction and priorities.

As the recent terrorist attacks in Paris show, our enemies are rapidly improving their ability to launch deadly strikes against the United States and our allies. Given these elevated threat levels, it is crucial that our intelligence professionals receive the resources they need to keep Americans

safe. This bill will authorize those resources while ensuring full congressional oversight of the intelligence community. I urge my colleagues to vote for the bill.

In closing, Mr. Speaker, I want to again thank Mr. SCHIFF for his congeniality and all of his staff's work and our staff's work on our side.

Mr. Speaker, I urge passage of the bill.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee and Ranking member of the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I rise in support of H.R. 4127, the "Intelligence Authorization Act for Fiscal Year 2016," for several reasons.

With bipartisan legislative changes negotiated and incorporated, H.R. 4127, is an improved and acceptable bill that will provide critical funding for our nation's 16 intelligence agencies.

While this measure is not perfect, H.R. 4127 corrects many of the provisions that were objectionable by providing a more balanced and realistic budget for our Intelligence Community.

The revised Intelligence Authorization Act makes cuts to less effective programs, adds money to underfunded ones, and requires intelligence agencies to keep Congress abreast of their activities to ensure responsible and lawful spending practices.

More specifically, I am pleased that this bill will: provide critical resources for the fight against ISIL; emphasize collection to monitor and ensure compliance with the Iranian nuclear agreement; provide the necessary means to counter threats from nation-state actors, particularly in cyberspace, space and the undersea environment, and furthermore helps to shore up our counter-proliferation and counter-intelligence capabilities; support our overhead architecture through the funding of critical space programs, invests in space protection and resiliency, preserves investments in cutting-edge technologies, and enhances the oversight of contracting and procurement practices; promotes foreign partner capabilities; and enhance human intelligence capabilities and oversight throughout CIA's reorganization process.

H.R. 4127 will provide funding that is 7% above last year's enacted budget level, and only 1% less than President Obama's budget request.

Importantly, this version of the bill corrects the over-reliance on short-term Overseas Contingency Operations (OCO) funding to evade Budget Control Act caps, which proved problematic in the earlier version.

I applaud my colleagues for working together to reach agreement on a fair and balanced budget framework that does not harm our economy or require draconian cuts.

Additionally of concern in the prior measure, to the extent intelligence funds might be used in an effort to shutter the Guantanamo facility, the Guantanamo-related language in the current version will merely subject those funds to restrictions identical to those imposed by the FY 2016 National Defense Authorization Act, recently passed and signed into law by the President.

Lastly, while a provision of H.R. 4127 still curtails the Privacy and Civil Liberties Over-

sight Board's (PCLOB) ability to access information regarding covert action, it does not alter the PCLOB's broader jurisdiction or mission to provide independent oversight and to ensure that the U.S. appropriately protects privacy and civil liberties in its counter terrorism programs.

With respect to covert actions, the language of H.R. 4127 has been reworded to emphasize that such actions are subject to presidential approval and reporting to Congress pursuant to existing law.

The balance between liberty and security must be respected to preserve our way of life and the values that countless generations have fought to preserve.

This includes taking precautionary measures to ensure that lives are safe from eminent danger and terrorist threats both domestically and abroad.

On balance, Mr. Speaker, H.R. 4127 contains more salutary than objectionable provisions, and for that reason I support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. NUNES) that the House suspend the rules and pass the bill, H.R. 4127.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 539;

Adopting H. Res. 539, if ordered; and Suspending the rules and passing S. 1170.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 8, NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015; PROVIDING FOR CONSIDERATION OF S.J. RES. 23, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY; AND PROVIDING FOR CONSIDERATION OF S.J. RES. 24, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 539) providing for consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy se-

curity and diplomacy, and promote energy efficiency and government accountability, and for other purposes; providing for consideration of the joint resolution (S.J. Res. 23) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units"; and providing for consideration of the joint resolution (S.J. Res. 24) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units", on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 242, nays 179, not voting 12, as follows:

[Roll No. 646]

YEAS—242

Abraham	Duncan (TN)	Kelly (MS)
Aderholt	Ellmers (NC)	Kelly (PA)
Allen	Emmer (MN)	King (IA)
Amash	Farenthold	King (NY)
Amodei	Fincher	Kinzinger (IL)
Babin	Fitzpatrick	Kline
Barletta	Fleischmann	Knight
Barr	Fleming	Labrador
Barton	Flores	LaHood
Benishek	Forbes	LaMalfa
Bilirakis	Fortenberry	Lamborn
Bishop (MI)	Fox	Lance
Bishop (UT)	Franks (AZ)	Latta
Black	Frelinghuysen	LoBiondo
Blackburn	Garrett	Long
Blum	Gibbs	Loudermilk
Bost	Gibson	Love
Boustany	Gohmert	Lucas
Brady (TX)	Goodlatte	Luetkemeyer
Brat	Gosar	Lummis
Bridenstine	Gowdy	MacArthur
Brooks (AL)	Granger	Marchant
Brooks (IN)	Graves (GA)	Marino
Buchanan	Graves (LA)	Massie
Buck	Graves (MO)	McCarthy
Bucshon	Griffith	McCaul
Burgess	Grothman	McClintock
Byrne	Guinta	McHenry
Calvert	Guthrie	McKinley
Carter (GA)	Hanna	McMorris
Carter (TX)	Hardy	Rodgers
Chabot	Harper	McSally
Chaffetz	Harris	Meadows
Clawson (FL)	Hartzler	Meehan
Cole	Heck (NV)	Messer
Collins (GA)	Hensarling	Mica
Collins (NY)	Hice, Jody B.	Miller (FL)
Comstock	Hill	Miller (MI)
Conaway	Holding	Moolenaar
Cook	Hudson	Mooney (WV)
Costello (PA)	Huelskamp	Mullin
Cramer	Huizenga (MI)	Mulvaney
Crawford	Hultgren	Murphy (PA)
Crenshaw	Hunter	Neugebauer
Culberson	Hurd (TX)	Newhouse
Curbelo (FL)	Hurt (VA)	Noem
Davis, Rodney	Issa	Nugent
Denham	Jenkins (KS)	Nunes
Dent	Jenkins (WV)	Olson
DeSantis	Johnson (OH)	Palazzo
DesJarlais	Johnson, Sam	Palmer
Diaz-Balart	Jolly	Paulsen
Dold	Jones	Pearce
Donovan	Jordan	Perry
Duffy	Joyce	Pittenger
Duncan (SC)	Katko	Pitts