

Calendar No. 4115TH CONGRESS
1ST SESSION**S. 133****[Report No. 115–2]**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

Mr. BURR introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

JANUARY 20, 2017

Reported by Mr. BURR, without amendment

A BILL

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

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

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 INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation and benefits authorized by law.

Sec. 303. Support to nonprofit organizations assisting intelligence community
 employees.

Sec. 304. Promotion of science, technology, engineering, and mathematics edu-
 cation in the intelligence community.

Sec. 305. Retention of employees of the intelligence community who have
 science, technology, engineering, or mathematics expertise.

Sec. 306. Multi-sector workforce.

Sec. 307. Notification of repair or modification of facilities to be used primarily
 by the intelligence community.

Sec. 308. Guidance and reporting requirement regarding the interactions be-
 tween the intelligence community and entertainment industry.

Sec. 309. Protections for independent inspectors general of certain elements of
 the intelligence community.

Sec. 310. Congressional oversight of policy directives and guidance.

Sec. 311. Notification of memoranda of understanding.

Sec. 312. Assistance for nationally significant critical infrastructure.

Sec. 313. Technical correction to Executive Schedule.

Sec. 314. Maximum amount charged for declassification reviews.

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

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Designation of the Director of the National Counterintelligence and
 Security Center.

Sec. 402. Analyses and impact statements by Director of National Intelligence
 regarding investment into the United States.

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

Subtitle B—Central Intelligence Agency

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

Sec. 412. Pay and retirement authorities of the Inspector General of the Central Intelligence Agency.

Subtitle C—Other Elements

Sec. 421. Enhancing the technical workforce for the Federal Bureau of Investigation.

Sec. 422. Plan on assumption of certain weather missions by the National Reconnaissance Office.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

Sec. 501. Committee to counter active measures by the Russian Federation to exert covert influence over peoples and governments.

Sec. 502. Strict enforcement of travel protocols and procedures of accredited diplomatic and consular personnel of the Russian Federation in the United States.

Sec. 503. Study and report on enhanced intelligence and information sharing with Open Skies Treaty member states.

TITLE VI—REPORTS AND OTHER MATTERS

Sec. 601. Declassification review with respect to detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 602. Cyber Center for Education and Innovation—Home of the National Cryptologic Museum.

Sec. 603. Report on national security systems.

Sec. 604. Joint facilities certification.

Sec. 605. Leadership and management of space activities.

Sec. 606. Advances in life sciences and biotechnology.

Sec. 607. Reports on declassification proposals.

Sec. 608. Improvement in Government classification and declassification.

Sec. 609. Report on implementation of research and development recommendations.

Sec. 610. Report on Intelligence Community Research and Development Corps.

Sec. 611. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by the intelligence community.

Sec. 612. Report on intelligence community employees detailed to National Security Council.

Sec. 613. Intelligence community reporting to Congress on foreign fighter flows.

Sec. 614. Report on cybersecurity threats to seaports of the United States and maritime shipping.

Sec. 615. Report on counter-narrative activities.

Sec. 616. Report on reprisals against contractors of the intelligence community.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

12 **TITLE I—INTELLIGENCE**
13 **ACTIVITIES**

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

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

19 (1) The Office of the Director of National Intel-
20 ligence.

21 (2) The Central Intelligence Agency.

22 (3) The Department of Defense.

23 (4) The Defense Intelligence Agency.

24 (5) The National Security Agency.

1 (6) The Department of the Army, the Depart-
2 ment of the Navy, and the Department of the Air
3 Force.

4 (7) The Coast Guard.

5 (8) The Department of State.

6 (9) The Department of the Treasury.

7 (10) The Department of Energy.

8 (11) The Department of Justice.

9 (12) The Federal Bureau of Investigation.

10 (13) The Drug Enforcement Administration.

11 (14) The National Reconnaissance Office.

12 (15) The National Geospatial-Intelligence Agen-
13 cy.

14 (16) The Department of Homeland Security.

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

16 (a) SPECIFICATIONS OF AMOUNTS.—The amounts
17 authorized to be appropriated under section 101 and, sub-
18 ject to section 103, the authorized personnel ceilings as
19 of September 30, 2017, for the conduct of the intelligence
20 activities of the elements listed in paragraphs (1) through
21 (16) of section 101, are those specified in the classified
22 Schedule of Authorizations prepared to accompany the bill
23 S. 133 of the One Hundred Fifteenth Congress.

24 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
25 THORIZATIONS.—

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

6 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
7 ject to paragraph (3), the President shall provide for
8 suitable distribution of the classified Schedule of Au-
9 thorizations referred to in subsection (a), or of ap-
10 propriate portions of such Schedule, within the exec-
11 utive branch.

12 (3) LIMITS ON DISCLOSURE.—The President
13 shall not publicly disclose the classified Schedule of
14 Authorizations or any portion of such Schedule ex-
15 cept—

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

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

21 (C) as otherwise required by law.

22 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

23 (a) AUTHORITY FOR INCREASES.—The Director of
24 National Intelligence may authorize employment of civil-
25 ian personnel in excess of the number authorized for fiscal

1 year 2017 by the classified Schedule of Authorizations re-
2 ferred to in section 102(a) if the Director of National In-
3 telligence determines that such action is necessary to the
4 performance of important intelligence functions, except
5 that the number of personnel employed in excess of the
6 number authorized under such section may not, for any
7 element of the intelligence community, exceed—

8 (1) 3 percent of the number of civilian per-
9 sonnel authorized under such schedule for such ele-
10 ment; or

11 (2) 10 percent of the number of civilian per-
12 sonnel authorized under such schedule for such ele-
13 ment for the purposes of contractor conversions.

14 (b) TREATMENT OF CERTAIN PERSONNEL.—The Di-
15 rector of National Intelligence shall establish guidelines
16 that govern, for each element of the intelligence commu-
17 nity, the treatment under the personnel levels authorized
18 under section 102(a), including any exemption from such
19 personnel levels, of employment or assignment in—

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

22 (2) a reserve corps or as a reemployed annu-
23 itant; or

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

1 (c) NOTICE TO CONGRESSIONAL INTELLIGENCE
2 COMMITTEES.—Not later than 15 days prior to the exer-
3 cise of an authority described in subsection (a), the Direc-
4 tor of National Intelligence shall submit to the congres-
5 sional intelligence committees—

6 (1) a written notice of the exercise of such au-
7 thority; and

8 (2) in the case of an exercise of such authority
9 subject to the limitation in subsection (a)(2), a writ-
10 ten justification for the contractor conversion.

11 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
12 **COUNT.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for the Intelligence Commu-
15 nity Management Account of the Director of National In-
16 telligence for fiscal year 2017 the sum of \$561,788,000.
17 Within such amount, funds identified in the classified
18 Schedule of Authorizations referred to in section 102(a)
19 for advanced research and development shall remain avail-
20 able until September 30, 2018.

21 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
22 ments within the Intelligence Community Management
23 Account of the Director of National Intelligence are au-
24 thorized 787 positions as of September 30, 2017. Per-
25 sonnel serving in such elements may be permanent em-

1 ployees of the Office of the Director of National Intel-
2 ligence or personnel detailed from other elements of the
3 United States Government.

4 (c) CLASSIFIED AUTHORIZATIONS.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to amounts authorized to be appropriated
7 for the Intelligence Community Management Ac-
8 count by subsection (a), there are authorized to be
9 appropriated for the Intelligence Community Man-
10 agement Account for fiscal year 2017 such addi-
11 tional amounts as are specified in the classified
12 Schedule of Authorizations referred to in section
13 102(a). Such additional amounts made available for
14 advanced research and development shall remain
15 available until September 30, 2018.

16 (2) AUTHORIZATION OF PERSONNEL.—In addi-
17 tion to the personnel authorized by subsection (b)
18 for elements of the Intelligence Community Manage-
19 ment Account as of September 30, 2017, there are
20 authorized such additional personnel for the Com-
21 munity Management Account as of that date as are
22 specified in the classified Schedule of Authorizations
23 referred to in section 102(a).

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

9 **TITLE III—GENERAL INTEL-**
10 **LIGENCE COMMUNITY MAT-**
11 **TERS**

12 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
13 **ACTIVITIES.**

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

18 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
19 **BENEFITS AUTHORIZED BY LAW.**

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

1 **SEC. 303. SUPPORT TO NONPROFIT ORGANIZATIONS AS-**
2 **SISTING INTELLIGENCE COMMUNITY EM-**
3 **PLOYEES.**

4 (a) DIRECTOR OF NATIONAL INTELLIGENCE.—Sec-
5 tion 102A of the National Security Act of 1947 (50 U.S.C.
6 3024) is amended by adding at the end the following:

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

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

13 “(B) otherwise provide support for the welfare,
14 education, or recreation of employees of an element
15 of the intelligence community, former employees of
16 an element of the intelligence community, or family
17 members of such employees.

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

23 “(3) Not later than 7 days after the date the Director
24 engages in fundraising authorized by this subsection or
25 at the time the decision is made to participate in such

1 fundraising, the Director shall notify the congressional in-
2 telligence committees of such fundraising.

3 “(4) The Director, in consultation with the Director
4 of the Office of Government Ethics, shall issue regulations
5 to carry out the authority provided in this subsection.
6 Such regulations shall ensure that such authority is exer-
7 cised in a manner that is consistent with all relevant eth-
8 ical constraints and principles, including the avoidance of
9 any prohibited conflict of interest or appearance of improp-
10 riety.”.

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

15 “(3) Not later than the date that is 7 days after the
16 date the Director engages in fundraising authorized by
17 this subsection or at the time the decision is made to par-
18 ticipate in such fundraising, the Director shall notify the
19 Select Committee on Intelligence of the Senate and the
20 Permanent Select Committee on Intelligence of the House
21 of Representatives of the fundraising.”.

1 **SEC. 304. PROMOTION OF SCIENCE, TECHNOLOGY, ENGI-**
2 **NEERING, AND MATHEMATICS EDUCATION IN**
3 **THE INTELLIGENCE COMMUNITY.**

4 (a) REQUIREMENT FOR INVESTMENT STRATEGY FOR
5 STEM RECRUITING AND OUTREACH ACTIVITIES.—Along
6 with the budget for fiscal year 2018 submitted by the
7 President pursuant to section 1105(a) of title 31, United
8 States Code, the Director of National Intelligence shall
9 submit a five-year investment strategy for outreach and
10 recruiting efforts in the fields of science, technology, engi-
11 neering, and mathematics (STEM), to include cybersecu-
12 rity and computer literacy.

13 (b) REQUIREMENT FOR INTELLIGENCE COMMUNITY
14 PLANS FOR STEM RECRUITING AND OUTREACH ACTIVI-
15 TIES.—For each of the fiscal years 2018 through 2022,
16 the head of each element of the intelligence community
17 shall submit an investment plan along with the materials
18 submitted as justification of the budget request of such
19 element that supports the strategy required by subsection
20 (a).

21 **SEC. 305. RETENTION OF EMPLOYEES OF THE INTEL-**
22 **LIGENCE COMMUNITY WHO HAVE SCIENCE,**
23 **TECHNOLOGY, ENGINEERING, OR MATHE-**
24 **MATICS EXPERTISE.**

25 (a) SPECIAL RATES OF PAY FOR CERTAIN OCCUPA-
26 TIONS IN THE INTELLIGENCE COMMUNITY.—The Na-

1 tional Security Act of 1947 (50 U.S.C. 3001 et seq.) is
2 amended by inserting after section 113A the following:

3 **“SEC. 113B. SPECIAL PAY AUTHORITY FOR SCIENCE, TECH-**
4 **NOLOGY, ENGINEERING, OR MATHEMATICS**
5 **POSITIONS.**

6 “(a) **AUTHORITY TO SET SPECIAL RATES OF PAY.—**
7 Notwithstanding part III of title 5, United States Code,
8 the head of each element of the intelligence community
9 may establish higher minimum rates of pay for 1 or more
10 categories of positions in such element that require exper-
11 tise in science, technology, engineering, or mathematics
12 (STEM).

13 “(b) **MAXIMUM SPECIAL RATE OF PAY.—**A minimum
14 rate of pay established for a category of positions under
15 subsection (a) may not exceed the maximum rate of basic
16 pay (excluding any locality-based comparability payment
17 under section 5304 of title 5, United States Code, or simi-
18 lar provision of law) for the position in that category of
19 positions without the authority of subsection (a) by more
20 than 30 percent, and no rate may be established under
21 this section in excess of the rate of basic pay payable for
22 level IV of the Executive Schedule under section 5315 of
23 title 5, United States Code.

24 “(c) **NOTIFICATION OF REMOVAL FROM SPECIAL**
25 **RATE OF PAY.—**If the head of an element of the intel-

1 lidence community removes a category of positions from
2 coverage under a rate of pay authorized by subsection (a)
3 after that rate of pay takes effect—

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

7 “(2) the loss of coverage will take effect on the
8 first day of the first pay period after the date of the
9 notice.

10 “(d) REVISION OF SPECIAL RATES OF PAY.—Subject
11 to the limitations in this section, rates of pay established
12 under this section by the head of the element of the intel-
13 lidence community may be revised from time to time by
14 the head of such element and the revisions have the force
15 and effect of statute.

16 “(e) REGULATIONS.—The head of each element of
17 the intelligence community shall promulgate regulations to
18 carry out this section with respect to such element, which
19 shall, to the extent practicable, be comparable to the regu-
20 lations promulgated to carry out section 5305 of title 5,
21 United States Code.

22 “(f) REPORTS.—

23 “(1) REQUIREMENT FOR REPORTS.—Not later
24 than 90 days after the date of the enactment of the
25 Intelligence Authorization Act for Fiscal Year 2017,

1 the head of each element of the intelligence commu-
2 nity shall submit to the congressional intelligence
3 committees a report on any rates of pay established
4 for such element under this section.

5 “(2) CONTENTS.—Each report required by
6 paragraph (1) shall contain for each element of the
7 intelligence community—

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

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

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

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

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

17 (a) MULTI-SECTOR WORKFORCE INITIATIVE.—

18 (1) REQUIREMENT.—Beginning on October 1,
19 2018, the Director of National Intelligence shall im-
20 plement a multi-sector workforce initiative—

21 (A) to improve management of the work-
22 force of the intelligence community;

1 (B) to achieve an appropriate ratio of em-
2 ployees of the United States Government and
3 core contractors in such workforce; and

4 (C) to establish processes that enables ele-
5 ments of the intelligence community to build
6 and maintain an appropriate ratio of such em-
7 ployees and core contractors.

8 (2) BRIEFING TO CONGRESS.—Not later than
9 July 1, 2018, the Director of National Intelligence
10 shall brief the congressional intelligence committees
11 on the initiative required by paragraph (1).

12 (b) MANAGEMENT BASED ON WORKLOAD REQUIRE-
13 MENTS.—

14 (1) IN GENERAL.—Beginning on October 1,
15 2018, the personnel of the intelligence community
16 shall be managed each fiscal year solely on the basis
17 of, and consistent with—

18 (A) the workload required to carry out the
19 functions and activities of the intelligence com-
20 munity; and

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

23 (2) PROHIBITION ON CONSTRAINTS OR LIMITA-
24 TIONS.—Beginning on October 1, 2018, the manage-
25 ment of such personnel in any fiscal year shall not

1 be subject to any constraint or limitation in terms
2 of man years, end strength, full-time equivalent posi-
3 tions, or maximum number of employees.

4 (c) REQUIRED EMPLOYEES.—The Director of Na-
5 tional Intelligence shall ensure that during a fiscal year,
6 there are employees in the number, and with the combina-
7 tion of skills and qualifications that are necessary to carry
8 out the functions for which funds are provided to the Na-
9 tional Intelligence Program for that fiscal year.

10 (d) BRIEFING AND REPORT TO CONGRESS.—Not
11 later than 180 days after the date of the enactment of
12 this Act, the Director of National Intelligence shall issue
13 a written report and provide a briefing to the congress-
14 sional intelligence committees on—

15 (1) the methodology used to calculate the num-
16 ber of civilian and contractor full-time equivalent po-
17 sitions in the intelligence community;

18 (2) the cost analysis tool used to calculate per-
19 sonnel costs in the intelligence community; and

20 (3) the plans of the Director of National Intel-
21 ligence and the head of each element of the intel-
22 ligence community to implement a multi-sector
23 workforce as required by subsections (a) and (b).

24 (e) REPORT.—Not later than 180 days after date of
25 the enactment of this Act, the Inspector General of the

1 Intelligence Community shall submit to the congressional
2 intelligence committees a written report on the accuracy
3 of intelligence community data for the numbers and costs
4 associated with the civilian and contractor workforce in
5 each element of the intelligence community.

6 **SEC. 307. NOTIFICATION OF REPAIR OR MODIFICATION OF**
7 **FACILITIES TO BE USED PRIMARILY BY THE**
8 **INTELLIGENCE COMMUNITY.**

9 Section 602(a)(2) of the Intelligence Authorization
10 Act for Fiscal Year 1995 (50 U.S.C. 3304(a)(2)) is
11 amended by striking “improvement project to” and insert-
12 ing “project for the improvement, repair, or modification
13 of”.

14 **SEC. 308. GUIDANCE AND REPORTING REQUIREMENT RE-**
15 **GARDING THE INTERACTIONS BETWEEN THE**
16 **INTELLIGENCE COMMUNITY AND ENTER-**
17 **TAINMENT INDUSTRY.**

18 (a) DEFINITIONS.—In this section:

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

20 (A) means any significant interaction be-
21 tween an element of the intelligence community
22 and an entertainment industry entity for the
23 purposes of contributing to an entertainment
24 product intended to be heard, read, viewed, or
25 otherwise experienced by the public; and

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

4 (2) ENTERTAINMENT INDUSTRY ENTITY.—The
5 term “entertainment industry entity” means an enti-
6 ty that creates, produces, promotes, or distributes a
7 work of entertainment intended to be heard, read,
8 viewed, or otherwise experienced by an audience, in-
9 cluding—

10 (A) theater productions, motion pictures,
11 radio broadcasts, television broadcasts,
12 podcasts, webcasts, other sound or visual re-
13 cording, music, or dance;

14 (B) books and other published material;
15 and

16 (C) such other entertainment activity, as
17 determined by the Director of National Intel-
18 ligence.

19 (b) DIRECTOR OF NATIONAL INTELLIGENCE GUID-
20 ANCE.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Di-
23 rector of National Intelligence shall issue, and re-
24 lease to the public, guidance regarding engagements

1 by elements of the intelligence community with en-
2 tertainment industry entities.

3 (2) CRITERIA.—The guidance required by para-
4 graph (1) shall—

5 (A) permit an element of the intelligence
6 community to conduct engagements, if the head
7 of the element, or a designee of such head, pro-
8 vides prior approval; and

9 (B) require an unclassified annual report
10 to the congressional intelligence committees re-
11 garding engagements.

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

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

16 (A) The cost incurred by the United States
17 Government for each such engagement.

18 (B) A description of the benefits to the
19 United States Government for each such en-
20 gagement.

21 (C) A determination of whether any infor-
22 mation was declassified, and whether any classi-
23 fied information was improperly disclosed, or
24 each such engagement.

1 (D) A description of the work produced
2 through each such engagement.

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

4 **GENERAL OF CERTAIN ELEMENTS OF THE IN-**
5 **TELLIGENCE COMMUNITY.**

6 (a) LIMITATION ON ACTIVITIES OF EMPLOYEES OF
7 AN OFFICE OF INSPECTOR GENERAL.—

8 (1) LIMITATIONS.—Not later than 180 days
9 after the date of the enactment of this Act, the Di-
10 rector of National Intelligence shall develop and im-
11 plement a uniform policy for each covered office of
12 an inspector general to better ensure the independ-
13 ence of each such office. Such policy shall include—

14 (A) provisions to prevent any conflict of in-
15 terest related to a matter any employee of a
16 covered office of an inspector general personally
17 and substantially participated in during pre-
18 vious employment;

19 (B) standards to ensure personnel of a cov-
20 ered office of an inspector general are free both
21 in fact and in appearance from personal, exter-
22 nal, and organizational impairments to inde-
23 pendence;

24 (C) provisions to permit the head of each
25 covered office of an inspector general to waive

1 the application of the policy with respect to an
2 individual if such head—

3 (i) prepares a written and signed jus-
4 tification for such waiver that sets out, in
5 detail, the need for such waiver, provided
6 that waivers shall not be issued for in fact
7 impairments to independence; and

8 (ii) submits to the congressional intel-
9 ligence committees each such justification;
10 and

11 (D) any other protections the Director de-
12 termines appropriate.

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

16 (A) the Office of the Inspector General of
17 the Intelligence Community; and

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

19 (i) the Office of the Director of Na-
20 tional Intelligence;

21 (ii) the Central Intelligence Agency;

22 (iii) the National Security Agency;

23 (iv) the Defense Intelligence Agency;

24 (v) the National Geospatial-Intel-
25 ligence Agency; and

1 (vi) the National Reconnaissance Of-
2 fice.

3 (3) BRIEFING TO THE CONGRESSIONAL INTEL-
4 LIGENCE COMMITTEES.—Prior to the date that the
5 policy required by paragraph (1) takes effect, the
6 Director of National Intelligence shall provide the
7 congressional intelligence committees a briefing on
8 such policy.

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

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

15 “(i) may not require an employee of an office
16 of inspector general for an element of the intel-
17 ligence community, including the Office of the In-
18 spector General of the Intelligence Community, to
19 rotate to a position in an office or organization of
20 such an element over which such office of inspector
21 general exercises jurisdiction; and

22 “(ii) shall be implemented in a manner that ex-
23 empts employees of an office of inspector general
24 from a rotation that may impact the independence
25 of such office.”.

1 **SEC. 310. CONGRESSIONAL OVERSIGHT OF POLICY DIREC-**
2 **TIVES AND GUIDANCE.**

3 (a) COVERED POLICY DOCUMENT DEFINED.—In this
4 section, the term “covered policy document” means any
5 classified or unclassified Presidential Policy Directive,
6 Presidential Policy Guidance, or other similar policy docu-
7 ment issued by the President, including any classified or
8 unclassified annex to such a Directive, Guidance, or other
9 document, that assigns tasks, roles, or responsibilities to
10 the intelligence community or an element of the intel-
11 ligence community.

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

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

19 (2) Not later than 15 days after the date that
20 the Director issues any guidance or direction on im-
21 plementation of a covered policy document or imple-
22 ments a covered policy document, a copy of such
23 guidance or direction or a description of such imple-
24 mentation.

25 (3) Not later than 15 days after the date of the
26 enactment of this Act, for any covered policy docu-

1 ment issued prior to such date that is being imple-
2 mented by any element of the intelligence commu-
3 nity or that is in effect on such date—

4 (A) a written notice that includes the date
5 such covered policy document was issued and a
6 summary of the subject matter addressed by
7 such covered policy document; and

8 (B) if the Director has issued any guid-
9 ance or direction on implementation of such
10 covered policy document or is implementing
11 such covered policy document, a copy of the
12 guidance or direction or a written description of
13 such implementation.

14 **SEC. 311. NOTIFICATION OF MEMORANDA OF UNDER-**
15 **STANDING.**

16 (a) IN GENERAL.—The head of each element of the
17 intelligence community shall submit to the congressional
18 intelligence committees a copy of each memorandum of
19 understanding or other agreement regarding significant
20 operational activities or policy between or among such ele-
21 ment and any other entity or entities of the United States
22 Government—

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

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

5 (b) ADMINISTRATIVE MEMORANDUM OR AGREE-
6 MENT.—Nothing in this section may be construed to re-
7 quire an element of the intelligence community to submit
8 to the congressional intelligence committees any memo-
9 randum or agreement that is solely administrative in na-
10 ture, including a memorandum or agreement regarding
11 joint duty or other routine personnel assignments.

12 **SEC. 312. ASSISTANCE FOR NATIONALLY SIGNIFICANT**
13 **CRITICAL INFRASTRUCTURE.**

14 (a) DEFINITIONS.—In this section:

15 (1) COVERED CRITICAL INFRASTRUCTURE.—
16 The term “covered critical infrastructure” means the
17 critical infrastructure identified pursuant to section
18 9(a) of Executive Order No. 13636 of February 12,
19 2013 (78 Fed. Reg. 11742; related to improving
20 critical infrastructure cybersecurity).

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

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

4 (4) SECTOR-SPECIFIC AGENCY.—The term “sec-
5 tor-specific agency” has the meaning given that term
6 in Presidential Policy Directive-21, issued February
7 12, 2013 (related to critical infrastructure security
8 and resilience), or any successor.

9 (5) VOLUNTARY PARTICIPANT.—The term “vol-
10 untary participant” means an entity eligible to par-
11 ticipate in the program under subsection (b) that
12 has voluntarily elected to participate in the program.

13 (b) REQUIREMENT FOR PROGRAM.—Not later than
14 180 days after the date of the enactment of this Act, the
15 Under Secretary appointed pursuant to section
16 103(a)(1)(H) of the Homeland Security Act of 2002 (6
17 U.S.C. 113(a)(1)(H)), in consultation with appropriate
18 covered critical infrastructure and sector-specific agencies,
19 shall carry out a program to provide assistance to covered
20 critical infrastructure consistent with subsection (f).

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

1 (d) VOLUNTARY PARTICIPATION.—Participation in
2 the program by covered critical infrastructure shall be on
3 a voluntary basis.

4 (e) INTELLIGENCE COMMUNITY PARTICIPATION.—

5 (1) COORDINATION AND MANAGEMENT.—The
6 Under Secretary for Intelligence and Analysis of the
7 Department of Homeland Security shall coordinate
8 and lead the provision of assistance from the appro-
9 priate elements of the intelligence community to the
10 Under Secretary appointed pursuant to section
11 103(a)(1)(H) of the Homeland Security Act of 2002
12 (6 U.S.C. 113(a)(1)(H)) and voluntary participants
13 through the national cybersecurity and communica-
14 tions integration center established under section
15 227 of the Homeland Security Act of 2002 (6
16 U.S.C. 148) to fulfill the requirements of this sec-
17 tion.

18 (2) ACTIVITIES.—In the manner required by
19 paragraph (1) and subject to the consent of the
20 Under Secretary for Intelligence and Analysis of the
21 Department of Homeland Security, the appropriate
22 elements of the intelligence community are author-
23 ized to carry out the following activities to support
24 the program:

1 (A) Activities to develop a national strat-
2 egy to effectively leverage intelligence commu-
3 nity resources made available to support the
4 program.

5 (B) Activities to consult with the Director
6 of National Intelligence and other appropriate
7 intelligence and law enforcement agencies to
8 identify within the existing framework gov-
9 erning intelligence prioritization, intelligence
10 gaps and foreign intelligence collection require-
11 ments relevant to the security of covered cyber
12 assets and covered critical infrastructure.

13 (C) Activities to improve the detection,
14 prevention, and mitigation of espionage con-
15 ducted by foreign actors against or concerning
16 covered critical infrastructure.

17 (D) Activities to identify or provide assist-
18 ance related to the research, design, and devel-
19 opment of protective and mitigation measures
20 for covered cyber assets and the components of
21 covered cyber assets.

22 (E) Activities to provide technical assist-
23 ance and input for testing and exercises related
24 to covered cyber assets.

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

5 (g) NO COST TO COVERED CRITICAL INFRASTRUC-
6 TURE PARTICIPANTS.—A voluntary participant in the pro-
7 gram that is covered critical infrastructure shall not be
8 required to reimburse the United States Government for
9 the use of any facility, personnel, contractor, equipment,
10 service, or information of the United States Government
11 utilized in an activity carried out pursuant to the program.

12 (h) PRIORITIZATION OF ASSISTANCE.—The Director
13 of National Intelligence shall consider the national signifi-
14 cance of covered critical infrastructure identified in the
15 process established by the Under Secretary appointed pur-
16 suant to section 103(a)(1)(H) of the Homeland Security
17 Act of 2002 (6 U.S.C. 113(a)(1)(H)) in the Director’s
18 process for prioritizing requirements and effectively allo-
19 cating the resources of the intelligence community for as-
20 sisting government efforts to help protect critical infra-
21 structure owned or operated in the private sector.

22 (i) PARTICIPATION APPROVAL.—Participation in the
23 program by any private entity shall be subject to the ap-
24 proval of the Under Secretary appointed pursuant to sec-
25 tion 103(a)(1)(H) of the Homeland Security Act of 2002

1 (6 U.S.C. 113(a)(1)(H)) and, in the case of any support
2 assistance provided by the intelligence community, the ap-
3 proval of the Director of National Intelligence.

4 (j) NO NEW REGULATORY AUTHORITY.—Nothing in
5 this section may be construed to authorize the Director
6 of National Intelligence, the Secretary of Homeland Secu-
7 rity, or any other Federal regulator to promulgate new
8 regulations.

9 (k) BRIEFING.—Not less frequently than once each
10 year, the Secretary of Homeland Security shall brief the
11 congressional intelligence committees, the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate, and Committee on Homeland Security of the House
14 of Representatives on progress and challenges of the pro-
15 gram.

16 (l) CONSTRUCTION.—Nothing in this section may be
17 construed to limit any authority or responsibility of an
18 agency or department of the United States under any law
19 in effect on the date of the enactment of this Act.

20 **SEC. 313. TECHNICAL CORRECTION TO EXECUTIVE SCHED-**
21 **ULE.**

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

1 **SEC. 314. MAXIMUM AMOUNT CHARGED FOR DECLASS-**
 2 **SIFICATION REVIEWS.**

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

8 (1) may not charge the person reproduction
 9 fees in excess of the amount of fees that the head
 10 would charge the person for reproduction required in
 11 the course of processing a request for information
 12 under section 552 of title 5, United States Code
 13 (commonly referred to as the “Freedom of Informa-
 14 tion Act”); and

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

18 **TITLE IV—MATTERS RELATING**
 19 **TO ELEMENTS OF THE INTEL-**
 20 **LIGENCE COMMUNITY**

21 **Subtitle A—Office of the Director**
 22 **of National Intelligence**

23 **SEC. 401. DESIGNATION OF THE DIRECTOR OF THE NA-**
 24 **TIONAL COUNTERINTELLIGENCE AND SECU-**
 25 **RITY CENTER.**

26 (a) IN GENERAL.—

1 (1) IN GENERAL.—Section 902 of the Counter-
2 intelligence Enhancement Act of 2002 (50 U.S.C.
3 3382) is amended to read as follows:

4 **“SEC. 902. DIRECTOR OF THE NATIONAL COUNTERINTEL-**
5 **LIGENCE AND SECURITY CENTER.**

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

14 “(c) DUTIES.—Subject to the direction and control
15 of the Director of National Intelligence, the duties of the
16 Director are as follows:

17 “(1) To carry out the mission referred to in
18 subsection (b).

19 “(2) To act as chairperson of the National
20 Counterintelligence Policy Board established under
21 section 811 of the Counterintelligence and Security
22 Enhancements Act of 1994 (50 U.S.C. 3381).

23 “(3) To act as head of the National Counter-
24 intelligence and Security Center established under
25 section 904.

1 “(4) To participate as an observer on such
2 boards, committees, and entities of the executive
3 branch as the Director of National Intelligence con-
4 sidered appropriate for the discharge of the mission
5 and functions of the Director and the National
6 Counterintelligence and Security Center under sec-
7 tion 904.”.

8 (2) TABLE OF CONTENTS AMENDMENT.—The
9 table of contents in section 1(b) of the Intelligence
10 Authorization Act for Fiscal Year 2003 (Public Law
11 107–306; 116 Stat. 2383) is amended by striking
12 the item relating to section 902 and inserting the
13 following:

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

14 (3) TECHNICAL EFFECTIVE DATE.—The
15 amendment made by subsection (a) of section 401 of
16 the Intelligence Authorization Act for Fiscal Year
17 2016 (division M of Public Law 114–113) shall not
18 take effect, or, if the date of the enactment of this
19 Act is on or after the effective date specified in sub-
20 section (b) of such section, such amendment shall be
21 deemed to not have taken effect.

22 (b) NATIONAL COUNTERINTELLIGENCE AND SECU-
23 RITY CENTER.—

1 (1) IN GENERAL.—Section 904 of the Counter-
2 intelligence Enhancement Act of 2002 (50 U.S.C.
3 3383) is amended—

4 (A) by striking the section heading and in-
5 sserting “**NATIONAL COUNTERINTEL-**
6 **LIGENCE AND SECURITY CENTER.**”; and

7 (B) by striking subsections (a), (b), and
8 (c) and inserting the following:

9 “(a) ESTABLISHMENT.—There shall be a National
10 Counterintelligence and Security Center.

11 “(b) HEAD OF CENTER.—The Director of the Na-
12 tional Counterintelligence and Security Center shall be the
13 head of the National Counterintelligence and Security
14 Center.

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

18 (2) FUNCTIONS.—Section 904(d) of the Coun-
19 terintelligence Enhancement Act of 2002 (50 U.S.C.
20 3383(d)) is amended—

21 (A) in the matter preceding paragraph (1),
22 by striking “National Counterintelligence Exec-
23 utive, the functions of the Office of the Na-
24 tional Counterintelligence Executive” and in-
25 sserting “Director of the National Counterintel-

1 ligence and Security Center, the functions of
2 the National Counterintelligence and Security
3 Center”;

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

8 (C) in paragraph (6), in the matter pre-
9 ceding subparagraph (A), by striking “Office”
10 and inserting “National Counterintelligence and
11 Security Center”.

12 (3) PERSONNEL.—Section 904(f) of the Coun-
13 terintelligence Enhancement Act of 2002 (50 U.S.C.
14 3383(f)) is amended—

15 (A) in paragraph (1), by striking “Office
16 of the National Counterintelligence Executive
17 may consist of personnel employed by the Of-
18 fice” and inserting “National Counterintel-
19 ligence and Security Center may consist of per-
20 sonnel employed by the Center”; and

21 (B) in paragraph (2), by striking “Na-
22 tional Counterintelligence Executive” and in-
23 serting “Director of the National Counterintel-
24 ligence and Security Center”.

1 (4) TREATMENT OF ACTIVITIES UNDER CER-
2 TAIN ADMINISTRATIVE LAWS.—Section 904(g) of the
3 Counterintelligence Enhancement Act of 2002 (50
4 U.S.C. 3383(g)) is amended by striking “Office shall
5 be treated as operational files of the Central Intel-
6 ligence Agency for purposes of section 701 of the
7 National Security Act of 1947 (50 U.S.C. 431)” and
8 inserting “National Counterintelligence and Security
9 Center shall be treated as operational files of the
10 Central Intelligence Agency for purposes of section
11 701 of the National Security Act of 1947 (50 U.S.C.
12 3141)”.

13 (5) OVERSIGHT BY CONGRESS.—Section 904(h)
14 of the Counterintelligence Enhancement Act of 2002
15 (50 U.S.C. 3383(h)) is amended—

16 (A) in the matter preceding paragraph (1),
17 by striking “Office of the National Counter-
18 intelligence Executive” and inserting “National
19 Counterintelligence and Security Center”; and

20 (B) in paragraphs (1) and (2), by striking
21 “Office” and inserting “Center” both places
22 that term appears.

23 (6) TABLE OF CONTENTS AMENDMENT.—The
24 table of contents in section 1(b) of the Intelligence
25 Authorization Act for Fiscal Year 2003 (Public Law

1 107–306; 116 Stat. 2383), as amended by sub-
2 section (a)(2), is further amended by striking the
3 item relating to section 904 and inserting the fol-
4 lowing:

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

5 (c) OVERSIGHT OF NATIONAL INTELLIGENCE CEN-
6 TERS.—Section 102A(f)(2) of the National Security Act
7 of 1947 (50 U.S.C. 3024(f)(2)) is amended by inserting
8 “, the National Counterproliferation Center, and the Na-
9 tional Counterintelligence and Security Center” after
10 “National Counterterrorism Center”.

11 (d) DIRECTOR OF THE NATIONAL COUNTERINTEL-
12 LIGENCE AND SECURITY CENTER WITHIN THE OFFICE
13 OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Para-
14 graph (8) of section 103(c) of the National Security Act
15 of 1947 (50 U.S.C. 3025(c)) is amended to read as fol-
16 lows:

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

19 (e) DUTIES OF THE DIRECTOR OF THE NATIONAL
20 COUNTERINTELLIGENCE AND SECURITY CENTER.—

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

1 (A) by striking the section heading and in-
2 sserting “DIRECTOR OF THE NATIONAL COUN-
3 TERINTELLIGENCE AND SECURITY CENTER”;

4 (B) in subsection (a)—

5 (i) by striking the subsection heading
6 and inserting “DIRECTOR OF THE NA-
7 TIONAL COUNTERINTELLIGENCE AND SE-
8 CURITY CENTER.—”; and

9 (ii) by striking “National Counter-
10 intelligence Executive under section 902 of
11 the Counterintelligence Enhancement Act
12 of 2002 (title IX of Public Law 107–306;
13 50 U.S.C. 402b et seq.)” and inserting
14 “Director of the National Counterintel-
15 ligence and Security Center appointed
16 under section 902 of the Counterintel-
17 ligence Enhancement Act of 2002 (50
18 U.S.C. 3382)”; and

19 (C) in subsection (b), by striking “Na-
20 tional Counterintelligence Executive” and in-
21 sserting “Director of the National Counterintel-
22 ligence and Security Center”.

23 (2) TABLE OF CONTENTS AMENDMENT.—The
24 table of contents in the first section of the National
25 Security Act of 1947 is amended by striking the

1 item relating to section 103F and inserting the fol-
2 lowing:

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

3 (f) COORDINATION OF COUNTERINTELLIGENCE AC-
4 TIVITIES.—Section 811 of the Counterintelligence and Se-
5 curity Enhancements Act of 1994 (50 U.S.C. 3381) is
6 amended—

7 (1) in subsection (b), by striking “National
8 Counterintelligence Executive under section 902 of
9 the Counterintelligence Enhancement Act of 2002”
10 and inserting “Director of the National Counter-
11 intelligence and Security Center appointed under
12 section 902 of the Counterintelligence Enhancement
13 Act of 2002 (50 U.S.C. 3382)”;

14 (2) in subsection (c)(1), by striking “National
15 Counterintelligence Executive.” and inserting “Di-
16 rector of the National Counterintelligence and Secu-
17 rity Center.”; and

18 (3) in subsection (d)(1)(B)(ii)—

19 (A) by striking “National Counterintel-
20 ligence Executive” and inserting “Director of
21 the National Counterintelligence and Security
22 Center”; and

23 (B) by striking “by the Office of the Na-
24 tional Counterintelligence Executive under sec-

1 tion 904(e)(2) of that Act” and inserting “pur-
2 suant to section 904(d)(2) of that Act (50
3 U.S.C. 3383(d)(2))”.

4 (g) INTELLIGENCE AND NATIONAL SECURITY AS-
5 PECTS OF ESPIONAGE PROSECUTIONS.—Section 341(b) of
6 the Intelligence Authorization Act for Fiscal Year 2004
7 (Public Law 108–177, 28 U.S.C. 519 note) is amended
8 by striking “Office of the National Counterintelligence Ex-
9 ecutive,” and inserting “National Counterintelligence and
10 Security Center,”.

11 **SEC. 402. ANALYSES AND IMPACT STATEMENTS BY DIREC-**
12 **TOR OF NATIONAL INTELLIGENCE REGARD-**
13 **ING INVESTMENT INTO THE UNITED STATES.**

14 Section 102A of the National Security Act of 1947
15 (50 U.S.C. 3024), as amended by section 303, is further
16 amended by adding at the end the following new sub-
17 section:

18 “(z) ANALYSES AND IMPACT STATEMENTS REGARD-
19 ING PROPOSED INVESTMENT INTO THE UNITED
20 STATES.—(1) Not later than 20 days after the completion
21 of a review or an investigation of any proposed investment
22 into the United States for which the Director has prepared
23 analytic materials, the Director shall submit to the Select
24 Committee on Intelligence of the Senate and the Perma-
25 nent Select Committee on Intelligence of the House of

1 Representative copies of such analytic materials, including
2 any supplements or amendments to such analysis made
3 by the Director.

4 “(2) Not later than 60 days after the completion of
5 consideration by the United States Government of any in-
6 vestment described in paragraph (1), the Director shall
7 determine whether such investment will have an oper-
8 ational impact on the intelligence community, and, if so,
9 shall submit a report on such impact to the Select Com-
10 mittee on Intelligence of the Senate and the Permanent
11 Select Committee on Intelligence of the House of Rep-
12 resentatives. Each such report shall—

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

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

17 **SEC. 403. ASSISTANCE FOR GOVERNMENTAL ENTITIES AND**
18 **PRIVATE ENTITIES IN RECOGNIZING ONLINE**
19 **VIOLENT EXTREMIST CONTENT.**

20 (a) ASSISTANCE TO RECOGNIZE ONLINE VIOLENT
21 EXTREMIST CONTENT.—Not later than 180 days after the
22 date of the enactment of this Act, and consistent with the
23 protection of intelligence sources and methods, the Direc-
24 tor of National Intelligence shall publish on a publicly
25 available Internet website a list of all logos, symbols, insig-

1 nia, and other markings commonly associated with, or
 2 adopted by, an organization designated by the Secretary
 3 of State as a foreign terrorist organization under section
 4 219(a) of the Immigration and Nationality Act (8 U.S.C.
 5 1189(a)).

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

9 **Subtitle B—Central Intelligence** 10 **Agency**

11 **SEC. 411. ENHANCED DEATH BENEFITS FOR PERSONNEL** 12 **OF THE CENTRAL INTELLIGENCE AGENCY.**

13 Section 11 of the Central Intelligence Agency Act of
 14 1949 (50 U.S.C. 3511) is amended to read as follows:

15 “BENEFITS AVAILABLE IN EVENT OF THE DEATH OF
 16 PERSONNEL

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

24 “(b) REGULATIONS.—Regulations issued pursuant to
 25 this section shall be submitted to the Select Committee
 26 on Intelligence of the Senate and the Permanent Select

1 Committee on Intelligence of the House of Representatives
2 before such regulations take effect.”.

3 **SEC. 412. PAY AND RETIREMENT AUTHORITIES OF THE IN-**
4 **SPECTOR GENERAL OF THE CENTRAL INTEL-**
5 **LIGENCE AGENCY.**

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

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

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

23 “(iii) For purposes of applying sections 3307(d),
24 8335(b), and 8425(b) of title 5, United States Code, the
25 Inspector General may exercise the functions, powers, and

1 duties of an agency head or appointing authority with re-
 2 spect to the Office.”.

3 (b) **RULE OF CONSTRUCTION.**—Subparagraph (C) of
 4 section 17(e)(7) of the Central Intelligence Agency Act of
 5 1949 (50 U.S.C. 3517(e)(7)), as added by subsection (a),
 6 may not be construed to confer on the Inspector General
 7 of the Central Intelligence Agency, or any other officer
 8 or employee of the Agency, any police or law enforcement
 9 or internal security functions or authorities.

10 **Subtitle C—Other Elements**

11 **SEC. 421. ENHANCING THE TECHNICAL WORKFORCE FOR** 12 **THE FEDERAL BUREAU OF INVESTIGATION.**

13 (a) **REPORT REQUIRED.**—Building on the basic cyber
 14 human capital strategic plan provided to the congressional
 15 intelligence committees in 2015, not later than 180 days
 16 after the date of the enactment of this Act and updated
 17 two years thereafter, the Director of the Federal Bureau
 18 of Investigation shall submit to the congressional intel-
 19 ligence committees, the Committee on the Judiciary of the
 20 Senate, and the Committee on the Judiciary of the House
 21 of Representatives a comprehensive strategic workforce re-
 22 port regarding initiatives to effectively integrate informa-
 23 tion technology expertise in the investigative process.

24 (b) **ELEMENTS.**—The report required by subsection
 25 (a) shall include the following:

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

6 (2) An assessment of whether officers of the
7 Federal Bureau of Investigation who possess such
8 skills are fully integrated into the Bureau's work, in-
9 cluding Agent-led investigations.

10 (3) A description of the quality and quantity of
11 the collaborations between the Bureau and private
12 sector entities on cyber issues, including the status
13 of efforts to benefit from employees with experience
14 transitioning between the public and private sectors.

15 (4) An assessment of the utility of reinstating,
16 if applicable, and leveraging the Director's Advisory
17 Board, which was originally constituted in 2005, to
18 provide outside advice on how to better integrate
19 technical expertise with the investigative process and
20 on emerging concerns in cyber-related issues.

21 **SEC. 422. PLAN ON ASSUMPTION OF CERTAIN WEATHER**
22 **MISSIONS BY THE NATIONAL RECONNAIS-**
23 **SANCE OFFICE.**

24 (a) PLAN.—

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

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

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

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

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

23 (3) SUBMISSION.—Not later than July 1, 2017,
24 and except as provided in subsection (c), the Direc-

1 tor shall submit to the appropriate congressional
2 committees the plan under paragraph (1).

3 (b) INDEPENDENT COST ESTIMATE.—The Director
4 of the Cost Assessment Improvement Group of the Office
5 of the Director of National Intelligence, in coordination
6 with the Director of Cost Assessment and Program Eval-
7 uation, shall certify to the appropriate congressional com-
8 mittees that the amounts of funds identified under sub-
9 section (a)(1)(C) as being necessary to transfer are appro-
10 priate and include funding for positions and personnel to
11 support program office costs.

12 (c) WAIVER BASED ON REPORT AND CERTIFICATION
13 OF AIR FORCE ACQUISITION PROGRAM.—The Director of
14 the National Reconnaissance Office may waive the re-
15 quirement to develop a plan under subsection (a), if the
16 Under Secretary of Defense for Acquisition Technology,
17 and Logistics and the Chairman of the Joint Chiefs of
18 Staff jointly submit to the appropriate congressional com-
19 mittees a report by not later than July 1, 2017) that con-
20 tains—

21 (1) a certification that the Secretary of the Air
22 Force is carrying out a formal acquisition program
23 that has received Milestone A approval to address
24 the cloud characterization and theater weather im-

1 agery requirements of the Department of Defense;
2 and

3 (2) an identification of the cost, schedule, re-
4 quirements, and acquisition strategy of such acquisi-
5 tion program.

6 (d) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

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

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

15 (2) COVERED SPACE-BASED ENVIRONMENTAL
16 MONITORING MISSIONS.—The term “covered space-
17 based environmental monitoring missions” means
18 the acquisition programs necessary to meet the na-
19 tional security requirements for cloud characteriza-
20 tion and theater weather imagery.

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

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

3 **SEC. 501. COMMITTEE TO COUNTER ACTIVE MEASURES BY**
4 **THE RUSSIAN FEDERATION TO EXERT COV-**
5 **ERT INFLUENCE OVER PEOPLES AND GOV-**
6 **ERNMENTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) ACTIVE MEASURES BY RUSSIA TO EXERT
9 COVERT INFLUENCE.—The term “active measures
10 by Russia to exert covert influence” means activities
11 intended to influence a person or government that
12 are carried out in coordination with, or at the behest
13 of, political leaders or the security services of the
14 Russian Federation and the role of the Russian Fed-
15 eration has been hidden or not acknowledged pub-
16 licly, including the following:

17 (A) Establishment or funding of a front
18 group.

19 (B) Covert broadcasting.

20 (C) Media manipulation.

21 (D) Disinformation and forgeries.

22 (E) Funding agents of influence.

23 (F) Incitement and offensive counterintel-
24 ligence.

25 (G) Assassinations.

1 (H) Terrorist acts.

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

5 (A) the congressional intelligence commit-
6 tees;

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

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

13 (b) ESTABLISHMENT.—There is established within
14 the executive branch an interagency committee to counter
15 active measures by the Russian Federation to exert covert
16 influence.

17 (c) MEMBERSHIP.—

18 (1) IN GENERAL.—

19 (A) APPOINTMENT.—Each head of an
20 agency or department of the Government set
21 out under subparagraph (B) shall appoint one
22 member of the committee established by sub-
23 section (b) from among officials of such agency
24 or department who occupy a position that is re-

1 required to be appointed by the President, with
2 the advice and consent of the Senate.

3 (B) HEAD OF AN AGENCY OR DEPART-
4 MENT.—The head of an agency or department
5 of the Government set out under this subpara-
6 graph are the following:

7 (i) The Director of National Intel-
8 ligence.

9 (ii) The Secretary of State.

10 (iii) The Secretary of Defense.

11 (iv) The Secretary of the Treasury.

12 (v) The Attorney General.

13 (vi) The Secretary of Energy.

14 (vii) The Director of the Federal Bu-
15 reau of Investigation.

16 (viii) The head of any other agency or
17 department of the United States Govern-
18 ment designated by the President for pur-
19 poses of this section.

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

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

24 (1) To counter active measures by Russia to
25 exert covert influence, including by exposing false-

1 hoods, agents of influence, corruption, human rights
2 abuses, terrorism, and assassinations carried out by
3 the security services or political elites of the Russian
4 Federation or their proxies.

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

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

10 (g) BUDGET REQUEST.—A request for funds re-
11 quired for the functioning of the committee established by
12 subsection (b) may be included in each budget for a fiscal
13 year submitted by the President pursuant to section
14 1105(a) of title 31, United States Code.

15 (h) ANNUAL REPORT.—

16 (1) REQUIREMENT.—Not later than 180 days
17 after the date of the enactment of this Act, and an-
18 nually thereafter, and consistent with the protection
19 of intelligence sources and methods, the committee
20 established by subsection (b) shall submit to the ap-
21 propriate committees of Congress a report describing
22 steps being taken by the committee to counter active
23 measures by Russia to exert covert influence.

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

1 (A) A summary of the active measures by
2 the Russian Federation to exert covert influence
3 during the previous year, including significant
4 incidents and notable trends.

5 (B) A description of the key initiatives of
6 the committee.

7 (C) A description of the implementation of
8 the committee's initiatives by the head of an
9 agency or department of the Government set
10 out under subsection (c)(1)(B).

11 (D) An analysis of the impact of the com-
12 mittee's initiatives.

13 (E) Recommendations for changes to the
14 committee's initiatives from the previous year.

15 (3) SEPARATE REPORTING REQUIREMENT.—
16 The requirement to submit an annual report under
17 paragraph (1) is in addition to any other reporting
18 requirements with respect to Russia.

1 **SEC. 502. STRICT ENFORCEMENT OF TRAVEL PROTOCOLS**
2 **AND PROCEDURES OF ACCREDITED DIPLO-**
3 **MATIC AND CONSULAR PERSONNEL OF THE**
4 **RUSSIAN FEDERATION IN THE UNITED**
5 **STATES.**

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

- 9 (1) the congressional intelligence committees;
10 (2) the Committee on Foreign Relations and
11 the Committee on the Judiciary of the Senate; and
12 (3) the Committee on Foreign Affairs and the
13 Committee on the Judiciary of the House of Rep-
14 resentatives.

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

24 (c) **INTERAGENCY COOPERATION.**—The Secretary of
25 State, the Director of the Federal Bureau of Investigation,

1 and the Director of National Intelligence shall develop
2 written mechanisms to share information—

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

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

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

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

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

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

4 (a) DEFINITIONS.—In this section:

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

8 (A) congressional intelligence committees;

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

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

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

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

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

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

25 (b) FEASIBILITY STUDY.—

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

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

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

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

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

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

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

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

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

3 (c) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) make available to the public—

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

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

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

20 (b) SCHEDULE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) the congressional intelligence committees;

18 (2) the Committee on Appropriations and the
 19 Committee on Armed Services of the Senate; and

20 (3) the Committee on Appropriations and the
 21 Committee on Armed Services of the House of Rep-
 22 resentatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (A) the National Reconnaissance Office;

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

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

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

7 (E) joint interagency efforts; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) REPORTS AND BRIEFINGS TO CONGRESS.—

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

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

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

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

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

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

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

19 (2) develop recommendations—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) in the Senate—

24 (A) the Committee on Armed Services;

25 (B) the Select Committee on Intelligence;

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

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

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

20 **TIME SHIPPING.**

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

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

23 Homeland Security for Intelligence and Analysis, in con-

24 sultation with the Director of National Intelligence, and

25 consistent with the protection of sources and methods,

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

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

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

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

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

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

20 (2) An assessment of—

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

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

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

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

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

11 (1) the congressional intelligence committees;

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

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

19 **SEC. 615. REPORT ON COUNTER-NARRATIVE ACTIVITIES.**

20 (a) REPORT.—Not later than 60 days after the date
21 of the enactment of this Act, the Under Secretary for In-
22 telligence and Analysis of the Department of Homeland
23 Security, in coordination with the Office of Community
24 Partnerships, and consistent with the protection of sources
25 and methods, shall submit to the appropriate congres-

1 sional committees a report on the counter-narrative activi-
2 ties of the Department of Homeland Security with respect
3 to the Islamic State and other extremist groups.

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

6 (1) A description of whether, and to what ex-
7 tent, the Secretary of Homeland Security, in con-
8 ducting counter-messaging narrative activities with
9 respect to the Islamic State and other extremist
10 groups, consults or coordinates with the Secretary of
11 State, regarding the counter-messaging narrative ac-
12 tivities undertaken by the Department of State with
13 respect to the Islamic State and other extremist
14 groups, including counter-messaging narrative activi-
15 ties conducted by the Global Engagement Center of
16 the Department of State.

17 (2) Any criteria employed by the Secretary of
18 Homeland Security for selecting, developing, promul-
19 gating, or changing the counter-messaging narrative
20 approach of the Department of Homeland Security,
21 including any counter-messaging narratives, with re-
22 spect to the Islamic State and other extremist
23 groups.

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

4 (1) the congressional intelligence committees;
5 and

6 (2) the Committee on Homeland Security and
7 Governmental Affairs and the Committee on the Ju-
8 diciary of the Senate; and

9 (3) the Committee on Homeland Security and
10 the Committee on the Judiciary of the House of
11 Representatives.

12 **SEC. 616. REPORT ON REPRISALS AGAINST CONTRACTORS**
13 **OF THE INTELLIGENCE COMMUNITY.**

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

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

22 (1) Identification of the number of known or
23 claimed reprisals made against covered contractor
24 employees during the 3-year period preceding the

1 date of the report and any evaluation of such reprisals.
2

3 (2) An evaluation of the usefulness of establishing a prohibition on reprisals against covered
4 contractor employees as a means of encouraging
5 such contractors to make protected disclosures.
6

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

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

19 (5) Any recommendations the Inspector General
20 determines appropriate.

21 (c) DEFINITIONS.—In this section:

22 (1) COVERED CONTRACTOR EMPLOYEE.—The
23 term “covered contractor employee” means an em-
24 ployee of a contractor of an element of the intel-
25 ligence community.

1 (2) REPRISAL.—The term “reprisal” means the
2 discharge or other adverse personnel action made
3 against a covered contractor employee for making a
4 disclosure of information that would be a disclosure
5 protected by law if the contractor were an employee
6 of the Federal Government.

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115TH CONGRESS
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S. 133

[Report No. 115-2]

A BILL

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

JANUARY 20, 2017

Reported without amendment