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2D SESSION

H. R. 6393

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2016

Received

AN ACT

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

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

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

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL 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 math education in
 the intelligence community.

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

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

Sec. 307. Protections for independent inspectors general of certain elements of
 the intelligence community.

Sec. 308. Modification of certain whistleblowing procedures.

Sec. 309. Congressional oversight of policy directives and guidance.

Sec. 310. Notification of memoranda of understanding.

Sec. 311. Technical correction to Executive Schedule.

Sec. 312. 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 recog-
 nizing 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. Clarification of authority, direction, and control over the information assurance directorate of the National Security Agency.
- Sec. 422. Enhancing the technical workforce for the Federal Bureau of Investigation.
- Sec. 423. 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. Limitation on travel of accredited diplomats and consulars of the Russian Federation in the United States from their diplomatic post.
- Sec. 503. Study and report on enhanced intelligence and information sharing with Open Skies Treaty member states.

TITLE VI—PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

- Sec. 601. Information on activities of the Privacy and Civil Liberties Oversight Board.
- Sec. 602. Authorization of appropriations for Privacy and Civil Liberties Oversight Board.

TITLE VII—REPORTS AND OTHER MATTERS

- Sec. 701. Declassification review with respect to detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 702. Cyber Center for Education and Innovation Home of the National Cryptologic Museum.
- Sec. 703. Oversight of national security systems.
- Sec. 704. Joint facilities certification.
- Sec. 705. Leadership and management of space activities.
- Sec. 706. Advances in life sciences and biotechnology.
- Sec. 707. Reports on declassification proposals.
- Sec. 708. Improvement in Government classification and declassification.
- Sec. 709. Report on implementation of research and development recommendations.
- Sec. 710. Report on Intelligence Community Research and Development Corps.
- Sec. 711. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by the intelligence community.
- Sec. 712. Report on intelligence community employees detailed to National Security Council.
- Sec. 713. Intelligence community reporting to Congress on foreign fighter flows.
- Sec. 714. Report on cybersecurity threats to seaports of the United States and maritime shipping.
- Sec. 715. Report on counter-messaging activities.
- Sec. 716. Report on reprisals against contractors of the intelligence community.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

14 **TITLE I—INTELLIGENCE**
15 **ACTIVITIES**

16 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

21 (1) The Office of the Director of National Intel-
22 ligence.

23 (2) The Central Intelligence Agency.

24 (3) The Department of Defense.

25 (4) The Defense Intelligence Agency.

26 (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 this
23 Act.

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 3 percent
8 of the number of civilian personnel authorized under such
9 schedule for such element.

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

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

18 (2) a reserve corps or as a reemployed annu-
19 itant; or

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

22 (c) NOTICE TO CONGRESSIONAL INTELLIGENCE
23 COMMITTEES.—The Director of National Intelligence
24 shall notify the congressional intelligence committees in

1 writing at least 15 days prior to each exercise of an au-
2 thority described in subsection (a).

3 (d) CONTRACTOR CONVERSIONS.—

4 (1) AUTHORITY FOR INCREASES.—In addition
5 to the authority under subsection (a), the Director
6 of National Intelligence may authorize employment
7 of civilian personnel in an element of the intelligence
8 community in excess of the number authorized for
9 fiscal year 2017 by the classified Schedule of Au-
10 thorizations referred to in section 102(a), as such
11 number may be increased pursuant to subsection
12 (a), if—

13 (A) the Director determines that the in-
14 crease under this paragraph is necessary to
15 convert the performance of any function of the
16 element by contractors to performance by civil-
17 ian personnel; and

18 (B) the number of civilian personnel of the
19 element employed in excess of the number au-
20 thorized under such section 102(a), as such
21 number may be increased pursuant to both sub-
22 section (a) and this paragraph, does not exceed
23 10 percent of the number of civilian personnel
24 authorized under such schedule for the element.

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

6 (A) notification of exercising such author-
7 ity;

8 (B) justification for making the conversion
9 described in subparagraph (A) of such para-
10 graph; and

11 (C) certification that such conversion is
12 cost effective.

13 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
14 **COUNT.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated for the Intelligence Commu-
17 nity Management Account of the Director of National In-
18 telligence for fiscal year 2017 the sum of \$559,796,000.
19 Within such amount, funds identified in the classified
20 Schedule of Authorizations referred to in section 102(a)
21 for advanced research and development shall remain avail-
22 able until September 30, 2018.

23 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
24 ments within the Intelligence Community Management
25 Account of the Director of National Intelligence are au-

1 thORIZED 787 positions as of September 30, 2017. Per-
2 sonnel serving in such elements may be permanent em-
3 ployees of the Office of the Director of National Intel-
4 ligence or personnel detailed from other elements of the
5 United States Government.

6 (c) CLASSIFIED AUTHORIZATIONS.—

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

18 (2) AUTHORIZATION OF PERSONNEL.—In addi-
19 tion to the personnel authorized by subsection (b)
20 for elements of the Intelligence Community Manage-
21 ment Account as of September 30, 2017, there are
22 authorized such additional personnel for the Com-
23 munity Management Account as of that date as are
24 specified in the classified Schedule of Authorizations
25 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 MATH EDUCATION IN THE IN-**
3 **TELLIGENCE 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 MATH EX-**
24 **PERTISE.**

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 MATH POSI-**
5 **TIONS.**

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 one or
10 more categories of positions in such element that require
11 expertise in science, technology, engineering, or math
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. MODIFICATIONS TO CERTAIN REQUIREMENTS**
 17 **FOR CONSTRUCTION OF FACILITIES.**

18 (a) INCLUSION IN BUDGET REQUESTS OF CERTAIN
 19 PROJECTS.—Section 8131 of the Department of Defense
 20 Appropriations Act, 1995 (50 U.S.C. 3303) is repealed.

21 (b) NOTIFICATION.—Section 602(a)(2) of the Intel-
 22 ligence Authorization Act for Fiscal Year 1995 (50 U.S.C.
 23 3304(a)(2)) is amended by striking “improvement project

1 to” and inserting “project for the improvement, repair, or
2 modification of”.

3 **SEC. 307. 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 such a waiver shall not be issued for
7 in fact 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; or

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. 308. MODIFICATION OF CERTAIN WHISTLEBLOWING**
2 **PROCEDURES.**

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

10 (b) CENTRAL INTELLIGENCE AGENCY.—

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

14 (A) in subparagraph (B)—

15 (i) by striking clause (ii);

16 (ii) by striking “(i) Not” and insert-
17 ing “Not”; and

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

21 (B) in subparagraph (D)—

22 (i) in clause (i), by striking “the Di-
23 rector” and inserting “the intelligence
24 committees”; and

25 (ii) in clause (ii)—

1 (I) in subclause (I), by striking
2 “the Director, through the Inspector
3 General,” and inserting “the Inspec-
4 tor General”; and

5 (II) in subclause (II), by striking
6 “the Director, through the Inspector
7 General,” and inserting “the Inspec-
8 tor General, in consultation with the
9 Director,”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) IN GENERAL.—Section 17(d)(5) of
12 such Act is further amended—

13 (i) by striking subparagraph (C); and
14 (ii) by redesignating subparagraphs
15 (D) through (H) as subparagraphs (C)
16 through (G), respectively.

17 (B) INTELLIGENCE REFORM AND TER-
18 RORISM PREVENTION ACT OF 2004.—Section
19 3001(j)(1)(C)(ii) of the Intelligence Reform and
20 Terrorism Prevention Act of 2004 (50 U.S.C.
21 3341(j)(1)(C)(ii)) is amended by striking “sub-
22 paragraphs (A), (D), and (H)” and inserting
23 “subparagraphs (A), (C), and (G)”.

24 (c) OTHER ELEMENTS OF INTELLIGENCE COMMU-
25 NITY.—

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

4 (A) in subsection (b)—

5 (i) by striking paragraph (2);

6 (ii) by striking “(1) Not” and insert-
7 ing “Not”; and

8 (iii) by striking “to the head of the es-
9 tablishment” and inserting “to the intel-
10 ligence committees”; and

11 (B) in subsection (d)—

12 (i) in paragraph (1), by striking “the
13 head of the establishment” and inserting
14 “the intelligence committees”; and

15 (ii) in paragraph (2)—

16 (I) in subparagraph (A), by strik-
17 ing “the head of the establishment,
18 through the Inspector General,” and
19 inserting “the Inspector General”;
20 and

21 (II) in subparagraph (B), by
22 striking “the head of the establish-
23 ment, through the Inspector General,”
24 and inserting “the Inspector General,

1 in consultation with the head of the
2 establishment,”.

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

5 (A) by striking subsection (c);

6 (B) by redesignating subsections (d)
7 through (i) as subsections (c) through (h), re-
8 spectively; and

9 (C) in subsection (e), as so redesignated,
10 by striking “subsections (a) through (e)” and
11 inserting “subsections (a) through (d)”.

12 (d) OFFICE OF THE DIRECTOR OF NATIONAL INTEL-
13 LIGENCE.—

14 (1) IN GENERAL.—Section 103H(k)(5) of the
15 National Security Act of 1947 (50 U.S.C.
16 3033(k)(5)) is amended—

17 (A) in subparagraph (B), by striking “to
18 the Director” and inserting “to the congres-
19 sional intelligence committees”; and

20 (B) in subparagraph (D)—

21 (i) in clause (i), by striking “the Di-
22 rector” and inserting “the congressional
23 intelligence committees”; and

24 (ii) in clause (ii)—

1 (I) in subclause (I), by striking
2 “the Director, through the Inspector
3 General,” and inserting “the Inspec-
4 tor General”; and

5 (II) in subclause (II), by striking
6 “the Director, through the Inspector
7 General,” and inserting “the Inspec-
8 tor General, in consultation with the
9 Director,”.

10 (2) CONFORMING AMENDMENTS.—Section
11 103H(k)(5) of such Act is further amended—

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

13 (B) by redesignating subparagraphs (D)
14 through (I) as subparagraphs (C) through (H),
15 respectively.

16 (e) RULE OF CONSTRUCTION.—None of the amend-
17 ments made by this section may be construed to prohibit
18 or otherwise affect the authority of an Inspector General
19 of an element of the intelligence community, the Inspector
20 General of the Central Intelligence Agency, or the Inspec-
21 tor General of the Intelligence Community to notify the
22 head of the element of the intelligence community, the Di-
23 rector of the Central Intelligence Agency, or the Director
24 of National Intelligence, as the case may be, of a com-
25 plaint or information otherwise authorized by law.

1 **SEC. 309. 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 annex to such
8 a Directive, Guidance, or other document, that assigns
9 takes, roles, or responsibilities the intelligence community.

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

13 (1) Not later than 15 days after the date that
14 a covered policy document is issued, a notice of the
15 issuance and a summary of the subject matter ad-
16 dressed by such covered policy document.

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

23 (3) Not later than 15 days after the date of the
24 enactment of this Act, for any covered policy docu-
25 ment issued prior to such date that is being imple-

1 mented by any element of the intelligence commu-
2 nity or that is in effect on such date—

3 (A) a notice that includes the date such
4 covered policy document was issued and a sum-
5 mary of the subject matter addressed by such
6 covered policy document; and

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

13 **SEC. 310. NOTIFICATION OF MEMORANDA OF UNDER-**
14 **STANDING.**

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

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

1 would charge the person for reproduction required in
 2 the course of processing a request for information
 3 under section 552 of title 5, United States Code
 4 (commonly referred to as the “Freedom of Informa-
 5 tion Act”); and

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

9 **TITLE IV—MATTERS RELATING**
 10 **TO ELEMENTS OF THE INTEL-**
 11 **LIGENCE COMMUNITY**

12 **Subtitle A—Office of the Director**
 13 **of National Intelligence**

14 **SEC. 401. DESIGNATION OF THE DIRECTOR OF THE NA-**
 15 **TIONAL COUNTERINTELLIGENCE AND SECU-**
 16 **RITY CENTER.**

17 (a) IN GENERAL.—

18 (1) IN GENERAL.—Section 902 of the Counter-
 19 intelligence Enhancement Act of 2002 (50 U.S.C.
 20 3382) is amended to read as follows:

21 **“SEC. 902. DIRECTOR OF THE NATIONAL COUNTERINTEL-**
 22 **LIGENCE AND SECURITY CENTER.**

23 “(a) ESTABLISHMENT.—There shall be a Director of
 24 the National Counterintelligence and Security Center (re-
 25 ferred to in this section as the ‘Director’), who shall be

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

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

6 “(c) DUTIES.—Subject to the direction and control
7 of the Director of National Intelligence, the duties of the
8 Director are as follows:

9 “(1) To carry out the mission referred to in
10 subsection (b).

11 “(2) To act as chairperson of the National
12 Counterintelligence Policy Board established under
13 section 811 of the Counterintelligence and Security
14 Enhancements Act of 1994 (50 U.S.C. 3381).

15 “(3) To act as head of the National Counter-
16 intelligence and Security Center established under
17 section 904.

18 “(4) To participate as an observer on such
19 boards, committees, and entities of the executive
20 branch as the Director of National Intelligence con-
21 siders appropriate for the discharge of the mission
22 and functions of the Director and the National
23 Counterintelligence and Security Center under sec-
24 tion 904.”.

1 (2) TABLE OF CONTENTS AMENDMENT.—The
2 table of contents in section 1(b) of the Intelligence
3 Authorization Act for Fiscal Year 2003 (Public Law
4 107–306; 116 Stat. 2383) is amended by striking
5 the item relating to section 902 and inserting the
6 following:

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

7 (3) TECHNICAL EFFECTIVE DATE.—The
8 amendment made by subsection (a) of section 401 of
9 the Intelligence Authorization Act for Fiscal Year
10 2016 (division M of Public Law 114–113) shall not
11 take effect, or, if the date of the enactment of this
12 Act is on or after the effective date specified in sub-
13 section (b) of such section, such amendment shall be
14 deemed to not have taken effect.

15 (b) NATIONAL COUNTERINTELLIGENCE AND SECUR-
16 RITY CENTER.—

17 (1) IN GENERAL.—Section 904 of the Counter-
18 intelligence Enhancement Act of 2002 (50 U.S.C.
19 3383) is amended—

20 (A) by striking the section heading and in-
21 serting “**NATIONAL COUNTERINTEL-**
22 **LIGENCE AND SECURITY CENTER.**”; and

23 (B) by striking subsections (a), (b), and
24 (c) and inserting the following:

1 “(a) ESTABLISHMENT.—There shall be a National
2 Counterintelligence and Security Center.

3 “(b) HEAD OF CENTER.—The Director of the Na-
4 tional Counterintelligence and Security Center shall be the
5 head of the National Counterintelligence and Security
6 Center.

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

10 (2) FUNCTIONS.—Section 904(d) of the Coun-
11 terintelligence Enhancement Act of 2002 (50 U.S.C.
12 3383(d)) is amended—

13 (A) in the matter preceding paragraph (1),
14 by striking “National Counterintelligence Exec-
15 utive, the functions of the Office of the Na-
16 tional Counterintelligence Executive” and in-
17 serting “Director of the National Counterintel-
18 ligence and Security Center, the functions of
19 the National Counterintelligence and Security
20 Center”;

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

1 (C) in paragraph (6), in the matter pre-
2 ceding subparagraph (A), by striking “Office”
3 and inserting “National Counterintelligence and
4 Security Center”.

5 (3) PERSONNEL.—Section 904(f) of the Coun-
6 terintelligence Enhancement Act of 2002 (50 U.S.C.
7 3383(f)) is amended—

8 (A) in paragraph (1), by striking “Office
9 of the National Counterintelligence Executive
10 may consist of personnel employed by the Of-
11 fice” and inserting “National Counterintel-
12 ligence and Security Center may consist of per-
13 sonnel employed by the Center”; and

14 (B) in paragraph (2), by striking “Na-
15 tional Counterintelligence Executive” and in-
16 serting “Director of the National Counterintel-
17 ligence and Security Center”.

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

1 Center shall be treated as operational files of the
2 Central Intelligence Agency for purposes of section
3 701 of the National Security Act of 1947 (50 U.S.C.
4 3141)”.

5 (5) OVERSIGHT BY CONGRESS.—Section 904(h)
6 of the Counterintelligence Enhancement Act of 2002
7 (50 U.S.C. 3383(h)) is amended—

8 (A) in the matter preceding paragraph (1),
9 by striking “Office of the National Counter-
10 intelligence Executive” and inserting “National
11 Counterintelligence and Security Center”; and

12 (B) in paragraphs (1) and (2), by striking
13 “Office” and inserting “Center” both places
14 that term appears.

15 (6) TABLE OF CONTENTS AMENDMENT.—The
16 table of contents in section 1(b) of the Intelligence
17 Authorization Act for Fiscal Year 2003 (Public Law
18 107–306; 116 Stat. 2383), as amended by sub-
19 section (a)(2), is further amended by striking the
20 item relating to section 904 and inserting the fol-
21 lowing:

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

22 (c) OVERSIGHT OF NATIONAL INTELLIGENCE CEN-
23 TERS.—Section 102A(f)(2) of the National Security Act
24 of 1947 (50 U.S.C. 3024(f)(2)) is amended by inserting
25 “, the National Counterproliferation Center, and the Na-

1 tional Counterintelligence and Security Center” after
2 “National Counterterrorism Center”.

3 (d) DIRECTOR OF THE NATIONAL COUNTERINTEL-
4 LIGENCE AND SECURITY CENTER WITHIN THE OFFICE
5 OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Para-
6 graph (8) of section 103(c) of the National Security Act
7 of 1947 (50 U.S.C. 3025(c)) is amended to read as fol-
8 lows:

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

11 (e) DUTIES OF THE DIRECTOR OF THE NATIONAL
12 COUNTERINTELLIGENCE AND SECURITY CENTER.—

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

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

19 (B) in subsection (a)—

20 (i) by striking the subsection heading
21 and inserting “DIRECTOR OF THE NA-
22 TIONAL COUNTERINTELLIGENCE AND SE-
23 CURITY CENTER.—”; and

24 (ii) by striking “National Counter-
25 intelligence Executive under section 902 of

1 the Counterintelligence Enhancement Act
2 of 2002 (title IX of Public Law 107–306;
3 50 U.S.C. 402b et seq.)” and inserting
4 “Director of the National Counterintel-
5 ligence and Security Center appointed
6 under section 902 of the Counterintel-
7 ligence Enhancement Act of 2002 (50
8 U.S.C. 3382)”; and
9 (C) in subsection (b), by striking “Na-
10 tional Counterintelligence Executive” and in-
11 serting “Director of the National Counterintel-
12 ligence and Security Center”.

13 (2) TABLE OF CONTENTS AMENDMENT.—The
14 table of contents in the first section of the National
15 Security Act of 1947 is amended by striking the
16 item relating to section 103F and inserting the fol-
17 lowing:

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

18 (f) COORDINATION OF COUNTERINTELLIGENCE AC-
19 TIVITIES.—Section 811 of the Counterintelligence and Se-
20 curity Enhancements Act of 1994 (50 U.S.C. 3381) is
21 amended—

22 (1) in subsection (b), by striking “National
23 Counterintelligence Executive under section 902 of
24 the Counterintelligence Enhancement Act of 2002”

1 and inserting “Director of the National Counter-
2 intelligence and Security Center appointed under
3 section 902 of the Counterintelligence Enhancement
4 Act of 2002 (50 U.S.C. 3382)”;

5 (2) in subsection (c)(1), by striking “National
6 Counterintelligence Executive.” and inserting “Di-
7 rector of the National Counterintelligence and Secu-
8 rity Center.”; and

9 (3) in subsection (d)(1)(B)(ii)—

10 (A) by striking “National Counterintel-
11 ligence Executive” and inserting “Director of
12 the National Counterintelligence and Security
13 Center”; and

14 (B) by striking “by the Office of the Na-
15 tional Counterintelligence Executive under sec-
16 tion 904(e)(2) of that Act” and inserting “pur-
17 suant to section 904(d)(2) of that Act (50
18 U.S.C. 3383(d)(2))”.

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

1 **SEC. 402. ANALYSES AND IMPACT STATEMENTS BY DIREC-**
2 **TOR OF NATIONAL INTELLIGENCE REGARD-**
3 **ING INVESTMENT INTO THE UNITED STATES.**

4 Section 102A of the National Security Act of 1947
5 (50 U.S.C. 3024) is amended by adding at the end the
6 following new subsection:

7 “(y) ANALYSES AND IMPACT STATEMENTS REGARD-
8 ING PROPOSED INVESTMENT INTO THE UNITED
9 STATES.—

10 “(1) IN GENERAL.—Not later than 20 days
11 after the completion of a review or an investigation
12 of any proposed investment into the United States
13 for which the Director has prepared analytic mate-
14 rials, the Director shall submit to the Select Com-
15 mittee on Intelligence of the Senate and the Perma-
16 nent Select Committee on Intelligence of the House
17 of Representative copies of such analytic materials,
18 including any supplements or amendments to such
19 analysis made by the Director.

20 “(2) IMPACT STATEMENTS.—Not later than 60
21 days after the completion of consideration by the
22 United States Government of any investment de-
23 scribed in paragraph (1), the Director shall deter-
24 mine whether such investment will have an oper-
25 ational impact on the intelligence community, and, if
26 so, shall submit a report on such impact to the Se-

1 lect Committee on Intelligence of the Senate and the
2 Permanent Select Committee on Intelligence of the
3 House of Representatives. Each such report shall—

4 “(A) describe the operational impact of the
5 investment on the intelligence community; and

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

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

11 (a) ASSISTANCE TO RECOGNIZE ONLINE VIOLENT
12 EXTREMIST CONTENT.—Not later than 180 days after the
13 date of the enactment of this Act, and consistent with the
14 protection of intelligence sources and methods, the Direc-
15 tor of National Intelligence shall publish on a publicly
16 available Internet website a list of all logos, symbols, insig-
17 nia, and other markings commonly associated with, or
18 adopted by, an organization designated by the Secretary
19 of State as a foreign terrorist organization under section
20 219(a) of the Immigration and Nationality Act (8 U.S.C.
21 1189(a)).

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

1 **Subtitle B—Central Intelligence**
2 **Agency**

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **Subtitle C—Other Elements**

4 **SEC. 421. CLARIFICATION OF AUTHORITY, DIRECTION, AND** 5 **CONTROL OVER THE INFORMATION ASSUR-** 6 **ANCE DIRECTORATE OF THE NATIONAL SE-** 7 **CURITY AGENCY.**

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

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

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

14 (3) by striking subparagraph (D).

15 **SEC. 422. ENHANCING THE TECHNICAL WORKFORCE FOR** 16 **THE FEDERAL BUREAU OF INVESTIGATION.**

17 (a) REPORT REQUIRED.—Building on the basic cyber
18 human capital strategic plan provided to the congressional
19 intelligence committees in 2015, not later than 180 days
20 after the date of the enactment of this Act and updated
21 two years thereafter, the Director of the Federal Bureau
22 of Investigation shall submit to the congressional intel-
23 ligence committees a comprehensive strategic workforce
24 report regarding initiatives to effectively integrate infor-
25 mation technology expertise in the investigative process.

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

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

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

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

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

1 **SEC. 423. PLAN ON ASSUMPTION OF CERTAIN WEATHER**
2 **MISSIONS BY THE NATIONAL RECONNAIS-**
3 **SANCE OFFICE.**

4 (a) PLAN.—

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

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

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

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

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

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

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

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

23 (1) a certification that the Secretary of the Air
24 Force is carrying out a formal acquisition program
25 that has received milestone A approval to address

1 the cloud characterization and theater weather im-
2 agery requirements of the Department of Defense;
3 and

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

7 (d) DEFINITIONS.—In this section:

8 (1) 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) The term “covered space-based environ-
16 mental monitoring missions” means the acquisition
17 programs necessary to meet the national security re-
18 quirements for cloud characterization and theater
19 weather imagery.

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 United States Gov-
21 ernment set out under subparagraph (B) shall
22 appoint one member of the committee estab-
23 lished by subsection (b) from among officials of
24 such agency or department who occupy a posi-
25 tion that is required to be appointed by the

1 President, with the advice and consent of the
2 Senate.

3 (B) HEAD OF AN AGENCY OR DEPART-
4 MENT.—The head of an agency or department
5 of the United States Government set out under
6 this subparagraph 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.

1 (2) MATTERS INCLUDED.—Each report under
2 paragraph (1) shall include a summary of the fol-
3 lowing:

4 (A) Active measures by Russia to exert
5 covert influence during the previous year, in-
6 cluding significant incidents and notable trends.

7 (B) Key initiatives of the committee.

8 (C) Implementation of the committee’s ini-
9 tiatives by the heads of the agencies and de-
10 partments of the United States Government
11 specified in subsection (e)(1)(B).

12 (D) Analysis of the success of such initia-
13 tives.

14 (E) Changes to such initiatives from the
15 previous year.

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

1 **SEC. 502. LIMITATION ON TRAVEL OF ACCREDITED DIP-**
2 **LOMATS AND CONSULARS OF THE RUSSIAN**
3 **FEDERATION IN THE UNITED STATES FROM**
4 **THEIR DIPLOMATIC POST.**

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

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

14 (b) QUARTERLY LIMITATION ON TRAVEL DIS-
15 TANCE.—Accredited diplomatic personnel and consulars of
16 the Russian Federation in the United States may not be
17 permitted to travel a distance in excess of 25 miles from
18 their diplomatic post in the United States in a calendar
19 quarter unless, on or before the last day of the preceding
20 calendar quarter, the Director of the Federal Bureau of
21 Investigation has certified in writing to the appropriate
22 committees of Congress that during the preceding cal-
23 endar quarter the Bureau did not identify any violations
24 by accredited diplomatic personnel and consulars of the
25 Russian Federation of applicable requirements to notify
26 the United States Government in connection with travel

1 by such diplomatic personnel and consulars of a distance
2 in excess of 25 miles from their diplomatic post in the
3 United States.

4 (c) APPLICABILITY.—Subsection (b) shall apply to
5 each calendar quarter that begins more than 90 days after
6 the date of the enactment of this Act.

7 (d) WAIVER AUTHORITY.—

8 (1) IN GENERAL.—The Director of the Federal
9 Bureau of Investigation may waive any travel dis-
10 tance limitation imposed by subsection (b) if the Di-
11 rector determines that such a waiver will further the
12 law enforcement or national security interests of the
13 United States.

14 (2) NOTIFICATION.—Not later than 15 days
15 after issuing a waiver under paragraph (1), the Di-
16 rector of the Federal Bureau of Investigation shall
17 submit to the appropriate committees of Congress a
18 notification that such waiver has been issued and the
19 justification for the issuance of such waiver.

20 **SEC. 503. STUDY AND REPORT ON ENHANCED INTEL-**
21 **LIGENCE AND INFORMATION SHARING WITH**
22 **OPEN SKIES TREATY MEMBER STATES.**

23 (a) DEFINITIONS.—In this section:

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

4 (A) congressional intelligence committees;

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

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

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

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

15 (B) is not the Russian Federation or the
16 Republic of Belarus.

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

21 (b) FEASIBILITY STUDY.—

22 (1) REQUIREMENT FOR STUDY.—Not later than
23 180 days after the date of the enactment of this Act,
24 the Director of National Intelligence shall conduct
25 and submit to the appropriate committees of Con-

1 gress a study to determine the feasibility of creating
2 an intelligence sharing arrangement and database to
3 provide covered state parties with imagery that is
4 comparable, delivered more frequently, and in equal
5 or higher resolution than imagery available through
6 the database established under the Open Skies Trea-
7 ty.

8 (2) ELEMENTS.—The study required by para-
9 graph (1) shall include an evaluation of the fol-
10 lowing:

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

18 (B) The ability of other covered state par-
19 ties to contribute imagery to the arrangement
20 and database.

21 (C) Any impediments to the United States
22 and other covered states parties providing such
23 imagery, including any statutory barriers,
24 insufficiencies in the ability to collect the im-
25 agery or funding, under such an arrangement.

1 (D) Whether imagery of Moscow,
2 Chechnya, the international border between
3 Russia and Georgia, Kaliningrad, or the Repub-
4 lic of Belarus could be provided under such an
5 arrangement.

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

17 (3) SUPPORT FROM OTHER FEDERAL AGEN-
18 CIES.—Each head of a Federal agency shall provide
19 such support to the Director as may be necessary
20 for the Director to conduct the study required by
21 paragraph (1).

22 (c) REPORT.—

23 (1) REQUIREMENT FOR REPORT.—Not later
24 than 180 days after the date of the enactment of
25 this Act, the Director of National Intelligence shall

1 submit to the appropriate committees of Congress
2 the report described in this subsection.

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

5 (A) An intelligence assessment on Russian
6 Federation warfighting doctrine and the extent
7 to which Russian Federation flights under the
8 Open Skies Treaty contribute to such doctrine.

9 (B) A counterintelligence analysis as to
10 whether the Russian Federation has, could
11 have, or intends to have the capability to exceed
12 the imagery limits set forth in the Open Skies
13 Treaty.

14 (C) A list of intelligence exchanges with
15 covered state parties that have been updated on
16 the information described in subparagraphs (A)
17 and (B) and the date and form such informa-
18 tion was provided.

19 (d) FORM OF SUBMISSION.—The study required by
20 subsection (b) and the report required by subsection (c)
21 shall be submitted in an unclassified form but may include
22 a classified annex.

1 **TITLE VI—PRIVACY AND CIVIL**
2 **LIBERTIES OVERSIGHT BOARD**

3 **SEC. 601. INFORMATION ON ACTIVITIES OF THE PRIVACY**
4 **AND CIVIL LIBERTIES OVERSIGHT BOARD.**

5 Subsection (e) of section 1061 of the Intelligence Re-
6 form and Terrorism Prevention Act of 2004 (42 U.S.C.
7 2000ee(e)) is amended—

8 (1) by striking the subsection heading and in-
9 serting “REPORTS AND OVERSIGHT ACTIVITIES.—”;
10 and

11 (2) by adding at the end the following:

12 “(3) INFORMATION.—

13 “(A) OVERSIGHT ACTIVITIES.—In addition
14 to the reports submitted under paragraph
15 (1)(B), the Board shall ensure that each official
16 and congressional committee specified in sub-
17 paragraph (B) is kept fully and currently in-
18 formed of the oversight activities of the Board,
19 including any significant anticipated oversight
20 activities.

21 “(B) OFFICIALS AND CONGRESSIONAL
22 COMMITTEES SPECIFIED.—The officials and
23 congressional committees specified in this sub-
24 paragraph are the following:

1 “(i) The Director of National Intel-
2 ligence.

3 “(ii) The head of any element of the
4 intelligence community (as defined in sec-
5 tion 3(4) of the National Security Act of
6 1947 (50 U.S.C. 3003(4)) the activities of
7 which are, or are anticipated to be, the
8 subject of the Board’s oversight activities.

9 “(iii) The Select Committee on Intel-
10 ligence of the Senate and the Permanent
11 Select Committee on Intelligence of the
12 House of Representatives.

13 “(C) EXEMPTION FOR STATUTORY ADVICE
14 FUNCTION.—This paragraph shall not apply to
15 exercises of the Board’s advice function as set
16 out in subsection (d)(1).

17 “(D) PRESERVATION OF PRIVILEGE.—
18 Nothing in this paragraph may be construed to
19 abridge or require waiver of any applicable
20 privilege.

21 “(4) REPORTS ON ADVICE TO ELEMENTS OF
22 THE INTELLIGENCE COMMUNITY.—Whenever an ele-
23 ment of the intelligence community acts in con-
24 travention of the advice provided by the Board
25 under subsection (d)(1), the Board shall, no less

1 than 30 days after the action in contravention of the
2 Board’s advice, notify the Select Committee on In-
3 telligence of the Senate and the Permanent Select
4 Committee on Intelligence of the House of Rep-
5 resentatives of the provision of advice and of the ac-
6 tion by the element of the intelligence community.”.

7 **SEC. 602. AUTHORIZATION OF APPROPRIATIONS FOR PRI-**
8 **VACY AND CIVIL LIBERTIES OVERSIGHT**
9 **BOARD.**

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

14 “(m) **FUNDING.**—

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

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

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Privacy and Civil Lib-
3 erties Oversight Board for fiscal year 2017 the sum of
4 \$10,081,000 to carry out the activities of the Board under
5 section 1061 of the Intelligence Reform and Terrorism
6 Prevention Act of 2004 (42 U.S.C. 2000ee).

7 **TITLE VII—REPORTS AND**
8 **OTHER MATTERS**

9 **SEC. 701. DECLASSIFICATION REVIEW WITH RESPECT TO**
10 **DETAINEES TRANSFERRED FROM UNITED**
11 **STATES NAVAL STATION, GUANTANAMO BAY,**
12 **CUBA.**

13 (a) IN GENERAL.—For each individual detained at
14 United States Naval Station, Guantanamo Bay, Cuba,
15 after September 11, 2001, who was transferred or released
16 from United States Naval Station, Guantanamo Bay,
17 Cuba, the Director of National Intelligence shall—

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

23 (B) if the individual’s transfer or release oc-
24 curred prior to the date on which the National
25 Counterterrorism Center first began to prepare such

1 reports regarding detainees, such other intelligence
2 report or reports that contain the same or similar
3 information regarding the individual's past terrorist
4 activities;

5 (2) make available to the public—

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

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

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

22 (b) SCHEDULE.—

23 (1) TRANSFER OR RELEASE PRIOR TO ENACT-
24 MENT.—Not later than 210 days after the date of
25 the enactment of this Act, the Director of National

1 Intelligence shall submit the report required by sub-
2 section (a)(3), which shall include the results of the
3 declassification review completed for each individual
4 detained at United States Naval Station, Guanta-
5 namo Bay, Cuba, who was transferred or released
6 from United States Naval Station, Guantanamo
7 Bay, prior to the date of the enactment of this Act.

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

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

22 (1) The terrorist organization, if any, with
23 which affiliated.

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

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

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

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

8 **SEC. 702. CYBER CENTER FOR EDUCATION AND INNOVA-**
9 **TION HOME OF THE NATIONAL CRYPTOLOGIC**
10 **MUSEUM.**

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

14 **“§ 4781. Cyber Center for Education and Innovation**
15 **Home of the National Cryptologic Mu-**
16 **seum**

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

22 “(2) The Center may be used for the identification,
23 curation, storage, and public viewing of materials relating
24 to the activities of the National Security Agency, any pred-

1 ecessor or successor organizations of such Agency, and the
2 history of cryptology.

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

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

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

22 “(2) Notwithstanding section 1342 of title 31, the
23 Secretary may accept services from the Foundation in con-
24 nection with the design construction, and operation of the
25 Center. For purposes of this section and any other provi-

1 sion of law, employees or personnel of the Foundation
2 shall not be considered to be employees of the United
3 States.

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

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

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

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

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

19 “(B) Any other amounts received by the Sec-
20 retary which are attributable to the operation of the
21 Center.

22 “(3) Amounts in the Fund shall be available to the
23 Secretary for the benefit and operation of the Center, in-
24 cluding the costs of operation and the acquisition of books,
25 manuscripts, works of art, historical artifacts, drawings,

1 plans, models, and condemned or obsolete combat mate-
2 riel.”.

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

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

7 **SEC. 703. OVERSIGHT OF NATIONAL SECURITY SYSTEMS.**

8 (a) IN GENERAL.—Section 3557 of title 44, United
9 States Code, is amended—

10 (1) by striking “The head” and inserting the
11 following:

12 “(c) RESPONSIBILITIES OF AGENCIES.—The head”;
13 and

14 (2) by inserting before subsection (c), as des-
15 ignated by paragraph (1), the following:

16 “(a) DEFINITIONS.—In this section:

17 “(1) BINDING OPERATIONAL DIRECTIVE.—Not-
18 withstanding section 3552(b), the term ‘binding
19 operational directive’ means a compulsory direction
20 to an agency that—

21 “(A) is for purposes of safeguarding na-
22 tional security information and information sys-
23 tems from a known or reasonably suspected in-

1 formation security threat, vulnerability, or risk;
2 and

3 “(B) shall be in accordance with policies,
4 principles, standards, and guidelines issued by
5 the Committee.

6 “(2) COMMITTEE.—The term ‘Committee’
7 means the committee established pursuant to Na-
8 tional Security Directive 42, signed by the President
9 on July 5, 1990.

10 “(3) NATIONAL MANAGER.—The term ‘National
11 Manager’ means the national manager referred to in
12 National Security Directive 42, signed by the Presi-
13 dent on July 5, 1990.

14 “(b) OVERSIGHT BY NATIONAL MANAGER.—

15 “(1) DESIGNATION.—The Director of the Na-
16 tional Security Agency shall serve as the National
17 Manager.

18 “(2) REGISTRATION OF NATIONAL SECURITY
19 SYSTEMS.—

20 “(A) IN GENERAL.—Each head of an
21 agency that operates or exercises control of a
22 national security system shall register such sys-
23 tem and its configuration with the National
24 Manager.

1 “(B) LIMITATION.—The head of an agency
2 operating or exercising control of a national se-
3 curity system may not operate or exercise con-
4 trol of such national security system until such
5 head receives a letter from the National Man-
6 ager that acknowledges registration of such na-
7 tional security system.

8 “(3) AUTHORITY TO INSPECT.—The National
9 Manager, in consultation with the head of an agency
10 that operates or exercises control of a national secu-
11 rity system, may, as the National Manager considers
12 appropriate, inspect such system—

13 “(A) for adherence to such standards as
14 the Committee may establish for national secu-
15 rity systems; and

16 “(B) to confirm whether the national secu-
17 rity system coheres with its configuration reg-
18 istered under paragraph (2).

19 “(4) BINDING OPERATIONAL DIRECTIVES.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the National Manager, in
22 consultation with the Committee, may issue
23 such binding operational directives as the Na-
24 tional Manager considers appropriate to ensure
25 the security of a national security system.

1 “(B) LIMITATION.—In any case in which
2 the National Manager issues an operational di-
3 rective under subparagraph (A) with respect to
4 a national security system operated or con-
5 trolled by an agency, such operational directive
6 shall not be considered binding if the head of
7 such agency submits to the National Manager
8 a certification that the operational directive
9 would degrade national security.

10 “(C) ANNUAL REPORT.—Not less fre-
11 quently than once each year, the National Man-
12 ager shall submit to the Select Committee on
13 Intelligence of the Senate and the Permanent
14 Select Committee on Intelligence of the House
15 of Representatives a report on the certifications
16 submitted to the National Manager under sub-
17 paragraph (B) in the most recent year pre-
18 ceding the report.”.

19 (b) CONSIDERATION OF CERTAIN ROUTINE ADMINIS-
20 TRATIVE AND BUSINESS APPLICATIONS AS NATIONAL SE-
21 CURITY SYSTEMS.—

22 (1) TITLE 40.—Section 11103(a) of title 40,
23 United States Code, is amended—

24 (A) by striking paragraph (2);

1 (B) in paragraph (1)(E), by striking “sub-
2 ject to paragraph (2),”;

3 (C) by striking “DEFINITION.—” and all
4 that follows through “In this section” and in-
5 serting “NATIONAL SECURITY SYSTEM DE-
6 FINED.—In this section”; and

7 (D) by redesignating subparagraphs (A)
8 through (E) as paragraphs (1) through (5), re-
9 spectively, and moving such paragraphs 2 ems
10 to the left.

11 (2) TITLE 44.—Section 3552(b)(6) of title 44,
12 United States Code, is amended—

13 (A) by striking subparagraph (B);

14 (B) in subparagraph (A), by striking
15 “(A)”;

16 (C) by redesignating clauses (i) and (ii) as
17 subparagraphs (A) and (B), respectively;

18 (D) by redesignating subclauses (I)
19 through (V) as clauses (i) through (v), respec-
20 tively; and

21 (E) in subparagraph (A)(v), as redesign-
22 ated, by striking “subject to subparagraph
23 (B),”.

24 **SEC. 704. JOINT FACILITIES CERTIFICATION.**

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

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

6 (2) The use of joint facilities provides more op-
7 portunities for operational collaboration and infor-
8 mation sharing among elements of the intelligence
9 community.

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

15 (1) a certification that, to the best of the
16 knowledge of the head of such element, all prospec-
17 tive joint facilities in the vicinity have been consid-
18 ered and the element is unable to identify a joint fa-
19 cility that meets the operational requirements of
20 such element; and

21 (2) a statement listing the reasons for not par-
22 ticipating in the prospective joint facilities consid-
23 ered by the element.

1 **SEC. 705. LEADERSHIP AND MANAGEMENT OF SPACE AC-**
2 **TIVITIES.**

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

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

19 (c) UNITY OF EFFORT IN SPACE OPERATIONS BE-
20 TWEEN THE INTELLIGENCE COMMUNITY AND DEPART-
21 MENT OF DEFENSE.—

22 (1) REQUIREMENT FOR PLAN.—Not later than
23 90 days after the date of the enactment of this Act,
24 the Director of National Intelligence, in consultation
25 with the Secretary of Defense, shall submit to the
26 appropriate committees of Congress a plan to func-

1 tionally integrate the governance, operations, anal-
2 ysis, collection, policy, and acquisition activities re-
3 lated to space and counterspace carried out by the
4 intelligence community. The plan shall include anal-
5 ysis of no fewer than 2 alternative constructs to im-
6 plement this plan, and an assessment of statutory,
7 policy, organizational, programmatic, and resources
8 changes that may be required to implement each al-
9 ternative construct.

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

17 (3) SCOPE OF PLAN.—The plan required by
18 paragraph (1) shall include methods to functionally
19 integrate activities carried out by—

20 (A) the National Reconnaissance Office;

21 (B) the functional managers for signals in-
22 telligence and geospatial intelligence;

23 (C) the Office of the Director of National
24 Intelligence;

1 (D) other Intelligence Community elements
2 with space-related programs;
3 (E) joint interagency efforts; and
4 (F) other entities as identified by the Di-
5 rector of National Intelligence in coordination
6 with the Secretary of Defense.

7 (d) INTELLIGENCE COMMUNITY SPACE WORK-
8 FORCE.—Not later than 90 days after the date of the en-
9 actment of this Act, the Director of National Intelligence
10 shall submit to the congressional intelligence committees
11 a workforce plan to recruit, develop, and retain personnel
12 in the intelligence community with skills and experience
13 in space and counterspace operations, analysis, collection,
14 policy, and acquisition.

15 (e) JOINT INTERAGENCY COMBINED SPACE OPER-
16 ATIONS CENTER.—

17 (1) SUBMISSION TO CONGRESS.—The Director
18 of the National Reconnaissance Office and the Com-
19 mander of the United States Strategic Command, in
20 consultation with the Director of National Intel-
21 ligence and Under Secretary of Defense for Intel-
22 ligence, shall submit to the appropriate committees
23 of Congress concept of operations and requirements
24 documents for the Joint Interagency Combined

1 Space Operations Center by the date that is the ear-
2 lier of—

3 (A) the completion of the experimental
4 phase of such Center; or

5 (B) 30 days after the date of the enact-
6 ment of this Act.

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

19 **SEC. 706. ADVANCES IN LIFE SCIENCES AND BIO-**
20 **TECHNOLOGY.**

21 (a) REQUIREMENT FOR PLAN.—Not later than 180
22 days after the date of the enactment of this Act, the Direc-
23 tor of National Intelligence shall brief the congressional
24 intelligence committees on a proposed plan to monitor ad-

1 vances in life sciences and biotechnology to be carried out
2 by the Director.

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

5 (1) a description of the approach the elements
6 of the intelligence community will take to make use
7 of organic life science and biotechnology expertise
8 within and outside the intelligence community on a
9 routine and contingency basis;

10 (2) an assessment of the current collection and
11 analytical posture of the life sciences and bio-
12 technology portfolio as it relates to United States
13 competitiveness and the global bio-economy, the
14 risks and threats evolving with advances in genetic
15 editing technologies, and the implications of such ad-
16 vances on future biodefense requirements; and

17 (3) an analysis of organizational requirements
18 and responsibilities, including potentially creating
19 new positions.

20 (c) REPORT TO CONGRESS.—Not later than 180 days
21 after the date of the enactment of this Act, the Director
22 of National Intelligence shall submit to the congressional
23 intelligence committees, the Committee on Armed Services
24 of the Senate, and the Committee on Armed Services of
25 the House of Representatives a report and provide a brief-

1 ing on the role of the intelligence community in the event
2 of a biological attack on the United States, including an
3 assessment of the capabilities and gaps in technical capa-
4 bilities that exist to address the potential circumstance of
5 a novel unknown pathogen.

6 **SEC. 707. REPORTS ON DECLASSIFICATION PROPOSALS.**

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

14 (1) A study of the feasibility of reducing the
15 number of original classification authorities in each
16 element of the intelligence community to the min-
17 imum number required and any negative impacts
18 that reduction could have on mission capabilities.

19 (2) A study of the actions required to imple-
20 ment a proactive discretionary declassification pro-
21 gram distinct from the systematic, automatic, and
22 mandatory declassification review programs outlined
23 in part 2001 of title 32, Code of Federal Regula-
24 tions, including section 2001.35 of such part.

1 (3) A study of the benefits and drawbacks of
2 implementing a single classification guide that could
3 be used by all elements of the intelligence commu-
4 nity in the nonoperational and more common areas
5 of such elements.

6 (4) A study of whether the classification level of
7 “confidential” could be eliminated within agency-
8 generated classification guides from use by elements
9 of the intelligence community and any negative im-
10 pacts that elimination could have on mission success.

11 (b) REPORTS AND BRIEFINGS TO CONGRESS.—

12 (1) PROGRESS REPORT.—Not later than 30
13 days after the date of the enactment of this Act, the
14 Director of National Intelligence shall submit a re-
15 port to the congressional intelligence committees and
16 provide the congressional intelligence committees a
17 briefing on the progress of the elements of the intel-
18 ligence community in producing the covered studies.

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

1 (A) the final versions of the covered stud-
2 ies that have been provided to the Director by
3 the elements of the intelligence community; and

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

6 **SEC. 708. IMPROVEMENT IN GOVERNMENT CLASSIFICA-**
7 **TION AND DECLASSIFICATION.**

8 (a) REVIEW OF GOVERNMENT CLASSIFICATION AND
9 DECLASSIFICATION.—Not later than 180 days after the
10 date of the enactment of this Act, the Director of National
11 Intelligence shall—

12 (1) review the system by which the Government
13 classifies and declassifies information;

14 (2) develop recommendations—

15 (A) to make such system a more effective
16 tool for the protection of information relating to
17 national security;

18 (B) to improve the sharing of information
19 with partners and allies of the Government; and

20 (C) to support the appropriate declassifica-
21 tion of information; and

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

1 (A) the findings of the Director with re-
2 spect to the review conducted under paragraph
3 (1); and

4 (B) the recommendations developed under
5 paragraph (2).

6 (b) ANNUAL CERTIFICATION OF CONTROLLED AC-
7 CESS PROGRAMS.—

8 (1) IN GENERAL.—Not less frequently than
9 once each year, the Director of National Intelligence
10 shall certify to the congressional intelligence commit-
11 tees whether the creation, validation, or substantial
12 modification, including termination, for all existing
13 and proposed controlled access programs, and the
14 compartments and subcompartments within each,
15 are substantiated and justified based on the infor-
16 mation required by paragraph (2).

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

19 (A) the rationale for the revalidation, vali-
20 dation, or substantial modification, including
21 termination, of each controlled access program,
22 compartment and subcompartment;

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

1 (C) a statement of protection requirements
2 for each controlled access program.

3 **SEC. 709. REPORT ON IMPLEMENTATION OF RESEARCH**
4 **AND DEVELOPMENT RECOMMENDATIONS.**

5 Not later than 120 days after the date of the enact-
6 ment of this Act, the Director of National Intelligence
7 shall submit to the congressional intelligence committees
8 a report that includes the following:

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

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

20 **SEC. 710. REPORT ON INTELLIGENCE COMMUNITY RE-**
21 **SEARCH AND DEVELOPMENT CORPS.**

22 Not later than 120 days after the date of the enact-
23 ment of this Act, the Director of National Intelligence
24 shall submit to the congressional intelligence committees
25 a report and a briefing on a plan, with milestones and

1 benchmarks, to implement an Intelligence Community Re-
2 search and Development Corps, as recommended in the
3 Report of the National Commission for the Review of the
4 Research and Development Programs of the United States
5 Intelligence Community, including an assessment—

6 (1) of the funding and modification to existing
7 authorities needed to allow for the implementation of
8 such Corps; and

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

11 **SEC. 711. REPORT ON INFORMATION RELATING TO AKA-**
12 **DEMIC PROGRAMS, SCHOLARSHIPS, FELLOW-**
13 **SHIPS, AND INTERNSHIPS SPONSORED, AD-**
14 **MINISTERED, OR USED BY THE INTEL-**
15 **LIGENCE COMMUNITY.**

16 (a) REPORT.—Not later than 120 days after the date
17 of the enactment of this Act, the Director of National In-
18 telligence shall submit to the congressional intelligence
19 committees a report by the intelligence community regard-
20 ing covered academic programs. Such report shall in-
21 clude—

22 (1) a description of the extent to which the Di-
23 rector and the heads of the elements of the intel-
24 ligence community independently collect information

1 on covered academic programs, including with re-
2 spect to—

3 (A) the number of applicants for such pro-
4 grams;

5 (B) the number of individuals who have
6 participated in such programs; and

7 (C) the number of individuals who have
8 participated in such programs and were hired
9 by an element of the intelligence community
10 after completing such program;

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

18 (3) to the extent that the Director and the
19 heads do not independently collect the information
20 described in paragraph (1) as of the date of the re-
21 port—

22 (A) whether the Director and the heads
23 can begin collecting such information during
24 fiscal year 2017; and

1 (B) the personnel, tools, and other re-
2 sources required by the Director and the heads
3 to independently collect such information.

4 (b) COVERED ACADEMIC PROGRAMS DEFINED.—In
5 this section, the term “covered academic programs”
6 means—

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

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

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

16 (4) the National Centers of Academic Excel-
17 lence in Information Assurance and Cyber Defense
18 of the National Security Agency and the Depart-
19 ment of Homeland Security; and

20 (5) any other academic program, scholarship
21 program, fellowship program, or internship program
22 sponsored, administered, or used by an element of
23 the intelligence community.

1 **SEC. 712. REPORT ON INTELLIGENCE COMMUNITY EM-**
2 **PLOYEES DETAILED TO NATIONAL SECURITY**
3 **COUNCIL.**

4 Not later than 60 days after the date of the enact-
5 ment of this Act, the Director of National Intelligence
6 shall submit to the congressional intelligence committees
7 a report listing, by year, the number of employees of an
8 element of the intelligence community who have been de-
9 tailed to the National Security Council during the 10-year
10 period preceding the date of the report.

11 **SEC. 713. INTELLIGENCE COMMUNITY REPORTING TO CON-**
12 **GRESS ON FOREIGN FIGHTER FLOWS.**

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

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

23 (1) The total number of foreign fighters who
24 have traveled or are suspected of having traveled to
25 the terrorist safe haven since 2011, including the
26 countries of origin of such foreign fighters.

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

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

6 (c) FORM.—The reports submitted under subsection
7 (a) may be submitted in classified form. If such a report
8 is submitted in classified form, such report shall also in-
9 clude an unclassified summary.

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

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

16 (1) in the Senate—

17 (A) the Committee on Armed Services;

18 (B) the Select Committee on Intelligence;

19 (C) the Committee on the Judiciary;

20 (D) the Committee on Homeland Security
21 and Governmental Affairs;

22 (E) the Committee on Banking, Housing,
23 and Urban Affairs;

24 (F) the Committee on Foreign Relations;

25 and

- 1 (G) the Committee on Appropriations; and
2 (2) in the House of Representatives—
3 (A) the Committee on Armed Services;
4 (B) the Permanent Select Committee on
5 Intelligence;
6 (C) the Committee on the Judiciary;
7 (D) the Committee on Homeland Security;
8 (E) the Committee on Financial Services;
9 (F) the Committee on Foreign Affairs; and
10 (G) the Committee on Appropriations.

11 **SEC. 714. REPORT ON CYBERSECURITY THREATS TO SEA-**
12 **PORTS OF THE UNITED STATES AND MARI-**
13 **TIME SHIPPING.**

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

- 24 (1) entities conducting significant operations at
25 seaports in the United States;

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

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

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

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

13 (2) An assessment of—

14 (A) any planned cyberattacks directed
15 against such software, networks, and systems;

16 (B) any significant vulnerabilities to such
17 software, networks, and systems; and

18 (C) how such entities and concerns are
19 mitigating such vulnerabilities.

20 (3) An update on the status of the efforts of
21 the Coast Guard to include cybersecurity concerns in
22 the National Response Framework, Emergency Sup-
23 port Functions, or both, relating to the shipping or
24 ports of the United States.

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 of the Senate and the Com-
8 mittee on Homeland Security of the House of Rep-
9 resentatives.

10 **SEC. 715. REPORT ON COUNTER-MESSAGING ACTIVITIES.**

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

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

21 (1) A description of whether, and to what ex-
22 tent, the Secretary of Homeland Security, in con-
23 ducting counter-messaging activities with respect to
24 the Islamic State and other extremist groups,
25 consults or coordinates with the Secretary of State,

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

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

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

16 (1) the congressional intelligence committees;
17 and

18 (2) the Committee on Homeland Security and
19 Governmental Affairs of the Senate and the Com-
20 mittee on Homeland Security of the House of Rep-
21 resentatives.

22 **SEC. 716. REPORT ON REPRISALS AGAINST CONTRACTORS**
23 **OF THE INTELLIGENCE COMMUNITY.**

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

1 Intelligence Community, consistent with the protection of
2 sources and methods, shall submit to the congressional in-
3 telligence committees a report on reprisals made against
4 covered contractor employees.

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

7 (1) Identification of the number of known or
8 claimed reprisals made against covered contractor
9 employees during the 3-year period preceding the
10 date of the report and any evaluation of such repris-
11 als.

12 (2) An evaluation of the usefulness of estab-
13 lishing a prohibition on reprisals against covered
14 contractor employees as a means of encouraging
15 such contractors to make protected disclosures.

16 (3) A description of any challenges associated
17 with establishing such a prohibition, including with
18 respect to the nature of the relationship between the
19 Federal Government, the contractor, and the covered
20 contractor employee.

21 (4) A description of any approaches taken by
22 the Federal Government to account for reprisals
23 against non-intelligence community contractors who
24 make protected disclosures, including pursuant to
25 section 2409 of title 10, United States Code, and

1 sections 4705 and 4712 of title 41, United States
2 Code.

3 (5) Any recommendations the Inspector General
4 determines appropriate.

5 (c) DEFINITIONS.—In this section:

6 (1) COVERED CONTRACTOR EMPLOYEE.—The
7 term “covered contractor employee” means an em-
8 ployee of a contractor of an element of the intel-
9 ligence community.

10 (2) REPRISAL.—The term “reprisal” means the
11 discharge or other adverse personnel action made
12 against a covered contractor employee for making a
13 disclosure of information that would be a disclosure
14 protected by law if the contractor were an employee
15 of the Federal Government.

Passed the House of Representatives November 30,
2016.

Attest:

KAREN L. HAAS,

Clerk.