

114TH CONGRESS
2^D SESSION

H. R. 5077

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

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

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Authorization of appropriations for Privacy and Civil Liberties Oversight Board.

Sec. 304. Modification of certain whistleblowing procedures.

Sec. 305. Reports on major defense intelligence acquisition programs.

Sec. 306. Modifications to certain requirements for construction of facilities.

Sec. 307. Information on activities of Privacy and Civil Liberties Oversight Board.

Sec. 308. Clarification of authorization of certain activities of the Department of Energy.

Sec. 309. Technical correction to Executive Schedule.

Sec. 310. Maximum amount charged for declassification reviews.

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

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Analyses and impact statements by Director of National Intelligence regarding actions by Committee on Foreign Investment in the United States.

Sec. 402. National Counterintelligence and Security Center.

Sec. 403. Assistance for governmental entities and private entities in recognizing online violent extremist content.

Subtitle B—Central Intelligence Agency and Other Elements

Sec. 411. Enhanced death benefits for personnel of the Central Intelligence Agency.

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

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

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

TITLE VI—REPORTS AND OTHER MATTERS

- Sec. 601. Report on intelligence community employees detailed to National Security Council.
- Sec. 602. Intelligence community reporting to Congress on foreign fighter flows.
- Sec. 603. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by the intelligence community.
- Sec. 604. Report on cybersecurity threats to seaports of the United States and maritime shipping.
- Sec. 605. Report on counter-messaging activities.
- Sec. 606. Report on reprisals against contractors of the intelligence community.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

10 (2) INTELLIGENCE COMMUNITY.—The term
11 “intelligence community” has the meaning given

1 that term in section 3(4) of the National Security
2 Act of 1947 (50 U.S.C. 3003(4)).

3 **TITLE I—INTELLIGENCE**
4 **ACTIVITIES**

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

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

10 (1) The Office of the Director of National Intel-
11 ligence.

12 (2) The Central Intelligence Agency.

13 (3) The Department of Defense.

14 (4) The Defense Intelligence Agency.

15 (5) The National Security Agency.

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

19 (7) The Coast Guard.

20 (8) The Department of State.

21 (9) The Department of the Treasury.

22 (10) The Department of Energy.

23 (11) The Department of Justice.

24 (12) The Federal Bureau of Investigation.

25 (13) The Drug Enforcement Administration.

1 (14) The National Reconnaissance Office.

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

4 (16) The Department of Homeland Security.

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

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

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

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

21 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
22 ject to paragraph (3), the President shall provide for
23 suitable distribution of the classified Schedule of Au-
24 thorizations, or of appropriate portions of the Sched-
25 ule, within the executive branch.

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

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

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

10 (C) as otherwise required by law.

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

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

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

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

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

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

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

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

16 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
17 **COUNT.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated for the Intelligence Commu-
20 nity Management Account of the Director of National In-
21 telligence for fiscal year 2017 the sum of \$518,596,000.
22 Within such amount, funds identified in the classified
23 Schedule of Authorizations referred to in section 102(a)
24 for advanced research and development shall remain avail-
25 able until September 30, 2018.

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

9 (c) CLASSIFIED AUTHORIZATIONS.—

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

21 (2) AUTHORIZATION OF PERSONNEL.—In addi-
22 tion to the personnel authorized by subsection (b)
23 for elements of the Intelligence Community Manage-
24 ment Account as of September 30, 2017, there are
25 authorized such additional personnel for the Com-

1 community Management Account as of that date as are
2 specified in the classified Schedule of Authorizations
3 referred to in section 102(a).

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

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

12 **TITLE III—GENERAL**
13 **PROVISIONS**

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

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

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

23 The authorization of appropriations by this Act shall
24 not be deemed to constitute authority for the conduct of

1 any intelligence activity which is not otherwise authorized
2 by the Constitution or the laws of the United States.

3 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR PRI-**
4 **VACY AND CIVIL LIBERTIES OVERSIGHT**
5 **BOARD.**

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

10 “(m) FUNDING.—

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

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

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to the Privacy and Civil Lib-
23 erties Oversight Board for fiscal year 2017 the sum of
24 \$10,081,000 to carry out the activities of the Board under

1 section 1061 of the Intelligence Reform and Terrorism
2 Prevention Act of 2004 (42 U.S.C. 2000ee(m)).

3 **SEC. 304. MODIFICATION OF CERTAIN WHISTLEBLOWING**
4 **PROCEDURES.**

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

12 (b) CENTRAL INTELLIGENCE AGENCY.—

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

16 (A) in subparagraph (B)—

17 (i) by striking clause (ii);

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

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

22 and

23 (B) in subparagraph (D)—

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

4 (ii) in clause (ii)—

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

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

14 (2) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

8 (A) in subsection (b)—

9 (i) by striking paragraph (2);

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

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

15 (B) in subsection (d)—

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

19 (ii) in paragraph (2)—

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

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

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

9 (A) by striking subsection (e);

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

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

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

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

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

24 (B) in subparagraph (D)—

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

4 (ii) in clause (ii)—

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

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

14 (2) CONFORMING AMENDMENTS.—Section
15 103H(k)(5) of such Act is further amended—

16 (A) by striking subparagraph (C); and

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

20 (e) RULE OF CONSTRUCTION.—None of the amend-
21 ments made by this section may be construed to prohibit
22 or otherwise affect the authority of an Inspector General
23 of an element of the intelligence community, the Inspector
24 General of the Central Intelligence Agency, or the Inspec-
25 tor General of the Intelligence Community to notify the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(g) DEFINITIONS.—In this section:

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

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

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

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

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

18 “(5) INFORMATION.—

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

1 “(B) OFFICIALS AND CONGRESSIONAL
2 COMMITTEES SPECIFIED.—The officials and
3 congressional committees specified in this sub-
4 paragraph are the following:

5 “(i) The Director of National Intel-
6 ligence.

7 “(ii) The head of any element of the
8 intelligence community (as defined in sec-
9 tion 3(4) of the National Security Act of
10 1947 (50 U.S.C. 3003(4)) the activities of
11 which are, or are anticipated to be, the
12 subject of the review or advice of the
13 Board.

14 “(iii) The Permanent Select Com-
15 mittee on Intelligence of the House of Rep-
16 resentatives and the Select Committee on
17 Intelligence of the Senate.”.

18 **SEC. 308. CLARIFICATION OF AUTHORIZATION OF CERTAIN**
19 **ACTIVITIES OF THE DEPARTMENT OF EN-**
20 **ERGY.**

21 Funds appropriated for fiscal year 2016 for intel-
22 ligence and intelligence-related activities of the Depart-
23 ment of Energy shall be deemed to be authorized to be
24 appropriated for such activities, including for purposes of

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

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

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

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

10 In reviewing and processing a request by a person
11 for the mandatory declassification of information pursuant
12 to Executive Order No. 13526, a successor Executive
13 order, or any other provision of law, the head of an ele-
14 ment of the intelligence community—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (4) in subsection (d)—

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

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

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

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

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

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

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

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

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

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

19 (c) CONFORMING AMENDMENTS.—

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

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

25 “, the National Counterproliferation Center,

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

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

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

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

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

24 (B) in subsection (d)(1)(B)(ii)—

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

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

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

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

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

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

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

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

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

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

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

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

5 Section 11 of the Central Intelligence Agency Act of
6 1949 (50 U.S.C. 3511) is amended to read as follows:

7 “BENEFITS AVAILABLE IN EVENT OF THE DEATH OF
8 PERSONNEL

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

16 “(b) **REGULATIONS.**—Regulations issued pursuant to
17 this section shall be submitted to the Permanent Select
18 Committee on Intelligence of the House of Representatives
19 and the Select Committee on Intelligence of the Senate
20 before such regulations take effect.”.

21 **SEC. 412. PAY AND RETIREMENT AUTHORITIES OF THE IN-**
22 **SPECTOR GENERAL OF THE CENTRAL INTEL-**
23 **LIGENCE AGENCY.**

24 (a) **IN GENERAL.**—Section 17(e)(7) of the Central
25 Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(7))

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

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

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

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

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

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

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

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

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

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

13 (3) by striking subparagraph (D).

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

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

23 (b) APPLICATION.—Subsection (a) shall apply with
24 respect to a pay period beginning on or after the date that
25 is 1 year after the date of the enactment of this Act.

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

4 (a) PLAN.—

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

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

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

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

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

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

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

16 (c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

1 (5) provide information to managers on the fi-
2 nancial and administrative costs of the security
3 clearance process;

4 (6) strengthen the ties between counterintel-
5 ligence and personnel security communities; and

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

8 (b) GUIDANCE.—The Director of National Intel-
9 ligence shall support the Director of the Office of Per-
10 sonnel Management and the Secretary of Defense in the
11 efforts of the Director of the Office of Personnel Manage-
12 ment and the Secretary to issue guidance establishing the
13 respective roles, responsibilities, and obligations of the Di-
14 rector of the Office of Personnel Management, the Sec-
15 retary, and the Director of National Intelligence, with re-
16 spect to the development and implementation of the Sys-
17 tem.

1 **TITLE V—MATTERS RELATING**
2 **TO UNITED STATES NAVAL**
3 **STATION, GUANTANAMO BAY,**
4 **CUBA**

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

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

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

15 (A) complete a declassification review of
16 intelligence reports prepared by the National
17 Counterterrorism Center prior to Periodic Re-
18 view Board sessions or detainee transfers on
19 the past terrorist activities of individuals de-
20 tained at United States Naval Station, Guanta-
21 namo Bay, Cuba, who were transferred or re-
22 leased from United States Naval Station, Guan-
23 tanamo Bay, Cuba, after the signing of Execu-
24 tive Order No. 13492 (relating to the closure of

1 the detention facility at United States Naval
2 Station, Guantanamo Bay, Cuba); and

3 (B) make available to the public any infor-
4 mation declassified as a result of the declas-
5 sification review; and

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

8 (A) the results of the declassification re-
9 view; and

10 (B) if any information covered by the de-
11 classification review was not declassified pursu-
12 ant to the review, a justification for the deter-
13 mination not to declassify such information.

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

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

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

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

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

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

6 **TITLE VI—REPORTS AND OTHER** 7 **MATTERS**

8 **SEC. 601. REPORT ON INTELLIGENCE COMMUNITY EM-** 9 **EMPLOYEES DETAILED TO NATIONAL SECURITY** 10 **COUNCIL.**

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

18 **SEC. 602. INTELLIGENCE COMMUNITY REPORTING TO CON-** 19 **GRESS ON FOREIGN FIGHTER FLOWS.**

20 (a) **REPORTS REQUIRED.**—Not later than 60 days
21 after the date of the enactment of this Act, and every 180
22 days thereafter, the Director of National Intelligence, con-
23 sistent with the protection of intelligence sources and
24 methods, shall submit to the appropriate congressional

1 committees a report on foreign fighter flows to and from
2 terrorist safe havens abroad.

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

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

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

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

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

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

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

25 (1) in the Senate—

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

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

6 (a) REPORT.—Not later than 90 days after the date
7 of the enactment of this Act, the Director of National In-
8 telligence shall submit to Congress a report by the intel-
9 ligence community regarding covered academic programs.
10 Such report shall include—

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

16 (A) the number of applicants for such pro-
17 grams;

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

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

24 (2) to the extent that the Director and the
25 heads independently collect the information de-
26 scribed in paragraph (1), a chart, table, or other

1 compilation illustrating such information for each
2 covered academic program and element of the intel-
3 ligence community, as appropriate, during the 3-year
4 period preceding the date of the report; and

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

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

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

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

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

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

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

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

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

12 **SEC. 604. REPORT ON CYBERSECURITY THREATS TO SEA-**
13 **PORTS OF THE UNITED STATES AND MARI-**
14 **TIME SHIPPING.**

15 (a) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Under Secretary of
17 Homeland Security for Intelligence and Analysis, in con-
18 sultation with the Director of National Intelligence, and
19 consistent with the protection of sources and methods,
20 shall submit to the appropriate congressional committees
21 a report on the cybersecurity threats to, and the cyber
22 vulnerabilities within, the software, communications net-
23 works, computer networks, or other systems employed
24 by—

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

3 (2) the maritime shipping concerns of the
4 United States; and

5 (3) entities conducting significant operations at
6 transshipment points in the United States.

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

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

15 (2) An assessment of—

16 (A) any planned cyberattacks directed
17 against such software, networks, and systems;

18 (B) any significant vulnerabilities to such
19 software, networks, and systems; and

20 (C) how such entities and concerns are
21 mitigating such vulnerabilities.

22 (3) An update on the status of the efforts of
23 the Coast Guard to include cybersecurity concerns in
24 the National Response Framework, Emergency Sup-

1 port Functions, or both, relating to the shipping or
2 ports of the United States.

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

6 (1) the congressional intelligence committees;
7 and

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

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

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

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

23 (1) A description of whether, and to what ex-
24 tent, the Secretary of Homeland Security, in con-
25 ducting counter-messaging activities with respect to

1 the Islamic State and other extremist groups,
2 consults or coordinates with the Secretary of State,
3 regarding the counter-messaging activities under-
4 taken by the Department of State with respect to
5 the Islamic State and other extremist groups, includ-
6 ing counter-messaging activities conducted by the
7 Global Engagement Center of the Department of
8 State.

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

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

18 (1) the congressional intelligence committees;

19 and

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

1 **SEC. 606. REPORT ON REPRISALS AGAINST CONTRACTORS**
2 **OF THE INTELLIGENCE COMMUNITY.**

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

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

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

15 (2) An evaluation of the usefulness of estab-
16 lishing in law a prohibition on reprisals against cov-
17 ered contractor employees as a means of encour-
18 aging such contractors to make protected disclo-
19 sures.

20 (3) A description of any challenges associated
21 with establishing in law such a prohibition, including
22 with respect to the nature of the relationship be-
23 tween the Federal Government, the contractor, and
24 the covered contractor employee.

25 (4) A description of any approaches taken by
26 the Federal Government to account for reprisals

1 against non-intelligence community contractors who
2 make protected disclosures, including pursuant to
3 section 2409 of title 10, United States Code, and
4 sections 4705 and 4712 of title 41, United States
5 Code.

6 (5) Any recommendations the Inspector General
7 determines appropriate.

8 (c) DEFINITIONS.—In this section:

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

11 (A) the congressional intelligence commit-
12 tees; and

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

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

20 (3) The term “reprisal” means the discharge,
21 demotion, or other discriminatory personnel action
22 made against a covered contractor employee for
23 making a disclosure of information that would be a

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

Passed the House of Representatives May 24, 2016.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H. R. 5077

AN ACT

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