

Calendar No. 504

114TH CONGRESS
2D SESSION**S. 3017**

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

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2016

Mr. BURR from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

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

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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. 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. Annual review and report on interactions between the intelligence community and entertainment industry.
 Sec. 307. Protections for independent inspectors general of elements of the intelligence community.
 Sec. 308. Congressional oversight of policy directives and guidance.
 Sec. 309. Notification of memorandums of understanding.
 Sec. 310. Intelligence community assistance for nationally significant critical infrastructure.

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.

Subtitle B—Other Elements

- Sec. 411. Enhanced death benefits for employees of the Central Intelligence Agency.
 Sec. 412. Pay and retirement authorities of the Inspector General of the Central Intelligence Agency.
 Sec. 413. Prohibition on the Director of the National Security Agency serving contemporaneously as a commander of a combatant command.
 Sec. 414. Enhancing the technical workforce for the Federal Bureau of Investigation.

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 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.
- Sec. 504. Reviews on cooperation between the intelligence community and foreign intelligence entities.

TITLE VI—PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

- Sec. 601. Information on activities of the Privacy and Civil Liberties Oversight Board.
- Sec. 602. Appointment of staff of the Privacy and Civil Liberties Oversight Board.
- Sec. 603. Protection of the privacy and civil liberties of United States persons.

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

- Sec. 701. Declassification review of information on Guantanamo detainees and mitigation measures taken to monitor the individuals and prevent future attacks.
- Sec. 702. Limitation on transfer of Guantanamo detainees to foreign countries.

TITLE VIII—REPORTS AND OTHER MATTERS

- Sec. 801. Submission of intelligence related information in certain reports by the Secretary of Defense.
- Sec. 802. Cyber Center for Education and Innovation Home of the National Cryptologic Museum.
- Sec. 803. Counterintelligence access to telephone toll and transactional records.
- Sec. 804. Oversight of national security systems.
- Sec. 805. Joint facilities certification.
- Sec. 806. Improvement of leadership and management of space activities.
- Sec. 807. Advances in life sciences and biotechnology.
- Sec. 808. Reports on declassification proposals.
- Sec. 809. Improvement in government classification and declassification.
- Sec. 810. Report on implementation of research and development recommendations.
- Sec. 811. Report on Intelligence Community Research and Development Corps.
- Sec. 812. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by 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—

1 (A) the Select Committee on Intelligence of
2 the Senate; and

3 (B) the Permanent Select Committee on
4 Intelligence of the House of Representatives.

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

9 **TITLE I—INTELLIGENCE**
10 **ACTIVITIES**

11 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

16 (1) The Office of the Director of National Intel-
17 ligence.

18 (2) The Central Intelligence Agency.

19 (3) The Department of Defense.

20 (4) The Defense Intelligence Agency.

21 (5) The National Security Agency.

22 (6) The Department of the Army, the Depart-
23 ment of the Navy, and the Department of the Air
24 Force.

25 (7) The Coast Guard.

- 1 (8) The Department of State.
- 2 (9) The Department of the Treasury.
- 3 (10) The Department of Energy.
- 4 (11) The Department of Justice.
- 5 (12) The Federal Bureau of Investigation.
- 6 (13) The Drug Enforcement Administration.
- 7 (14) The National Reconnaissance Office.
- 8 (15) The National Geospatial-Intelligence Agen-
9 cy.
- 10 (16) The Department of Homeland Security.

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

12 (a) SPECIFICATIONS OF AMOUNTS.—The amounts
13 authorized to be appropriated under section 101 for the
14 conduct of the intelligence activities of the elements listed
15 in paragraphs (1) through (16) of section 101, are those
16 specified in the classified Schedule of Authorizations pre-
17 pared to accompany the bill S. _____ of the One Hundred
18 Fourteenth Congress.

19 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
20 THORIZATIONS.—

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

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

7 (3) LIMITS ON DISCLOSURE.—The President
8 shall not publicly disclose the classified Schedule of
9 Authorizations or any portion of such Schedule ex-
10 cept—

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

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

16 (C) as otherwise required by law.

17 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
18 **COUNT.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated for the Intelligence Commu-
21 nity Management Account of the Director of National In-
22 telligence for fiscal year 2017 the sum of \$568,596,000.
23 Within such amount, funds identified in the classified
24 Schedule of Authorizations referred to in section 102(a)

1 for advanced research and development shall remain avail-
2 able until September 30, 2018.

3 (b) CLASSIFIED AUTHORIZATIONS.—In addition to
4 amounts authorized to be appropriated for the Intelligence
5 Community Management Account by subsection (a), there
6 are authorized to be appropriated for the Intelligence
7 Community Management Account for fiscal year 2017
8 such additional amounts as are specified in the classified
9 Schedule of Authorizations referred to in section 102(a).
10 Such additional amounts made available for advanced re-
11 search and development shall remain available until Sep-
12 tember 30, 2018.

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

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

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

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

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

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

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

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

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

20 (a) DIRECTOR OF NATIONAL INTELLIGENCE.—Sec-
21 tion 102 of the National Security Act of 1947 (50 U.S.C.
22 3023) is amended by adding at the end the following:

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

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

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

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

14 “(3) Not later than the earlier of the date that is
15 30 days prior to the date the Director will engage in fund-
16 raising authorized by this subsection or at the time the
17 decision is made to participate in such fundraising, the
18 Director shall notify the congressional intelligence commit-
19 tees of such fundraising.”.

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

24 “(3) Not later than the earlier of the date that is
25 30 days prior to the date the Director will engage in fund-

1 raising authorized by this subsection or at the time the
2 decision is made to participate in such fundraising, the
3 Director shall notify the Select Committee on Intelligence
4 of the Senate and the Permanent Select Committee on In-
5 telligence of the House of Representatives of the fund-
6 raising.”.

7 **SEC. 304. PROMOTION OF SCIENCE, TECHNOLOGY, ENGI-**
8 **NEERING, AND MATH EDUCATION IN THE IN-**
9 **TELLIGENCE COMMUNITY.**

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

19 (b) **REQUIREMENT FOR INTELLIGENCE COMMUNITY**
20 **PLANS FOR STEM RECRUITING AND OUTREACH ACTIVI-**
21 **TIES.**—For each of the fiscal years 2018 through 2022,
22 the head of each element of the intelligence community
23 shall submit an investment plan along with the materials
24 submitted as justification of the budget request of such

1 element that supports the strategy required by subsection
2 (a).

3 **SEC. 305. RETENTION OF EMPLOYEES OF THE INTEL-**
4 **LIGENCE COMMUNITY WHO HAVE SCIENCE,**
5 **TECHNOLOGY, ENGINEERING, OR MATH EX-**
6 **PERTISE.**

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

11 **“SEC. 113B. SPECIAL PAY AUTHORITY FOR SCIENCE, TECH-**
12 **NOLOGY, ENGINEERING, OR MATH POSI-**
13 **TIONS.**

14 “(a) AUTHORITY TO SET SPECIAL RATES OF PAY.—
15 Notwithstanding part III of title 5, United States Code,
16 the head of each element of the intelligence community
17 may establish higher minimum rates of pay for 1 or more
18 categories of positions in such element that require exper-
19 tise in science, technology, engineering, or math (STEM).

20 “(b) MAXIMUM SPECIAL RATE OF PAY.—A minimum
21 rate of pay established for a category of positions under
22 subsection (a) may not exceed the maximum rate of basic
23 pay (excluding any locality-based comparability payment
24 under section 5304 of title 5, United States Code, or simi-
25 lar provision of law) for the position in that category of

1 positions without the authority of subsection (a) by more
2 than 30 percent, and no rate may be established under
3 this section in excess of the rate of basic pay payable for
4 level IV of the Executive Schedule under section 5315 of
5 title 5, United States Code.

6 “(c) NOTIFICATION OF REMOVAL FROM SPECIAL
7 RATE OF PAY.—If the head of an element of the intel-
8 ligence community removes a category of positions from
9 coverage under a rate of pay authorized by subsection (a)
10 after that rate of pay takes effect—

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

14 “(2) the loss of coverage will take effect on the
15 first day of the first pay period after the date of the
16 notice.

17 “(d) REVISION OF SPECIAL RATES OF PAY.—Subject
18 to the limitations in this section, rates of pay established
19 under this section by the head of the element of the intel-
20 ligence community may be revised from time to time by
21 the head of such element and the revisions have the force
22 and effect of statute.

23 “(e) REGULATIONS.—The head of each element of
24 the intelligence community shall promulgate regulations to
25 carry out this section with respect to such element, which

1 shall, to the extent practicable, be comparable to the regu-
2 lations promulgated to carry out section 5305 of title 5,
3 United States Code.

4 “(f) REPORTS.—

5 “(1) REQUIREMENT FOR REPORTS.—Not later
6 than 90 days after the date of the enactment of the
7 Intelligence Authorization Act for Fiscal Year 2017,
8 the head of each element of the intelligence commu-
9 nity shall submit to the congressional intelligence
10 committees a report on any rates of pay established
11 for such element under this section.

12 “(2) CONTENTS.—Each report required by
13 paragraph (1) shall contain for each element of the
14 intelligence community—

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

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

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

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

1 **SEC. 306. ANNUAL REVIEW AND REPORT ON INTERACTIONS**
2 **BETWEEN THE INTELLIGENCE COMMUNITY**
3 **AND ENTERTAINMENT INDUSTRY.**

4 (a) DEFINITIONS.—In this section:

5 (1) ENGAGEMENT.—The term “engagement”
6 means any significant interaction between an ele-
7 ment of the intelligence community and an enter-
8 tainment industry entity for the purposes of contrib-
9 uting to an entertainment product intended to be
10 heard, viewed, or otherwise experienced by an audi-
11 ence.

12 (2) ENTERTAINMENT INDUSTRY ENTITY.—The
13 term “entertainment industry entity” means a per-
14 son that creates, produces, owns, or manages an en-
15 tertainment product intended to be heard, viewed, or
16 otherwise experienced by an audience, including—

17 (A) theater productions, motion pictures,
18 radio broadcasts, television broadcasts,
19 podcasts, webcasts, other sound or visual re-
20 cording, music, and dance;

21 (B) books and other published material;
22 and

23 (C) such other entertainment activity, as
24 determined by the Director of National Intel-
25 ligence.

1 (b) DIRECTOR OF NATIONAL INTELLIGENCE AN-
2 NUAL REVIEW.—Not later than 180 days after the date
3 of the enactment of this Act and annually thereafter, the
4 Director of National Intelligence shall conduct a review
5 of the number, scope, purpose, benefits, and products of
6 the engagements that occurred during the 1-year period
7 ending on date the review is completed.

8 (c) ANNUAL REPORT.—

9 (1) REQUIREMENT FOR REPORT.—Not later
10 than 30 days after the date each review required by
11 subsection (b) is completed, the Director of National
12 Intelligence shall submit to the congressional intel-
13 ligence committees a report on such review.

14 (2) CONTENT.—Each report required by para-
15 graph (1) on a review shall include the following:

16 (A) A description of the nature and dura-
17 tion of each engagement included in the review.

18 (B) The cost incurred by the United States
19 Government for each such engagement.

20 (C) A certification that each such engage-
21 ment did not result in a release of classified in-
22 formation.

23 (D) A determination of whether any infor-
24 mation was declassified for each such engage-
25 ment.

1 (E) A description of the result produced
2 through each such engagement.

3 (3) PUBLICATION.—The Director shall publish
4 each report required by paragraph (1) on the Direc-
5 tor's publicly available website in a timely manner.

6 (d) REQUIREMENT FOR APPROVAL AND NOTIFICA-
7 TION.—

8 (1) IN GENERAL.—No element of the intel-
9 ligence community may conduct an engagement un-
10 less the head of such element—

11 (A) approves the proposed engagement;
12 and

13 (B) not later than 30 days prior to the
14 proposed engagement, submits a notice to the
15 congressional intelligence committees that de-
16 scribes why such engagement is in furtherance
17 of the interest of the element.

18 (2) PUBLICATION.—As part of each report sub-
19 mitted under subsection (c), the Director of National
20 Intelligence shall include each approval made by any
21 head of an element of the intelligence community
22 under paragraph (1).

1 **SEC. 307. PROTECTIONS FOR INDEPENDENT INSPECTORS**
2 **GENERAL OF ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY.**

4 (a) **LIMITATION ON ACTIVITIES OF EMPLOYEES OF**
5 **AN OFFICE OF INSPECTOR GENERAL.—**

6 (1) **LIMITATION.—**Each office of an inspector
7 general for an element of the intelligence commu-
8 nity, including the Office of the Inspector General of
9 the Intelligence Community, shall implement a policy
10 that prohibits—

11 (A) an individual who holds a senior level
12 position in such an office of an inspector gen-
13 eral from being involved in any matter of such
14 office that affects the interests of an element of
15 the intelligence community that formerly em-
16 ployed the individual for a period of not less
17 than two years after the date the individual left
18 that employment; and

19 (B) an individual who holds a position that
20 is not a senior level position in such an office
21 of an inspector general from being involved in
22 any matter of such office that affects the inter-
23 ests of an element of the intelligence community
24 that formerly employed the individual for a pe-
25 riod of not less than one year after the date the
26 individual left that employment.

1 (2) SENIOR LEVEL POSITION DEFINED.—In
2 this subsection, the term “senior level position”
3 means a position in an office of an inspector general
4 of an element of the intelligence community des-
5 ignated by the Director of National Intelligence as
6 a senior level position. In determining if a position
7 shall be designated as a senior level position, the Di-
8 rector of National Intelligence shall consider wheth-
9 er—

10 (A) the position—

11 (i) is the head of an entity or a sig-
12 nificant component within an agency;

13 (ii) is involved in the management or
14 oversight matters of significant import to
15 the leadership of an entity of the intel-
16 ligence community;

17 (iii) serves in a position with signifi-
18 cant responsibility on behalf of the intel-
19 ligence community;

20 (iv) manages a significant number of
21 personnel or funds; and

22 (v) has responsibility for management
23 or oversight for sensitive intelligence activi-
24 ties; and

1 (B) the employee who holds the position is
2 compensated under the Senior Intelligence
3 Service pay scale.

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

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

10 “(i) may not require an employee of an office
11 of inspector general of an element of the intelligence
12 community, including the Office of the Inspector
13 General of the Intelligence Community, to rotate to
14 a position in the element for which such office con-
15 ducts audits, investigations, or reviews; and

16 “(ii) shall be implemented in a manner that ex-
17 empts employees of such an office from a rotation
18 that may impact the independence of the office.”.

19 **SEC. 308. CONGRESSIONAL OVERSIGHT OF POLICY DIREC-**
20 **TIVES AND GUIDANCE.**

21 (a) COVERED POLICY DOCUMENT DEFINED.—In this
22 section, the term “covered policy document” means any
23 classified or unclassified Presidential Policy Directive,
24 Presidential Policy Guidance, or other similar policy docu-
25 ment issued by the President, including any annex to such

1 a Directive, Guidance, or other document, that impacts
2 the intelligence community.

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

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

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

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

21 (A) a notice that includes the date such
22 covered policy document was issued and a sum-
23 mary of the subject matter addressed by such
24 covered policy document; and

1 (B) if the Director has issued any guid-
2 ance or direction on implementation of such
3 covered policy document or is implementing
4 such covered policy document, a copy of the
5 guidance or direction or a description of such
6 implementation.

7 **SEC. 309. NOTIFICATION OF MEMORANDUMS OF UNDER-**
8 **STANDING.**

9 The head of each element of the intelligence commu-
10 nity shall submit to the congressional intelligence commit-
11 tees a copy of each memorandum of understanding or
12 other agreement regarding intelligence activities between
13 such element and any other entity of the United States
14 Government—

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

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

22 **SEC. 310. INTELLIGENCE COMMUNITY ASSISTANCE FOR NA-**
23 **TIONALLY SIGNIFICANT CRITICAL INFRA-**
24 **STRUCTURE.**

25 (a) DEFINITIONS.—In this section:

1 (1) COVERED CRITICAL INFRASTRUCTURE.—

2 The term “covered critical infrastructure” means the
3 critical infrastructure identified pursuant to section
4 9(a) of Executive Order 13636 of February 12,
5 2013 (78 Fed. Reg. 11742; related to improving
6 critical infrastructure cybersecurity).

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

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

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of Homeland Security.

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

21 (6) VOLUNTARY PARTICIPANT.—The term “vol-
22 untary participant” means an entity eligible to par-
23 ticipate in the program under subsection (e)(2) that
24 has voluntarily elected to participate in the program.

1 (b) REQUIREMENT FOR PROGRAM.—Not later than
2 180 days after the date of the enactment of this Act, the
3 Director of National Intelligence and the Secretary, in
4 consultation with covered critical infrastructure and sec-
5 tor-specific agencies, shall establish and carry out a pro-
6 gram to provide assistance from the elements of the intel-
7 ligence community to covered critical infrastructure con-
8 sistent with subsection (g).

9 (c) OBJECTIVE.—The objective of the program shall
10 be to provide guidance and assistance from the elements
11 of the intelligence community to covered critical infra-
12 structure in order to reduce the risk of regional or national
13 catastrophic harm caused by a cyber attack against cov-
14 ered critical infrastructure.

15 (d) DIRECTOR.—The Director of National Intel-
16 ligence and the Secretary shall appoint a director of the
17 program.

18 (e) PARTICIPATION.—

19 (1) INTELLIGENCE COMMUNITY PARTICIPA-
20 TION.—The program shall include the participation
21 of the following:

22 (A) The Office of Intelligence and Analysis
23 of the Department of Homeland Security.

24 (B) The Federal Bureau of Investigation.

1 (C) The Office of Intelligence and Counter-
2 intelligence of the Department of Energy, in-
3 cluding the appropriate elements of the Depart-
4 ment of Energy National Laboratories.

5 (D) The Central Intelligence Agency.

6 (E) The National Security Agency.

7 (F) The National Intelligence Manager for
8 cyber.

9 (G) The Office of Intelligence and Analysis
10 of the Department of the Treasury.

11 (2) VOLUNTARY PARTICIPATION.—Participation
12 in the program by entities external to the intel-
13 ligence community shall be on a voluntary basis and
14 subject to approval by the director of the program
15 and may include the following:

16 (A) Covered critical infrastructure.

17 (B) Vendors and manufacturers of covered
18 cyber assets, and the components of such sys-
19 tems.

20 (C) Systems Integrators and other com-
21 mercial enterprises that provide configuration
22 or remote services for covered cyber assets.

23 (D) Appropriate personnel of the Informa-
24 tion Sharing and Analysis Organizations of cov-
25 ered critical infrastructure sectors.

1 (E) Any entity nominated for participation
2 by an owner or operator of covered critical in-
3 frastructure.

4 (f) ACTIVITIES.—The director of the program is au-
5 thorized to carry out activities to expand cooperation
6 among private sector participants and the intelligence
7 community in order to achieve the objective set out in sub-
8 section (e), as follows:

9 (1) Sponsorship of security clearances for ap-
10 propriate personnel of the Information Sharing and
11 Analysis Organizations of certain critical infrastruc-
12 ture sectors, and expedite security clearances, when
13 appropriate.

14 (2) The establishment of an interagency frame-
15 work, in consultation with voluntary participants, to
16 determine a strategy to effectively leverage intel-
17 ligence community resources made available to pro-
18 tect covered critical infrastructure or to fulfill such
19 objective.

20 (3) Within the existing framework governing in-
21 telligence prioritization, the identification of intel-
22 ligence collection requirements relevant to the secu-
23 rity of covered cyber assets and covered critical in-
24 frastructure.

1 (4) Collaborative efforts with voluntary partici-
2 pants to improve the detection, prevention, and miti-
3 gation of unauthorized activity conducted by foreign
4 actors against or concerning covered critical infra-
5 structure, including espionage.

6 (5) The provision of assistance regarding the
7 research, design, and development of protective and
8 mitigation measures for covered cyber assets, the
9 networks utilized by covered cyber assets, and the
10 components of covered cyber assets to voluntary par-
11 ticipants.

12 (6) The provision of technical assistance and
13 input to voluntary participants for testing and exer-
14 cises related to covered cyber assets.

15 (g) RELATIONSHIP TO EXISTING PROGRAMS.—This
16 section shall be carried out in a manner consistent with
17 the existing roles, responsibilities, authorities, and pro-
18 grams of the United States Government.

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

1 (i) PRIORITIZATION OF ASSISTANCE.—The Director
2 of National Intelligence shall consider the national signifi-
3 cance of covered critical infrastructure in the Director's
4 process for prioritizing requirements and effectively allo-
5 cating the resources of the intelligence community for as-
6 sisting government efforts to help protect critical infra-
7 structure owned or operated in the private sector.

8 (j) NO NEW REGULATORY AUTHORITY.—Nothing in
9 this section may be construed to authorize the Director
10 of National Intelligence, the Secretary, or any other Fed-
11 eral regulator to promulgate new regulations.

12 (k) CONSTRUCTION.—Nothing in this section may be
13 construed to limit any authority or responsibility of an
14 agency under existing law.

15 **TITLE IV—MATTERS RELATING**
16 **TO ELEMENTS OF THE INTEL-**
17 **LIGENCE COMMUNITY**

18 **Subtitle A—Office of the Director**
19 **of National Intelligence**

20 **SEC. 401. DESIGNATION OF THE DIRECTOR OF THE NA-**
21 **TIONAL COUNTERINTELLIGENCE AND SECU-**
22 **RITY CENTER.**

23 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

14 (3) CONFORMING AMENDMENT.—Section 401
15 of the Intelligence Authorization Act for Fiscal Year
16 2016 (division M of Public Law 114–113; 129 Stat.
17 2920) is repealed.

18 (b) NATIONAL COUNTERINTELLIGENCE AND SECU-
19 RITY CENTER.—

20 (1) IN GENERAL.—Section 904 of the Counter-
21 intelligence Enhancement Act of 2002 (50 U.S.C.
22 3383) is amended—

23 (A) by striking the section heading and in-
24 serting “**NATIONAL COUNTERINTEL-**
25 **LIGENCE AND SECURITY CENTER.**”; and

1 (B) by striking subsections (a), (b), and
2 (c) and inserting the following:

3 “(a) ESTABLISHMENT.—There shall be a National
4 Counterintelligence and Security Center.

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

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

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

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

23 (B) in paragraph (5), in the matter pre-
24 ceding subparagraph (A), by striking “In con-

1 sultation with” and inserting “At the direction
2 of”; and

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

7 (3) PERSONNEL.—Section 904(f) of the Coun-
8 terintelligence Enhancement Act of 2002 (50 U.S.C.
9 3383(f)) is amended—

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

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

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

1 National Security Act of 1947 (50 U.S.C. 431)” and
2 inserting “National Counterintelligence and Security
3 Center shall be treated as operational files of the
4 Central Intelligence Agency for purposes of section
5 701 of the National Security Act of 1947 (50 U.S.C.
6 3141)”.

7 (5) OVERSIGHT BY CONGRESS.—Section 904(h)
8 of the Counterintelligence Enhancement Act of 2002
9 (50 U.S.C. 3383(h)) is amended—

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

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

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

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

24 (c) OVERSIGHT OF NATIONAL INTELLIGENCE CEN-
25 TERS.—Section 102A(f)(2) of the National Security Act

1 of 1947 (50 U.S.C. 3024(f)(2)) is amended by inserting
2 “, the National Counterproliferation Center, and the Na-
3 tional Counterintelligence and Security Center” after
4 “National Counterterrorism Center”.

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

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

13 (e) DUTIES OF THE DIRECTOR OF THE NATIONAL
14 COUNTERINTELLIGENCE AND SECURITY CENTER.—Sec-
15 tion 103F of the National Security Act of 1947 (50 U.S.C.
16 3031) is amended—

17 (1) by striking the section heading and insert-
18 ing “DIRECTOR OF THE NATIONAL COUNTERINTEL-
19 LIGENCE AND SECURITY CENTER”;

20 (2) in subsection (a)—

21 (A) by striking the subsection heading and
22 inserting “DIRECTOR OF THE NATIONAL COUN-
23 TERINTELLIGENCE AND SECURITY CENTER.—

24 ”; and

1 (B) by striking “National Counterintel-
2 ligence Executive under section 902 of the
3 Counterintelligence Enhancement Act of 2002
4 (title IX of Public Law 107–306; 50 U.S.C.
5 402b et seq.)” and inserting “Director of the
6 National Counterintelligence and Security Cen-
7 ter appointed under section 902 of the Counter-
8 intelligence Enhancement Act of 2002 (50
9 U.S.C. 3382)”; and

10 (3) in subsection (b), by striking “National
11 Counterintelligence Executive” and inserting “Direc-
12 tor of the National Counterintelligence and Security
13 Center”.

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

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

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

5 (3) in subsection (d)(1)(B)(ii)—

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

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

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

1 **Subtitle B—Other Elements**

2 **SEC. 411. ENHANCED DEATH BENEFITS FOR EMPLOYEES**
3 **OF THE CENTRAL INTELLIGENCE AGENCY.**

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

6 “BENEFITS AVAILABLE IN EVENT OF THE DEATH OF AN
7 EMPLOYEE

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

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

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

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

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

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

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

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

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

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

3 **SEC. 413. PROHIBITION ON THE DIRECTOR OF THE NA-**
4 **TIONAL SECURITY AGENCY SERVING CON-**
5 **TEMPORANEOUSLY AS A COMMANDER OF A**
6 **COMBATANT COMMAND.**

7 Section 2(a) of the National Security Agency Act of
8 1959 (50 U.S.C. 3602(a)) is amended by adding at the
9 end the following:

10 “(4) During any period that an individual is serving
11 as the Director of the National Security Agency that indi-
12 vidual may not serve as the commander of a unified com-
13 batant command (as defined in section 161(c) of title 10,
14 United States Code).”.

15 **SEC. 414. ENHANCING THE TECHNICAL WORKFORCE FOR**
16 **THE FEDERAL BUREAU OF INVESTIGATION.**

17 (a) **REQUIREMENT.**—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 two years
21 thereafter, the Director of the Federal Bureau of Inves-
22 tigation shall submit to the congressional intelligence com-
23 mittees a comprehensive strategic workforce report to
24 demonstrate progress in expanding initiatives to effectively

1 integrate information technology expertise in the inves-
2 tigative process.

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

5 (1) An assessment of progress on initiatives to
6 recruit, train, and retain personnel with the nec-
7 essary skills and experiences in vital areas such as
8 encryption, cryptography, and big data analytics, in-
9 cluding measurable benchmarks.

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

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

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

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, including the following:

15 (A) Establishment or funding of a front
16 group.

17 (B) Covert broadcasting.

18 (C) Media manipulation.

19 (D) Disinformation and forgeries, funding
20 agents of influence, incitement, and offensive
21 counterintelligence, assassinations, or terrorist
22 acts.

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

1 (A) the congressional intelligence commit-
2 tees;

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

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

9 (b) ESTABLISHMENT.—The President shall establish
10 a committee to counter active measures by Russia to exert
11 covert influence over peoples and governments.

12 (c) MEMBERSHIP.—

13 (1) IN GENERAL.—The committee established
14 under subsection (b) shall be comprised of members
15 who may vote on matters before the committee, one
16 of each of whom shall be appointed by the following:

17 (A) The Director of National Intelligence.

18 (B) The Secretary of State.

19 (C) The Secretary of Defense.

20 (D) The Secretary of the Treasury.

21 (E) The Attorney General.

22 (F) The Secretary of Energy.

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

1 (H) The head of each of the other ele-
2 ments of the intelligence community.

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

7 (2) CHAIR.—The member of the committee ap-
8 pointed by the Secretary of State pursuant to para-
9 graph (1)(B) shall serve as the chair of the com-
10 mittee.

11 (d) MEETINGS.—The committee shall meet at the di-
12 rection of the chair, but not less often than once per
13 month.

14 (e) DUTIES.—The duties of the committee estab-
15 lished under subsection (b) shall be as follows:

16 (1) To counter active measures by Russia to
17 exert covert influence over peoples and government
18 by exposing falsehoods, agents of influence, corrup-
19 tion, human rights abuses, terrorism, and assassina-
20 tions carried out by the security services or political
21 elites of the Russian Federation or their proxies.

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

24 (f) STAFF.—The committee established under sub-
25 section (b) may employ such staff as the members of such

1 committee consider appropriate. Funds for the employ-
2 ment of the staff shall be derived from amounts specifi-
3 cally designated for that purpose in the classified annex
4 of this Act.

5 **SEC. 502. LIMITATION ON TRAVEL OF ACCREDITED DIP-**
6 **LOMATS OF THE RUSSIAN FEDERATION IN**
7 **THE UNITED STATES FROM THEIR DIPLO-**
8 **MATIC POST.**

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

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

18 (b) **QUARTERLY LIMITATION ON TRAVEL DIS-**
19 **TANCE.**—Accredited diplomatic personnel of the Russian
20 Federation in the United States may not be permitted to
21 travel a distance in excess of 50 miles from their diplo-
22 matic post in the United States in a calendar quarter un-
23 less the Director of the Federal Bureau of Investigation
24 certifies, in writing, to the appropriate committees of Con-
25 gress that all diplomatic personnel of the Russian Federa-

1 tion complied during the preceding calendar quarter with
2 notification requirements of the United States Govern-
3 ment in connection with travel by such diplomatic per-
4 sonnel of a distance in excess of 50 miles from their diplo-
5 matic post in the United States.

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

9 **SEC. 503. STUDY AND REPORT ON ENHANCED INTEL-**
10 **LIGENCE AND INFORMATION SHARING WITH**
11 **OPEN SKIES TREATY MEMBER STATES.**

12 (a) **DEFINITIONS.**—In this section:

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

16 (A) congressional intelligence committees;

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

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

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

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

3 (B) is not the Russian Federation or the
4 Republic of Belarus.

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

9 (b) FEASIBILITY STUDY.—

10 (1) REQUIREMENT FOR STUDY.—Not later than
11 120 days after the date of the enactment of this Act,
12 the Director of National Intelligence shall conduct
13 and submit to the appropriate committees of Con-
14 gress a study to determine the feasibility of creating
15 an intelligence sharing arrangement and database to
16 provide covered state parties with imagery that is
17 comparable, delivered more frequently, and in equal
18 or higher resolution than imagery available through
19 the database established under the Open Skies Trea-
20 ty.

21 (2) ELEMENTS.—The study required by para-
22 graph (1) shall include an evaluation of the fol-
23 lowing:

24 (A) The methods by which the United
25 States could collect and provide imagery, in-

1 cluding commercial satellite imagery, national
2 technical means, and through other intelligence,
3 surveillance, and reconnaissance platforms,
4 under an information sharing arrangement and
5 database referred to in paragraph (1).

6 (B) The ability of other covered state par-
7 ties to contribute imagery to the arrangement
8 and database.

9 (C) Any impediments to United States and
10 other covered states parties providing such im-
11 agery, including any statutory barriers,
12 insufficiencies in the ability to collect the im-
13 agery or funding, under such an arrangement.

14 (D) Whether imagery of Moscow,
15 Chechnya, Abkhazia, South Ossetia,
16 Kaliningrad, or the Republic of Belarus could
17 be provided under such an arrangement.

18 (E) The annual and projected costs associ-
19 ated with the establishment of such an arrange-
20 ment and database, as compared with costs to
21 the United States and other covered state par-
22 ties of being parties to the Open Skies Treaty,
23 including Open Skies Treaty plane mainte-
24 nance, aircraft fuel, crew expenses, mitigation
25 measures necessary associated with Russian

1 Federation overflights over the United States or
2 covered state parties, and new sensor develop-
3 ment and acquisition.

4 (c) REPORT.—

5 (1) REQUIREMENT FOR REPORT.—Not later
6 than 120 days after the date of the enactment of
7 this Act, the Director of National Intelligence shall
8 submit to the appropriate committees of Congress
9 the report described in this subsection.

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

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

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

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

25 (D) An analysis of—

1 (i) the benefits the United States de-
2 rives by being a party to the Open Skies
3 Treaty; and

4 (ii) the potential implications and re-
5 actions of covered state parties if the
6 United States withdraws from the Open
7 Skies Treaty and the information sharing
8 architecture of the Open Skies Treaty is
9 replaced with one described in subsection
10 (b).

11 (d) FORM OF SUBMISSION.—The study required by
12 subsection (b) and the report required by subsection (c)
13 shall be submitted in an unclassified form but may include
14 a classified annex.

15 **SEC. 504. REVIEWS ON COOPERATION BETWEEN THE IN-**
16 **TELLIGENCE COMMUNITY AND FOREIGN IN-**
17 **TELLIGENCE ENTITIES.**

18 (a) FOREIGN INTELLIGENCE ENTITY DEFINED.—In
19 this section, the term “foreign intelligence entity” means
20 any intelligence or security entity of a foreign country, an
21 international organization, a non-state actor, or a sub-
22 state actor.

23 (b) DIRECTOR OF NATIONAL INTELLIGENCE RE-
24 VIEW.—

1 (1) REQUIREMENT FOR REVIEW.—Pursuant to
2 the authority in section 102A(k) of the National Se-
3 curity Act of 1947 (50 U.S.C. 3024(k)), the Direc-
4 tor of National Intelligence shall conduct a review of
5 the number, scope, purpose, benefits, and risks of
6 the relationships between the elements of the intel-
7 ligence community and foreign intelligence entities.

8 (2) REPORT.—

9 (A) REQUIREMENT FOR REPORT.—Not
10 later than 180 days after the date of the enact-
11 ment of this Act, the Director of National Intel-
12 ligence shall submit to the congressional intel-
13 ligence committees a report on the review re-
14 quired by paragraph (1).

15 (B) CONTENT.—The report required by
16 subparagraph (A) shall include the following:

17 (i) An assessment of the alignment
18 and synchronization of the relationships
19 between the elements of the intelligence
20 community and foreign intelligence enti-
21 ties, including such relationships estab-
22 lished for the purposes of analytic ex-
23 change, operational cooperation, accommo-
24 dation procurement, and training and edu-
25 cation.

1 (ii) A description of any new relation-
2 ship between an element of the intelligence
3 community and a foreign intelligence entity
4 or of any significant change to an existing
5 such relationship that the Director of Na-
6 tional Intelligence approved during the 1-
7 year period ending on date the report re-
8 quired by subparagraph (A) is submitted.

9 (iii) A description of any significant
10 unauthorized disclosure or other significant
11 security or counterintelligence lapse that
12 occurred as a result of such a relationship
13 during such 1-year period.

14 (iv) An analysis of the alignment of
15 such relationships with the foreign policy
16 objectives of the United States and the ac-
17 tivities of other agencies or departments of
18 the United States Government.

19 (c) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY
20 REVIEW.—

21 (1) REQUIREMENT FOR REVIEW.—Pursuant to
22 the authority in section 104A(f) of the National Se-
23 curity Act of 1947 (50 U.S.C. 3036(f)), the Director
24 of the Central Intelligence Agency shall conduct a
25 review of the coordination of the relationships be-

1 tween the elements of the intelligence community
2 and foreign intelligence entities.

3 (2) REPORT.—

4 (A) REQUIREMENT FOR REPORT.—Not
5 later than 180 days after the date of the enact-
6 ment of this Act, the Director of the Central
7 Intelligence Agency shall submit to the congress-
8 sional intelligence committees a report on the
9 review required by paragraph (1).

10 (B) CONTENT.—The report required by
11 subparagraph (A) shall include the following:

12 (i) An assessment of the coordination
13 of the Central Intelligence Agency of the
14 relationships between the elements of the
15 intelligence community and foreign intel-
16 ligence entities in foreign countries.

17 (ii) A plan for rationalizing and har-
18 monizing relationships between the Central
19 Intelligence Agency and foreign intelligence
20 entities across the directorates of the
21 Agency.

22 (iii) An assessment for each foreign
23 country of the strength, value, and risks of
24 the relationships between the Central Intel-

1 intelligence Agency and foreign intelligence en-
2 tities of that country.

3 **TITLE VI—PRIVACY AND CIVIL**
4 **LIBERTIES OVERSIGHT BOARD**

5 **SEC. 601. INFORMATION ON ACTIVITIES OF THE PRIVACY**
6 **AND CIVIL LIBERTIES OVERSIGHT BOARD.**

7 Section 1061(d) of the Intelligence Reform and Ter-
8 rorism Prevention Act of 2004 (42 U.S.C. 2000ee(d)) is
9 amended by adding at the end the following new para-
10 graph:

11 “(5) INFORMATION.—

12 “(A) ACTIVITIES.—In addition to the re-
13 ports submitted under subsection (e)(1)(B), the
14 Board shall ensure that each official and con-
15 gressional committee specified in subparagraph
16 (B) is kept fully and currently informed of the
17 activities of the Board, including any significant
18 anticipated activities.

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

23 “(i) The Director of National Intel-
24 ligence.

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

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

11 **SEC. 602. APPOINTMENT OF STAFF OF THE PRIVACY AND**
12 **CIVIL LIBERTIES OVERSIGHT BOARD.**

13 Section 1061(j) of the Intelligence Reform and Ter-
14 rorism Prevention Act of 2004 (42 U.S.C. 2000ee(j)) is
15 amended—

16 (1) by redesignating paragraphs (2) and (3) as
17 paragraphs (3) and (4), respectively; and

18 (2) by inserting after paragraph (1) the fol-
19 lowing new paragraph:

20 “(2) APPOINTMENT IN ABSENCE OF CHAIR-
21 MAN.—If the position of chairman of the Board is
22 vacant, during the period of the vacancy, the Board,
23 at the direction of the unanimous vote of the mem-
24 bers of the Board, may exercise the authority of the
25 chairman under paragraph (1).”.

1 **SEC. 603. PROTECTION OF THE PRIVACY AND CIVIL LIB-**
2 **ERTIES OF UNITED STATES PERSONS.**

3 Section 1061 of the Intelligence Reform and Ter-
4 rorism Prevention Act of 2004 (42 U.S.C. 2000ee) is
5 amended—

6 (1) in subsection (c)(1), by striking “privacy
7 and civil liberties;” and inserting “the privacy and
8 civil liberties of United States persons;”;

9 (2) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (C), by striking
12 “privacy and civil liberties” and inserting
13 “the privacy and civil liberties of United
14 States persons”; and

15 (ii) in subparagraph (D)—

16 (I) in clause (i), by striking “pri-
17 vacy and civil liberties;” and inserting
18 “the privacy and civil liberties of
19 United States persons;”; and

20 (II) in clause (ii), by striking
21 “privacy and civil liberties;” and in-
22 serting “the privacy and civil liberties
23 of United States persons;”; and

24 (B) in paragraph (2)—

25 (i) in subparagraph (A), by striking
26 “privacy and civil liberties” and inserting

1 “the privacy and civil liberties of United
2 States persons”;

3 (ii) in subparagraph (B)—

4 (I) by striking “protect privacy
5 and civil liberties” and inserting “pro-
6 tect the privacy and civil liberties of
7 United States persons”; and

8 (II) by striking “regarding pro-
9 tect privacy and civil liberties;” and
10 inserting “regarding the privacy and
11 civil liberties of United States per-
12 sons;”; and

13 (iii) in subparagraph (C)—

14 (I) in clause (i), by striking “pri-
15 vacy and civil liberties;” and inserting
16 “the privacy and civil liberties of
17 United States persons;”; and

18 (II) in clause (ii), by striking
19 “privacy and civil liberties.” and in-
20 serting “the privacy and civil liberties
21 of United States persons.”; and

22 (3) by striking subsection (m) and inserting the
23 following:

24 “(m) UNITED STATES PERSON DEFINED.—In this
25 section, the term ‘United States person’ has the meaning

1 given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039(c)).”.

3 **TITLE VII—MATTERS RELATING**
4 **TO UNITED STATES NAVAL**
5 **STATION, GUANTANAMO BAY,**
6 **CUBA**

7 **SEC. 701. DECLASSIFICATION REVIEW OF INFORMATION ON**
8 **GUANTANAMO DETAINEES AND MITIGATION**
9 **MEASURES TAKEN TO MONITOR THE INDIVIDUALS AND PREVENT FUTURE ATTACKS.**
10

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

16 (1) complete a declassification review of information on the past terrorist activities of such individual;
17
18

19 (2) make available to the public any information declassified as a result of the declassification review; and
20
21

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

24 (A) the results of the declassification review; and
25

1 (B) if any information covered by the de-
2 classification review was not declassified pursu-
3 ant to the review, a justification for the deter-
4 mination not to declassify such information.

5 (b) SCHEDULE.—

6 (1) INITIAL REVIEWS.—Not later than 120
7 days after the date of the enactment of this Act, the
8 Director of National Intelligence shall submit the
9 initial report required by subsection (a)(3), which
10 shall include the results of the declassification review
11 completed for each individual detained at United
12 States Naval Station, Guantanamo Bay, Cuba, who
13 was transferred or released from United States
14 Naval Station, Guantanamo Bay, prior to the date
15 of the enactment of this Act.

16 (2) OTHER REVIEWS.—Not later than 60 days
17 after the date an individual detained at United
18 States Naval Station, Guantanamo Bay, on or after
19 the date of the enactment of this Act is transferred
20 or released from United States Naval Station, Guan-
21 tanamo Bay, the Director shall submit the report re-
22 quired by subsection (a)(3) for such individual.

23 (c) MITIGATION MEASURES AND PAST TREATMENT
24 OF DETAINEES.—The reviews and reports described in
25 subsection (a) and subsection (b) shall include mitigation

1 measures being taken by the country where the individual
2 has been transferred or released to monitor the individual
3 and to prevent the individual from carrying out future ter-
4 rorist activities and other factors that contributed to the
5 decision to transfer or release the individual.

6 (d) PAST TERRORIST ACTIVITIES.—For purposes of
7 this section, the past terrorist activities of an individual
8 shall include all terrorist activities conducted by the indi-
9 vidual before the individual's transfer to the detention fa-
10 cility at United States Naval Station, Guantanamo Bay,
11 including, at a minimum, the following:

12 (1) The terrorist organization, if any, with
13 which affiliated.

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

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

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

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

22 (6) A description of the intelligence supporting
23 any matter specified in paragraphs (1) through (5),
24 including the extent to which such intelligence was
25 corroborated, the level of confidence held by the in-

1 telligence community, and any dissent or reassess-
2 ment by an element of the intelligence community.

3 **SEC. 702. LIMITATION ON TRANSFER OF GUANTANAMO DE-**
4 **TAINÉES TO FOREIGN COUNTRIES.**

5 (a) COMPLIANCE REQUIRED.—

6 (1) IN GENERAL.—An individual detained at
7 Guantanamo may not be transferred or released to
8 a foreign country until after the date that the Direc-
9 tor of National Intelligence certifies that an intel-
10 ligence driven threat monitoring system has been es-
11 tablished and is sufficient to mitigate the risk of
12 such individuals reengaging in terrorist activity or
13 posing a threat to United States persons or national
14 security, and that the intelligence community has
15 the capability to monitor all such individuals by ap-
16 propriate means to provide assessments on the activ-
17 ity of such individuals, as required.

18 (2) CONSTRUCTION.—The requirement in para-
19 graph (1) in connection with the transfer or release
20 of an individual detained at Guantanamo is in addi-
21 tion to any other requirement applicable to the
22 transfer or release of the individual in law.

23 (b) INDIVIDUAL DETAINED AT GUANTANAMO DE-
24 FINED.—In this section, the term “individual detained at
25 Guantanamo” means an individual located at United

1 States Naval Station, Guantanamo Bay, Cuba, as of Octo-
2 ber 1, 2009, who—

3 (1) is not a national of the United States (as
4 defined in section 101(a)(22) of the Immigration
5 and Nationality Act (8 U.S.C. 1101(a)(22)) or a
6 member of the Armed Forces of the United States;
7 and

8 (2) is—

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

11 (B) otherwise detained at United States
12 Naval Station, Guantanamo Bay.

13 **TITLE VIII—REPORTS AND** 14 **OTHER MATTERS**

15 **SEC. 801. SUBMISSION OF INTELLIGENCE RELATED INFOR-** 16 **MATION IN CERTAIN REPORTS BY THE SEC-** 17 **RETARY OF DEFENSE.**

18 Subsection (e) of section 119 of title 10, United
19 States Code, is amended—

20 (1) in paragraph (1), by striking “The Sec-
21 retary of Defense” and inserting “Subject to para-
22 graph (3), the Secretary of Defense”; and

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

24 “(3) The Secretary may not exercise the authority
25 provided under paragraph (1) to waive the requirement

1 that certain information be included in a report, if the in-
2 formation is related to intelligence or intelligence-related
3 activities.”.

4 **SEC. 802. CYBER CENTER FOR EDUCATION AND INNOVA-**
5 **TION HOME OF THE NATIONAL CRYPTOLOGIC**
6 **MUSEUM.**

7 (a) IN GENERAL.—Chapter 449 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 4781. Cyber Center for Education and Innovation**
11 **Home of the National Cryptologic Mu-**
12 **seum**

13 “(a) ESTABLISHMENT AUTHORIZED.—The Secretary
14 of Defense may establish at Fort George G. Meade, Mary-
15 land, a center to be known as the ‘Cyber Center for Edu-
16 cation and Innovation Home of the National Cryptologic
17 Museum’ (in this section referred to as the ‘Center’). The
18 Center may be used for the identification, curation, stor-
19 age, and public viewing of materials relating to the activi-
20 ties of the National Security Agency and the Central Secu-
21 rity Service, any predecessor or successor organizations,
22 and the history of cryptology. The Center may contain
23 meeting, conference, and classroom facilities that will be
24 used to support such education, training, public outreach,
25 and other purposes as the Secretary considers appropriate.

1 “(b) DESIGN, CONSTRUCTION, AND OPERATION.—

2 The Secretary may enter into an agreement with the Na-
3 tional Cryptologic Museum Foundation (in this section re-
4 ferred to as the ‘Foundation’), a non-profit organization,
5 for the design, construction, and operation of the Center.

6 “(c) ACCEPTANCE AUTHORITY.—

7 “(1) ACCEPTANCE OF FACILITY.—If the Foun-
8 dation constructs the Center pursuant to an agree-
9 ment under subsection (b), upon satisfactory comple-
10 tion of the Center’s construction or any phase there-
11 of, as determined by the Secretary, and upon full
12 satisfaction by the Foundation of any other obliga-
13 tions pursuant to such agreement, the Secretary
14 may accept the Center or such phase from the
15 Foundation, and all right, title, and interest in the
16 Center or such phase shall vest in the United States.

17 “(2) ACCEPTANCE OF SERVICES.—Notwith-
18 standing section 1342 of title 31, the Secretary may
19 accept services from the Foundation. For purposes
20 of this section and any other provision of law, em-
21 ployees or personnel of the Foundation may not be
22 considered to be employees of the United States.

23 “(d) USE OF CERTAIN GIFTS.—

24 “(1) MANAGEMENT OF SMALLER GIFTS.—
25 Under regulations prescribed by the Secretary, the

1 Director of the National Security Agency may, with-
2 out regard to section 2601 of this title, accept, hold,
3 administer, invest, and spend for the benefit of the
4 Center any gift, devise, or bequest of personal prop-
5 erty, or of money of a value of \$500,000 or less,
6 made for the benefit of the Center.

7 “(2) PAYMENT OF EXPENSES.—The Director
8 may pay or authorize the payment of any reasonable
9 and necessary expenses in connection with the con-
10 veyance or transfer of a gift, devise, or bequest
11 under this subsection.

12 “(e) AUTHORITY TO ASSESS FEES AND USE OF
13 FUNDS.—

14 “(1) FEES AND USER CHARGES.—Under regu-
15 lations prescribed by the Secretary, the Director
16 may assess fees and user charges for the use of Cen-
17 ter facilities and property, including rental, user,
18 conference, and concession fees.

19 “(2) USE OF FUNDS.—Amounts received under
20 paragraph (1) shall be used for the benefit of the
21 Center.

22 “(f) FUND.—If the Center is established pursuant to
23 subsection (a), there shall be established on the books of
24 the Treasury a fund to be known as the ‘Cyber Center
25 for Education and Innovation Home of the National

1 Cryptologic Museum Fund'. Gifts of money under sub-
2 section (d), and fees and user charges received under sub-
3 section (e), shall be deposited in the fund and be available
4 until expended for the benefit of the Center, including
5 costs of operation and of the acquisition of books, manu-
6 scripts, works of art, historical artifacts, drawings, plans,
7 models, and condemned or obsolete combat material.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 449 is amended by adding at
10 the end the following new item:

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

11 **SEC. 803. COUNTERINTELLIGENCE ACCESS TO TELEPHONE**
12 **TOLL AND TRANSACTIONAL RECORDS.**

13 Subsection (b) of section 2709 of title 18, United
14 States Code, is amended to read as follows:

15 “(b) REQUIRED CERTIFICATION.—The Director of
16 the Federal Bureau of Investigation, or the designee of
17 the Director in a position not lower than Deputy Assistant
18 Director at Bureau headquarters or a Special Agent in
19 Charge in a Bureau field office designated by the Director,
20 may, using a term that specifically identifies a person, en-
21 tity, telephone number, or account as the basis for a re-
22 quest, request the name, address, length of service, local
23 and long distance toll billing records, and electronic com-
24 munication transactional records of a person or entity, but

1 not the contents of an electronic communication, if the Di-
2 rector (or the designee) certifies in writing to the wire or
3 electronic communication service provider to which the re-
4 quest is made that the name, address, length of service,
5 toll billing records, and electronic communication trans-
6 actional records sought are relevant to an authorized in-
7 vestigation to protect against international terrorism or
8 clandestine intelligence activities, provided that such an
9 investigation of a United States person is not conducted
10 solely on the basis of activities protected by the First
11 Amendment to the Constitution of the United States.”.

12 **SEC. 804. OVERSIGHT OF NATIONAL SECURITY SYSTEMS.**

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

15 (1) by striking “The head” and inserting the
16 following:

17 “(c) RESPONSIBILITIES OF AGENCIES.—The head”;
18 and

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

21 “(a) DEFINITIONS.—In this section:

22 “(1) BINDING OPERATIONAL DIRECTIVE.—Not-
23 withstanding section 3552(b), the term ‘binding
24 operational directive’ means a compulsory direction
25 to an agency that—

1 “(A) is for purposes of safeguarding na-
2 tional security information and information sys-
3 tems from a known or reasonably suspected in-
4 formation security threat, vulnerability, or risk;
5 and

6 “(B) shall be in accordance with policies,
7 principles, standards, and guidelines issued by
8 the Committee.

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

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

17 “(b) OVERSIGHT BY NATIONAL MANAGER.—

18 “(1) DESIGNATION.—The Director of the Na-
19 tional Security Agency shall serve as the National
20 Manager.

21 “(2) REGISTRATION OF NATIONAL SECURITY
22 SYSTEMS.—

23 “(A) IN GENERAL.—Each head of an
24 agency that operates or exercises control of a
25 national security system shall register such sys-

1 tem and its configuration with the National
2 Manager.

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

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

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

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

21 “(4) BINDING OPERATIONAL DIRECTIVES.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), the National Manager, in
24 consultation with the Committee, may issue
25 such binding operational directives as the Na-

1 tional Manager considers appropriate to ensure
2 the security of a national security system.

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

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

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

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

1 (A) by striking paragraph (2);

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

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

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

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

14 (A) by striking subparagraph (B);

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

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

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

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

1 **SEC. 805. JOINT FACILITIES CERTIFICATION.**

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

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

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

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

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

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

1 **SEC. 806. IMPROVEMENT OF LEADERSHIP AND MANAGE-**
2 **MENT OF SPACE ACTIVITIES.**

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 collaboration 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 coordination**

25 **with the Secretary of Defense, shall submit to the**

26 **appropriate committees of Congress a plan to har-**

1 monize the governance, operations, analysis, and col-
2 lection activities related to space and counterspace
3 carried out by the intelligence community under the
4 oversight of a single appropriate official.

5 (2) APPOINTMENT BY THE DIRECTOR OF NA-
6 TIONAL INTELLIGENCE.—The official referred to in
7 paragraph (1) shall be appointed by the Director of
8 National Intelligence, in consultation with the Sec-
9 retary of Defense.

10 (3) SCOPE OF PLAN.—The plan required by
11 paragraph (1) shall include methods to harmonize
12 activities carried out by—

13 (A) the National Reconnaissance Office;

14 (B) the functional managers for signals in-
15 telligence and geospatial intelligence;

16 (C) the National Intelligence Council and
17 other intelligence community analytic organiza-
18 tions;

19 (D) the National Intelligence Manager for
20 Space and Technical Intelligence;

21 (E) the Space Security and Defense Pro-
22 gram;

23 (F) the Joint Demonstration Oversight
24 Board;

1 (G) the Joint Space Doctrine and Tactics
2 Forum; and

3 (H) the Joint Interagency Combined Space
4 Operations Center.

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

13 (e) JOINT INTERAGENCY COMBINED SPACE OPER-
14 ATIONS CENTER.—

15 (1) SUBMISSION TO CONGRESS.—The Director
16 of the National Reconnaissance Office and the Com-
17 mander of the United States Strategic Command
18 shall submit to the appropriate committees of Con-
19 gress concept of operations and requirements docu-
20 ments for the Joint Interagency Combined Space
21 Operations Center by the date that is the earlier
22 of—

23 (A) the completion of the experimental
24 phase of such Center; or

1 (B) 30 days after the date of the enact-
2 ment of this Act.

3 (2) NEW START.—For purposes of subsection
4 (e), any significant activity conducted by the Joint
5 Interagency Combined Space Operations Center
6 after the completion of the experimental phase of
7 such Center shall be considered a new start.

8 **SEC. 807. ADVANCES IN LIFE SCIENCES AND BIO-**
9 **TECHNOLOGY.**

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

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

18 (1) a description of the approach the elements
19 of the intelligence community will take to leverage
20 the organic life science and biotechnology expertise
21 within the intelligence community and the utilization
22 of outside expertise on a routine and contingency
23 basis;

24 (2) an assessment of the current collection and
25 analytical posture of the life sciences and bio-

1 technology portfolio as it relates to United States
2 competitiveness and the global bio-economy, the
3 risks and threats evolving with advances in genetic
4 editing technologies, and the implications of such ad-
5 vances on future biodefense requirements; and

6 (3) an analysis of organizational requirements
7 and responsibilities, including potentially creating
8 new positions.

9 (c) REPORT TO CONGRESS.—Not later than 180 days
10 after the date of the enactment of this Act, the Director
11 of National Intelligence shall submit a written report and
12 provide a briefing to the congressional intelligence commit-
13 tees on the role of the intelligence community in the event
14 of a biological attack on the United States, including an
15 assessment of the capabilities and gaps in technical capa-
16 bilities that exist to address the potential circumstance of
17 a novel unknown pathogen.

18 **SEC. 808. REPORTS ON DECLASSIFICATION PROPOSALS.**

19 (a) COVERED STUDIES DEFINED.—In this section,
20 the term “covered studies” means the studies that the Di-
21 rector of National Intelligence requested that the elements
22 of the intelligence community produce in the course of pro-
23 ducing the fundamental classification guidance review for
24 fiscal year 2017 required by Executive Order 13526 (50
25 U.S.C. 3161 note), as follows:

1 (1) A study of the feasibility of reducing the
2 number of original classification authorities in each
3 element of the intelligence community to the min-
4 imum number required and any negative impacts
5 that reduction could have on mission capabilities.

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

12 (3) A study of the benefits and drawbacks of
13 implementing a single classification guide that could
14 be used by all elements of the intelligence commu-
15 nity in the nonoperational and more common areas
16 of such elements.

17 (4) A study of whether the classification level of
18 “confidential” could be eliminated from use by ele-
19 ments of the intelligence community and any nega-
20 tive impacts that elimination could have on mission
21 success.

22 (b) REPORTS AND BRIEFINGS TO CONGRESS.—

23 (1) PROGRESS REPORT.—Not later than 30
24 days after the date of the enactment of this Act, the
25 Director of National Intelligence shall submit a writ-

1 ten report and provide a briefing to the congres-
2 sional intelligence committees on the progress of the
3 elements of the intelligence community in producing
4 the covered studies.

5 (2) FINAL REPORT.—Not later than the earlier
6 of 120 days after the date of the enactment of this
7 Act or February 1, 2017, the Director of National
8 Intelligence shall submit a written report and pro-
9 vide a briefing to the congressional intelligence com-
10 mittees on—

11 (A) the final versions of the covered stud-
12 ies that have been provided to the Director by
13 the elements of the intelligence community; and

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

16 **SEC. 809. IMPROVEMENT IN GOVERNMENT CLASSIFICA-**
17 **TION AND DECLASSIFICATION.**

18 (a) FUNDAMENTAL CLASSIFICATION GUIDANCE RE-
19 VIEWS.—

20 (1) REQUIREMENT FOR REVIEWS.—Not less
21 frequently than once every five years, the head of
22 each agency and department of the United States
23 shall complete a fundamental classification guidance
24 review for such agency or department—

1 (A) to ensure the classification guidance of
2 such agency or department reflects current cir-
3 cumstances, to include standards for classifica-
4 tion; and

5 (B) to identify classified information that
6 no longer requires protection and may be de-
7 classified.

8 (2) REPORTS ON REVIEWS.—The head of each
9 agency or department required to conduct a review
10 under this subsection shall—

11 (A) submit a report summarizing the re-
12 sults of each such review to the President and
13 congressional intelligence committees; and

14 (B) release to the public an unclassified
15 version of each report required by subparagraph
16 (A).

17 (b) CERTIFICATION OF CONTROLLED ACCESS PRO-
18 GRAMS.—

19 (1) CERTIFICATION.—The Director of National
20 Intelligence shall certify annually to the congres-
21 sional intelligence committees the creation, valida-
22 tion, or substantial modification, to include termi-
23 nation, for all existing and proposed controlled ac-
24 cess programs, and the compartments and sub-
25 compartments within each.

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

3 (A) the rationale for the revalidation, vali-
4 dation, or substantial modification, to include
5 termination, of each controlled access program,
6 compartment and subcompartment;

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

9 (C) a statement of protection requirements
10 for each controlled access program.

11 **SEC. 810. REPORT ON IMPLEMENTATION OF RESEARCH**
12 **AND DEVELOPMENT RECOMMENDATIONS.**

13 Not later than 120 days after the date of the enact-
14 ment of this Act, the Director of National Intelligence
15 shall submit to the congressional intelligence committees
16 a report that includes the following:

17 (1) An assessment of the actions each element
18 of the intelligence community has completed to im-
19 plement the recommendations made by the National
20 Commission for the Review of the Research and De-
21 velopment Programs of the United States Intel-
22 ligence Community established under section 1002
23 of the Intelligence Authorization Act for Fiscal Year
24 2003 (Public Law 107–306; 50 U.S.C. 3001 note).

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

4 **SEC. 811. REPORT ON INTELLIGENCE COMMUNITY RE-**
5 **SEARCH AND DEVELOPMENT CORPS.**

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

16 (1) of the funding and modification to existing
17 authorities needed to allow for the implementation of
18 such Corps; and

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

1 **SEC. 812. REPORT ON INFORMATION RELATING TO ACADEMIC PROGRAMS, SCHOLARSHIPS, FELLOWSHIPS, AND INTERNSHIPS SPONSORED, ADMINISTERED, OR USED BY THE INTELLIGENCE COMMUNITY.**

6 (a) REPORT.—Not later than 120 days after the date
7 of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence
8 committees a report by the intelligence community regarding covered academic programs. Such report shall include—
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12 (1) a description of the extent to which the Director and the heads of the elements of the intelligence community independently collect information
13 on covered academic programs, including with respect to—
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17 (A) the number of applicants for such programs;
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19 (B) the number of individuals who have participated in such programs; and
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21 (C) the number of individuals who have participated in such programs and were hired
22 by an element of the intelligence community after completing such program;
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24

25 (2) to the extent that the Director and the heads independently collect the information de-
26

1 scribed in paragraph (1), a chart, table, or other
2 compilation illustrating such information for each
3 covered academic program and element of the intel-
4 ligence community, as appropriate, during the three-
5 year period preceding the date of the report; and

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

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

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

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

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

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

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

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

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

Calendar No. 504

114TH CONGRESS
2^D SESSION

S. 3017

A BILL

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

JUNE 6, 2016

Read twice and placed on the calendar