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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

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To authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. NUNES introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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 2016”.

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.
- Sec. 3. Budgetary effects.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Prior congressional notification of initiations of certain new special access programs.
- Sec. 304. Prior congressional notification of transfers of funds for certain intelligence activities.
- Sec. 305. Designation of lead intelligence officer for tunnels.
- Sec. 306. Clarification of authority of Privacy and Civil Liberties Oversight Board.
- Sec. 307. Reporting process required for tracking certain requests for country clearance.
- Sec. 308. Prohibition on sharing of certain information in response to foreign government inquiries.
- Sec. 309. National Cyber Threat Intelligence Integration Center.
- Sec. 310. Intelligence community business system transformation.
- Sec. 311. Inclusion of Inspector General of Intelligence Community in Council of Inspectors General on Integrity and Efficiency.
- Sec. 312. Authorities of the Inspector General for the Central Intelligence Agency.
- Sec. 313. Clarification relating to information access by Comptroller General.
- Sec. 314. Technical amendments relating to pay under title 5, United States Code.

Subtitle B—Matters Relating to United States Naval Station, Guantanamo Bay, Cuba

- Sec. 321. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 322. Prohibition on use of funds to construct or modify facilities in United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 323. Prohibition on use of funds to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to combat zones.

Subtitle C—Reports

Sec. 331. Reports to Congress on individuals formerly detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 332. Reports on foreign fighters.

Sec. 333. Reports on prisoner population at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 334. Repeal of certain reporting requirements.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (a) CONGRESSIONAL INTELLIGENCE COMMITTEES.—

4 The term “congressional intelligence committees”  
5 means—

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

8 (2) the Permanent Select Committee on Intel-  
9 ligence of the House of Representatives.

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

14 **SEC. 3. BUDGETARY EFFECTS.**

15 The budgetary effects of this Act, for the purpose of  
16 complying with the Statutory Pay-As-You-Go-Act of 2010,  
17 shall be determined by reference to the latest statement  
18 titled “Budgetary Effects of PAYGO Legislation” for this  
19 Act, submitted for printing in the Congressional Record  
20 by the Chairman of the Budget Committee of the House

1 of Representatives, provided that such statement has been  
2 submitted prior to the vote on passage.

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

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

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2016 for the conduct of the intelligence and  
8 intelligence-related activities of the following elements of  
9 the United States Government:

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

12 (2) The Central Intelligence Agency.

13 (3) The Department of Defense.

14 (4) The Defense Intelligence Agency.

15 (5) The National Security Agency.

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

19 (7) The Coast Guard.

20 (8) The Department of State.

21 (9) The Department of the Treasury.

22 (10) The Department of Energy.

23 (11) The Department of Justice.

24 (12) The Federal Bureau of Investigation.

25 (13) The Drug Enforcement Administration.

1 (14) The National Reconnaissance Office.

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

4 (16) The Department of Homeland Security.

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

6 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
7 LEVELS.—The amounts authorized to be appropriated  
8 under section 101 and, subject to section 103, the author-  
9 ized personnel ceilings as of September 30, 2016, for the  
10 conduct of the intelligence activities of the elements listed  
11 in paragraphs (1) through (16) of section 101, are those  
12 specified in the classified Schedule of Authorizations pre-  
13 pared to accompany the bill H.R. \_\_\_\_\_ of the One Hun-  
14 dred Fourteenth Congress.

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

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

22 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-  
23 ject to paragraph (3), the President shall provide for  
24 suitable distribution of the classified Schedule of Au-

1           thorizations, or of appropriate portions of the Sched-  
2           ule, within the executive branch.

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

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

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

12                      (C) as otherwise required by law.

13 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

14           (a) AUTHORITY FOR INCREASES.—The Director of  
15           National Intelligence may authorize employment of civil-  
16           ian personnel in excess of the number authorized for fiscal  
17           year 2016 by the classified Schedule of Authorizations re-  
18           ferred to in section 102(a) if the Director of National In-  
19           telligence determines that such action is necessary to the  
20           performance of important intelligence functions, except  
21           that the number of personnel employed in excess of the  
22           number authorized under such section may not, for any  
23           element of the intelligence community, exceed 3 percent  
24           of the number of civilian personnel authorized under such  
25           schedule for such element.

1 (b) TREATMENT OF CERTAIN PERSONNEL.—The Di-  
2 rector of National Intelligence shall establish guidelines  
3 that govern, for each element of the intelligence commu-  
4 nity, the treatment under the personnel levels authorized  
5 under section 102(a), including any exemption from such  
6 personnel levels, of employment or assignment in—

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

9 (2) a reserve corps or as a reemployed annu-  
10 itant; or

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

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

18 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
19 **COUNT.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated for the Intelligence Commu-  
22 nity Management Account of the Director of National In-  
23 telligence for fiscal year 2016 the sum of \$501,850,000.  
24 Within such amount, funds identified in the classified  
25 Schedule of Authorizations referred to in section 102(a)

1 for advanced research and development shall remain avail-  
2 able until September 30, 2017.

3 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
4 ments within the Intelligence Community Management  
5 Account of the Director of National Intelligence are au-  
6 thorized 785 positions as of September 30, 2016. Per-  
7 sonnel serving in such elements may be permanent em-  
8 ployees of the Office of the Director of National Intel-  
9 ligence or personnel detailed from other elements of the  
10 United States Government.

11 (c) CLASSIFIED AUTHORIZATIONS.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
13 addition to amounts authorized to be appropriated  
14 for the Intelligence Community Management Ac-  
15 count by subsection (a), there are authorized to be  
16 appropriated for the Community Management Ac-  
17 count for fiscal year 2016 such additional amounts  
18 as are specified in the classified Schedule of Author-  
19 izations referred to in section 102(a). Such addi-  
20 tional amounts for advanced research and develop-  
21 ment shall remain available until September 30,  
22 2017.

23 (2) AUTHORIZATION OF PERSONNEL.—In addi-  
24 tion to the personnel authorized by subsection (b)  
25 for elements of the Intelligence Community Manage-



1       ment Account as of September 30, 2016, there are  
2       authorized such additional personnel for the Com-  
3       munity Management Account as of that date as are  
4       specified in the classified Schedule of Authorizations  
5       referred to in section 102(a).

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

10      **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

11       There is authorized to be appropriated for the Cen-  
12      tral Intelligence Agency Retirement and Disability Fund  
13      for fiscal year 2016 the sum of \$514,000,000.

14                      **TITLE III—GENERAL**  
15                      **PROVISIONS**

16                      **Subtitle A—General Matters**

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

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

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

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

7 **SEC. 303. PRIOR CONGRESSIONAL NOTIFICATION OF INITI-**  
8 **ATIONS OF CERTAIN NEW SPECIAL ACCESS**  
9 **PROGRAMS.**

10 (a) LIMITATION.—Except as provided in subsection  
11 (b), none of the funds authorized to be appropriated by  
12 this Act or otherwise made available for the intelligence  
13 community for fiscal year 2016 may be used to initiate  
14 any new special access program pertaining to any intel-  
15 ligence or intelligence-related activity or covert action un-  
16 less the Director of National Intelligence or the Secretary  
17 of Defense, as appropriate, submits to the congressional  
18 intelligence committees, by not later than 30 days before  
19 initiating such a program, written notification of the in-  
20 tention to initiate the program.

21 (b) WAIVER.—

22 (1) IN GENERAL.—The Director of National In-  
23 telligence or the Secretary of Defense, as appro-  
24 priate, may waive subsection (a) with respect to the  
25 initiation of a new special access program if the Di-  
26 rector or Secretary, as the case may be, determines

1 that an emergency situation makes it impossible or  
2 impractical to provide the notice required under such  
3 subsection by the date that is 30 days before such  
4 initiation.

5 (2) NOTICE.—If the Director or Secretary  
6 issues a waiver under paragraph (1), the Director or  
7 Secretary, as the case may be, shall submit to the  
8 congressional intelligence committees, by not later  
9 than 48 hours after the initiation of the new special  
10 access program covered by the waiver, written notice  
11 of the waiver and a justification for the waiver, in-  
12 cluding a description of the emergency situation that  
13 necessitated the waiver.

14 (c) SPECIAL ACCESS PROGRAM DEFINED.—In this  
15 section, the term “special access program” has the mean-  
16 ing given such term in Executive Order 13526 as in effect  
17 on the date of the enactment of this Act.

18 **SEC. 304. PRIOR CONGRESSIONAL NOTIFICATION OF**  
19 **TRANSFERS OF FUNDS FOR CERTAIN INTEL-**  
20 **LIGENCE ACTIVITIES.**

21 (a) LIMITATION.—Except as provided in subsection  
22 (b), none of the funds authorized to be appropriated by  
23 this Act or otherwise made available for the intelligence  
24 community for fiscal year 2016 may be used to initiate  
25 a transfer of funds from the Joint Improvised Explosive

1 Device Defeat Fund or the Counterterrorism Partnerships  
2 Fund to be used for intelligence activities unless the Direc-  
3 tor of National Intelligence or the Secretary of Defense,  
4 as appropriate, submits to the congressional intelligence  
5 committees, by not later than 30 days before initiating  
6 such a transfer, written notice of the transfer.

7 (b) WAIVER.—

8 (1) IN GENERAL.—The Director of National In-  
9 telligence or the Secretary of Defense, as appro-  
10 priate, may waive subsection (a) with respect to the  
11 initiation of a transfer of funds if the Director or  
12 Secretary, as the case may be, determines that an  
13 emergency situation makes it impossible or imprac-  
14 tical to provide the notice required under such sub-  
15 section by the date that is 30 days before such initi-  
16 ation.

17 (2) NOTICE.—If the Director or Secretary  
18 issues a waiver under paragraph (1), the Director or  
19 Secretary, as the case may be, shall submit to the  
20 congressional intelligence committees, by not later  
21 than 48 hours after the initiation of the transfer of  
22 funds covered by the waiver, written notice of the  
23 waiver and a justification for the waiver, including  
24 a description of the emergency situation that neces-  
25 sitated the waiver.

1 **SEC. 305. DESIGNATION OF LEAD INTELLIGENCE OFFICER**  
2 **FOR TUNNELS.**

3 The Director of National Intelligence shall designate  
4 an official to manage the collection and analysis of intel-  
5 ligence regarding the tactical use of tunnels by state and  
6 nonstate actors.

7 **SEC. 306. CLARIFICATION OF AUTHORITY OF PRIVACY AND**  
8 **CIVIL LIBERTIES OVERSIGHT BOARD.**

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

13 “(5) LIMITATIONS.—Nothing in this section  
14 shall be construed to authorize the Board, or any  
15 agent thereof, to gain access to information that an  
16 executive branch agency deems related to covert ac-  
17 tion, as such term is defined in section 503(e) of the  
18 National Security Act of 1947 (50 U.S.C.  
19 3093(e)).”

20 **SEC. 307. REPORTING PROCESS REQUIRED FOR TRACKING**  
21 **CERTAIN REQUESTS FOR COUNTRY CLEAR-**  
22 **ANCE.**

23 (a) IN GENERAL.—By not later than September 30,  
24 2016, the Director of National Intelligence shall establish  
25 a formal internal reporting process for tracking requests  
26 for country clearance submitted to overseas Director of

1 National Intelligence representatives by departments and  
2 agencies of the United States. Such reporting process shall  
3 include a mechanism for tracking the department or agen-  
4 cy that submits each such request and the date on which  
5 each such request is submitted.

6 (b) CONGRESSIONAL BRIEFING.—By not later than  
7 December 31, 2016, the Director of National Intelligence  
8 shall brief the congressional intelligence committees on the  
9 progress of the Director in establishing the process re-  
10 quired under subsection (a).

11 **SEC. 308. PROHIBITION ON SHARING OF CERTAIN INFOR-**  
12 **MATION IN RESPONSE TO FOREIGN GOVERN-**  
13 **MENT INQUIRIES.**

14 (a) PROHIBITION.—None of the funds authorized to  
15 be appropriated by this Act for any element of the intel-  
16 ligence community may be used to respond to, share, or  
17 authorize the sharing of any non-public information re-  
18 lated to intelligence activities carried out by the United  
19 States in response to a legislative or judicial inquiry from  
20 a foreign government into the intelligence activities of the  
21 United States.

22 (b) CONGRESSIONAL NOTIFICATION.—Not later than  
23 30 days after an element of the intelligence community  
24 receives a legislative or judicial inquiry from a foreign gov-  
25 ernment related to intelligence activities carried out by the

1 United States, the element shall submit to the congres-  
2 sional intelligence committees written notification of the  
3 inquiry.

4 (c) CLARIFICATION REGARDING COLLABORATION  
5 WITH FOREIGN PARTNERS.—The prohibition under sub-  
6 section (a) shall not be construed as limiting routine intel-  
7 ligence activities with foreign partners, except in any case  
8 in which the central focus of the collaboration with the  
9 foreign partner is to obtain information for, or solicit a  
10 response to, a legislative or judicial inquiry from a foreign  
11 government related to intelligence activities carried out by  
12 the United States.

13 **SEC. 309. NATIONAL CYBER THREAT INTELLIGENCE INTE-**  
14 **GRATION CENTER.**

15 (a) ESTABLISHMENT.—Title I of the National Secu-  
16 rity Act of 1947 (50 U.S.C. 3021 et seq.) is amended—

17 (1) by redesignating section 119B as section  
18 119C; and

19 (2) by inserting after section 119A the fol-  
20 lowing new section:

21 **“SEC. 119B. CYBER THREAT INTELLIGENCE INTEGRATION**  
22 **CENTER.**

23 “(a) ESTABLISHMENT.—There is within the Office of  
24 the Director of National Intelligence a Cyber Threat Intel-  
25 ligence Integration Center.

1           “(b) DIRECTOR.—There is a Director of the Cyber  
2 Threat Intelligence Integration Center, who shall be the  
3 head of the Cyber Threat Intelligence Integration Center,  
4 and who shall be appointed by the Director of National  
5 Intelligence.

6           “(c) PRIMARY MISSIONS.—The Cyber Threat Intel-  
7 ligence Integration Center shall—

8                   “(1) serve as the primary organization within  
9 the Federal Government for analyzing and inte-  
10 grating all intelligence possessed or acquired by the  
11 United States pertaining to cyber threats;

12                   “(2) ensure that appropriate departments and  
13 agencies of the Federal Government have full access  
14 to and receive all-source intelligence support needed  
15 to execute the cyber threat intelligence activities of  
16 such agencies and to perform independent, alter-  
17 native analyses;

18                   “(3) disseminate cyber threat analysis to the  
19 President, the appropriate departments and agencies  
20 of the Federal Government, and the appropriate  
21 committees of Congress;

22                   “(4) coordinate cyber threat intelligence activi-  
23 ties of the departments and agencies of the Federal  
24 Government; and



1           “(5) conduct strategic cyber threat intelligence  
2           planning for the Federal Government.

3           “(d) LIMITATIONS.—The Cyber Threat Intelligence  
4 Integration Center—

5           “(1) may not have more than 50 permanent po-  
6           sitions;

7           “(2) in carrying out the primary missions of the  
8           Center described in subsection (c), may not augment  
9           staffing through detailees, assignees, or core con-  
10          tractor personnel or enter into any personal services  
11          contracts to exceed the limitation under paragraph  
12          (1); and

13          “(3) shall be located in a building owned or op-  
14          erated by an element of the intelligence community  
15          as of the date of the enactment of this section.”.

16          (b) TABLE OF CONTENTS AMENDMENTS.—The table  
17 of contents in the first section of the National Security  
18 Act of 1947, as amended by section 102 of this title, is  
19 further amended by striking the item relating to section  
20 119B and inserting the following new items:

          “Sec. 119B. Cyber Threat Intelligence Integration Center.  
          “Sec. 119C. National intelligence centers.”.

21 **SEC. 310. INTELLIGENCE COMMUNITY BUSINESS SYSTEM**  
22 **TRANSFORMATION.**

23          Section 506D of the National Security Act of 1947  
24 (50 U.S.C. 3100) is amended to read as follows:

1 “INTELLIGENCE COMMUNITY BUSINESS SYSTEM  
2 TRANSFORMATION

3 “SEC. 506D. (a) LIMITATION ON OBLIGATION OF  
4 FUNDS.—(1) Subject to paragraph (3), no funds appro-  
5 priated to any element of the intelligence community may  
6 be obligated for an intelligence community business sys-  
7 tem transformation that will have a total cost in excess  
8 of \$3,000,000 unless the Chief Information Officer of the  
9 Intelligence Community makes a certification described in  
10 paragraph (2) with respect to such intelligence community  
11 business system transformation.

12 “(2) The certification described in this paragraph for  
13 an intelligence community business system transformation  
14 is a certification made by the Chief Information Officer  
15 of the Intelligence Community that the intelligence com-  
16 munity business system transformation—

17 “(A) complies with the enterprise architecture  
18 under subsection (b) and such other policies and  
19 standards that the Chief Information Officer of the  
20 Intelligence Community considers appropriate; or

21 “(B) is necessary—

22 “(i) to achieve a critical national security  
23 capability or address a critical requirement; or

24 “(ii) to prevent a significant adverse effect  
25 on a project that is needed to achieve an essen-

1            tial capability, taking into consideration any al-  
2            ternative solutions for preventing such adverse  
3            effect.

4            “(3) With respect to a fiscal year after fiscal year  
5 2010, the amount referred to in paragraph (1) in the mat-  
6 ter preceding subparagraph (A) shall be equal to the sum  
7 of—

8            “(A) the amount in effect under such para-  
9 graph (1) for the preceding fiscal year (determined  
10 after application of this paragraph), plus

11            “(B) such amount multiplied by the annual per-  
12 centage increase in the Consumer Price Index (all  
13 items; U.S. city average) as of September of the pre-  
14 vious fiscal year.

15            “(b) ENTERPRISE ARCHITECTURE FOR INTEL-  
16 LIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Di-  
17 rector of National Intelligence shall develop and imple-  
18 ment an enterprise architecture to cover all intelligence  
19 community business systems, and the functions and activi-  
20 ties supported by such business systems. The enterprise  
21 architecture shall be sufficiently defined to effectively  
22 guide, constrain, and permit implementation of interoper-  
23 able intelligence community business system solutions,  
24 consistent with applicable policies and procedures estab-

1 lished by the Director of the Office of Management and  
2 Budget.

3 “(2) The enterprise architecture under paragraph (1)  
4 shall include the following:

5 “(A) An information infrastructure that will en-  
6 able the intelligence community to—

7 “(i) comply with all Federal accounting, fi-  
8 nancial management, and reporting require-  
9 ments;

10 “(ii) routinely produce timely, accurate,  
11 and reliable financial information for manage-  
12 ment purposes;

13 “(iii) integrate budget, accounting, and  
14 program information and systems; and

15 “(iv) provide for the measurement of per-  
16 formance, including the ability to produce time-  
17 ly, relevant, and reliable cost information.

18 “(B) Policies, procedures, data standards, and  
19 system interface requirements that apply uniformly  
20 throughout the intelligence community.

21 “(c) RESPONSIBILITIES FOR INTELLIGENCE COMMU-  
22 NITY BUSINESS SYSTEM TRANSFORMATION.—The Direc-  
23 tor of National Intelligence shall be responsible for the en-  
24 tire life cycle of an intelligence community business system  
25 transformation, including review, approval, and oversight

1 of the planning, design, acquisition, deployment, oper-  
2 ation, and maintenance of the business system trans-  
3 formation.

4 “(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM  
5 INVESTMENT REVIEW.—(1) The Chief Information Offi-  
6 cer of the Intelligence Community shall establish and im-  
7 plement, not later than 60 days after October 7, 2010,  
8 an investment review process for the intelligence commu-  
9 nity business systems for which the Chief Information Of-  
10 ficer of the Intelligence Community is responsible.

11 “(2) The investment review process under paragraph  
12 (1) shall—

13 “(A) meet the requirements of section 11312 of  
14 title 40, United States Code; and

15 “(B) specifically set forth the responsibilities of  
16 the Chief Information Office of the Intelligence  
17 Community under such review process.

18 “(3) The investment review process under paragraph  
19 (1) shall include the following elements:

20 “(A) Review and approval by an investment re-  
21 view board (consisting of appropriate representatives  
22 of the intelligence community) of each intelligence  
23 community business system as an investment before  
24 the obligation of funds for such system.

1           “(B) Periodic review, but not less often than  
2           annually, of every intelligence community business  
3           system investment.

4           “(C) Thresholds for levels of review to ensure  
5           appropriate review of intelligence community busi-  
6           ness system investments depending on the scope,  
7           complexity, and cost of the system involved.

8           “(D) Procedures for making certifications in  
9           accordance with the requirements of subsection  
10          (a)(2).

11          “(e) RELATION TO ANNUAL REGISTRATION RE-  
12          QUIREMENTS.—Nothing in this section shall be construed  
13          to alter the requirements of section 8083 of the Depart-  
14          ment of Defense Appropriations Act, 2005 (Public Law  
15          108–287; 118 Stat. 989), with regard to information tech-  
16          nology systems (as defined in subsection (d) of such sec-  
17          tion).

18          “(f) RELATIONSHIP TO DEFENSE BUSINESS ENTER-  
19          PRISE ARCHITECTURE.—Intelligence community business  
20          system transformations certified under this section shall  
21          be deemed to be in compliance with section 2222 of title  
22          10, United States Code. Nothing in this section shall be  
23          construed to exempt funds authorized to be appropriated  
24          to the Department of Defense for activities other than an  
25          intelligence community business system transformation

1 from the requirements of such section 2222, to the extent  
2 that such requirements are otherwise applicable.

3 “(g) RELATION TO CLINGER-COHEN ACT.—(1) Exec-  
4 utive agency responsibilities in chapter 113 of title 40,  
5 United States Code, for any intelligence community busi-  
6 ness system transformation shall be exercised jointly by—

7 “(A) the Director of National Intelligence and  
8 the Chief Information Officer of the Intelligence  
9 Community; and

10 “(B) the head of the executive agency that con-  
11 tains the element of the intelligence community in-  
12 volved and the chief information officer of that exec-  
13 utive agency.

14 “(2) The Director of National Intelligence and the  
15 head of the executive agency referred to in paragraph  
16 (1)(B) shall enter into a memorandum of understanding  
17 to carry out the requirements of this section in a manner  
18 that best meets the needs of the intelligence community  
19 and the executive agency.

20 “(h) DEFINITIONS.—In this section:

21 “(1) The term ‘enterprise architecture’ has the  
22 meaning given that term in section 3601(4) of title  
23 44, United States Code.

24 “(2) The terms ‘information system’ and ‘infor-  
25 mation technology’ have the meanings given those

1 terms in section 11101 of title 40, United States  
2 Code.

3 “(3) The term ‘intelligence community business  
4 system’ means an information system, including a  
5 national security system, that is operated by, for, or  
6 on behalf of an element of the intelligence commu-  
7 nity, including a financial system, mixed system, fi-  
8 nancial data feeder system, and the business infra-  
9 structure capabilities shared by the systems of the  
10 business enterprise architecture, including people,  
11 process, and technology, that build upon the core in-  
12 frastructure used to support business activities, such  
13 as acquisition, financial management, logistics, stra-  
14 tegic planning and budgeting, installations and envi-  
15 ronment, and human resource management.

16 “(4) The term ‘intelligence community business  
17 system transformation’ means—

18 “(A) the acquisition or development of a  
19 new intelligence community business system; or

20 “(B) any significant modification or en-  
21 hancement of an existing intelligence commu-  
22 nity business system (other than necessary to  
23 maintain current services).



1           “(5) The term ‘national security system’ has  
2           the meaning given that term in section 3552(b) of  
3           title 44, United States Code.”.

4 **SEC. 311. INCLUSION OF INSPECTOR GENERAL OF INTEL-**  
5 **LIGENCE COMMUNITY IN COUNCIL OF IN-**  
6 **SPECTORS GENERAL ON INTEGRITY AND EF-**  
7 **FICIENCY.**

8           Section 11(b)(1)(B) of the Inspector General Act of  
9 1978 (Public Law 95–452; 5 U.S.C. App.) is amended by  
10 striking “the Office of the Director of National Intel-  
11 ligence” and inserting “the Intelligence Community”.

12 **SEC. 312. AUTHORITIES OF THE INSPECTOR GENERAL FOR**  
13 **THE CENTRAL INTELLIGENCE AGENCY.**

14           (a) INFORMATION AND ASSISTANCE.—Paragraph (9)  
15 of section 17(e) of the Central Intelligence Agency Act of  
16 1949 (50 U.S.C. 3517(e)(9)) is amended to read as fol-  
17 lows:

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

23           “(B) Upon request of the Inspector General for infor-  
24 mation or assistance from a department or agency of the  
25 Federal Government, the head of the department or agen-

1 cy involved, insofar as practicable and not in contravention  
2 of any existing statutory restriction or regulation of such  
3 department or agency, shall furnish to the Inspector Gen-  
4 eral, or to an authorized designee, such information or as-  
5 sistance.

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

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

15 (b) TECHNICAL AMENDMENTS RELATING TO SELEC-  
16 TION OF EMPLOYEES.—Paragraph (7) of such section (50  
17 U.S.C. 3517(e)(7)) is amended—

18 (1) by inserting “(A)” before “Subject to appli-  
19 cable law”; and

20 (2) by adding at the end the following new sub-  
21 paragraph:

22 “(B) Consistent with budgetary and personnel re-  
23 sources allocated by the Director, the Inspector General  
24 has final approval of—

1           “(i) the selection of internal and external can-  
2           didates for employment with the Office of Inspector  
3           General; and

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

11 **SEC. 313. CLARIFICATION RELATING TO INFORMATION AC-**  
12 **CESS BY COMPTROLLER GENERAL.**

13          Section 348(a) of the Intelligence Authorization Act  
14 for Fiscal Year 2010 (Public Law 111–259; 124 Stat.  
15 2700; 50 U.S.C. 3308) is amended by adding at the end  
16 the following new paragraph:

17           “(4) REQUESTS BY CONGRESSIONAL INTEL-  
18          LIGENCE COMMITTEES.—Consistent with the protec-  
19          tion of classified information, the directive issued  
20          under paragraph (1) shall not prohibit the Comp-  
21          troller General from obtaining information necessary  
22          to carry out an audit or review at the request of the  
23          congressional intelligence committees or pursuant to  
24          an intelligence authorization Act, a committee report  
25          or joint explanatory statement accompanying an in-

1 intelligence authorization Act, or classified annex to a  
2 committee report or joint explanatory statement.”.

3 **SEC. 314. TECHNICAL AMENDMENTS RELATING TO PAY**  
4 **UNDER TITLE 5, UNITED STATES CODE.**

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

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

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

10 “(viii) the Office of the Director of Na-  
11 tional Intelligence;”; and

12 (3) in clause (x), by striking the period and in-  
13 serting a semicolon.

14 **Subtitle B—Matters Relating to**  
15 **United States Naval Station,**  
16 **Guantanamo Bay, Cuba**

17 **SEC. 321. PROHIBITION ON USE OF FUNDS FOR TRANSFER**  
18 **OR RELEASE OF INDIVIDUALS DETAINED AT**  
19 **UNITED STATES NAVAL STATION, GUANTA-**  
20 **NAMO BAY, CUBA.**

21 No amounts authorized to be appropriated or other-  
22 wise made available to an element of the intelligence com-  
23 munity may be used during the period beginning on the  
24 date of the enactment of this Act and ending on December  
25 31, 2016, to transfer, release, or assist in the transfer or

1 release, to or within the United States, its territories, or  
2 possessions, Khalid Sheikh Mohammed or any other indi-  
3 vidual detained at Guantanamo (as such term is defined  
4 in section 322(c)).

5 **SEC. 322. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**  
6 **OR MODIFY FACILITIES IN UNITED STATES**  
7 **TO HOUSE DETAINEES TRANSFERRED FROM**  
8 **UNITED STATES NAVAL STATION, GUANTA-**  
9 **NAMO BAY, CUBA.**

10 (a) IN GENERAL.—No amounts authorized to be ap-  
11 propriated or otherwise made available to an element of  
12 the intelligence community may be used during the period  
13 beginning on the date of the enactment of this Act and  
14 ending on December 31, 2016, to construct or modify any  
15 facility in the United States, its territories, or possessions  
16 to house any individual detained at Guantanamo for the  
17 purposes of detention or imprisonment in the custody or  
18 under the control of the Department of Defense.

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

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

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

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

6 (2) is—

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

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

11 **SEC. 323. PROHIBITION ON USE OF FUNDS TO TRANSFER**  
12 **OR RELEASE INDIVIDUALS DETAINED AT**  
13 **UNITED STATES NAVAL STATION, GUANTA-**  
14 **NAMO BAY, CUBA, TO COMBAT ZONES.**

15 (a) IN GENERAL.—No amounts authorized to be ap-  
16 propriated or otherwise made available to an element of  
17 the intelligence community may be used during the period  
18 beginning on the date of the enactment of this Act and  
19 ending on December 31, 2016, to transfer, release, or as-  
20 sist in the transfer or release of any individual detained  
21 in the custody or under the control of the Department of  
22 Defense at United States Naval Station, Guantanamo  
23 Bay, Cuba, to a combat zone.

24 (b) COMBAT ZONE DEFINED.—In this section, the  
25 term “combat zone” means any area designated as a com-

1 bat zone for purposes of section 112 of the Internal Rev-  
2 enue Code of 1986 for which the income of a member of  
3 the Armed Forces was excluded during 2014, 2015, or  
4 2016 by reason of the member's service on active duty  
5 in such area.

## 6 **Subtitle C—Reports**

### 7 **SEC. 331. REPORTS TO CONGRESS ON INDIVIDUALS FOR-** 8 **MERLY DETAINED AT UNITED STATES NAVAL** 9 **STATION, GUANTANAMO BAY, CUBA.**

10 (a) ADDITIONAL MATTERS FOR INCLUSION IN RE-  
11 PORTS.—Subsection (c) of section 319 of the Supple-  
12 mental Appropriations Act, 2009 (Public Law 111–32;  
13 123 Stat. 1874; 10 U.S.C. 801 note) is amended by add-  
14 ing after paragraph (5) the following new paragraphs:

15 “(6) A summary of all contact by any means of  
16 communication, including telecommunications, elec-  
17 tronic or technical means, in person, written commu-  
18 nications, or any other means of communication, re-  
19 gardless of content, between any individual formerly  
20 detained at Naval Station, Guantanamo Bay, Cuba,  
21 and any individual known or suspected to be associ-  
22 ated with a foreign terrorist group.

23 “(7) A description of whether any of the con-  
24 tact described in the summary required by para-  
25 graph (6) included any information or discussion

1       about hostilities against the United States or its al-  
2       lies or partners.

3           “(8) For each individual described in paragraph  
4       (4), the period of time between the date on which  
5       the individual was released or transferred from  
6       Naval Station, Guantanamo Bay, Cuba, and the  
7       date on which it is confirmed that the individual is  
8       suspected or confirmed of reengaging in terrorist ac-  
9       tivities.

10          “(9) The average period of time described in  
11       paragraph (8) for all the individuals described in  
12       paragraph (4).”.

13       (b) FORM.—Subsection (a) of such section is amend-  
14       ed by adding at the end the following: “The reports may  
15       be submitted in classified form.”.

16       (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
17       tion or the amendments made by this section shall be con-  
18       strued to terminate, alter, modify, override, or otherwise  
19       affect any reporting of information required under section  
20       319(e) of the Supplemental Appropriations Act, 2009  
21       (Public Law 111–32; 123 Stat. 1874; 10 U.S.C. 801  
22       note), as in effect immediately before the enactment of  
23       this section.



1 **SEC. 332. REPORTS ON FOREIGN FIGHTERS.**

2 (a) **REPORTS REQUIRED.**—Not later than 60 days  
3 after the date of the enactment of this Act, and every 60  
4 days thereafter, the Director of National Intelligence shall  
5 submit to the congressional intelligence committees a re-  
6 port on foreign fighter flows to and from Syria and to  
7 and from Iraq. The Director shall define the term “foreign  
8 fighter” in such reports.

9 (b) **MATTERS TO BE INCLUDED.**—Each report sub-  
10 mitted under subsection (a) shall include each of the fol-  
11 lowing:

12 (1) The total number of foreign fighters who  
13 have traveled to Syria or Iraq since January 1,  
14 2011, the total number of foreign fighters in Syria  
15 or Iraq as of the date of the submittal of the report,  
16 the total number of foreign fighters whose countries  
17 of origin have a visa waiver program described in  
18 section 217 of the Immigration and Nationality Act  
19 (8 U.S.C. 1187), the total number of foreign fight-  
20 ers who have left Syria or Iraq, the total number of  
21 female foreign fighters, and the total number of de-  
22 ceased foreign fighters.

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

1 such date, and the total number of such persons who  
2 have returned to the United States from Syria or  
3 Iraq since such date.

4 (3) The total number of foreign fighters in Ter-  
5 rorist Identities Datamart Environment and the sta-  
6 tus of each such foreign fighter in that database, the  
7 number of such foreign fighters who are on a  
8 watchlist, and the number of such foreign fighters  
9 who are not on a watchlist.

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

13 (5) Any programmatic updates to the foreign  
14 fighter report since the last report was issued, in-  
15 cluding updated analysis on foreign country coopera-  
16 tion, as well as actions taken, such as denying or re-  
17 voking visas.

18 (6) A worldwide graphic that describes foreign  
19 fighters flows to and from Syria, with points of ori-  
20 gin by country.

21 (c) FORM.—The reports submitted under subsection  
22 (a) may be submitted in classified form.

23 (d) TERMINATION.—The requirement to submit re-  
24 ports under subsection (a) shall terminate on the date that  
25 is three years after the date of the enactment of this Act.

1 **SEC. 333. REPORTS ON PRISONER POPULATION AT UNITED**  
2 **STATES NAVAL STATION, GUANTANAMO BAY,**  
3 **CUBA.**

4 (a) REPORTS REQUIRED.—Not later than 60 days  
5 after the date of the enactment of this Act, and every 30  
6 days thereafter, the Director of the Defense Intelligence  
7 Agency, in coordination with the Director of National In-  
8 telligence, shall submit to the Members of Congress speci-  
9 fied in subsection (b) a report on the prisoner population  
10 at the detention facility at United States Naval Station,  
11 Guantanamo Bay, Cuba.

12 (b) SPECIFIED MEMBERS AND COMMITTEES OF CON-  
13 GRESS.—The Members of Congress specified in this sub-  
14 section are the following:

15 (1) The majority leader and minority leader of  
16 the Senate.

17 (2) The Chairman and Ranking Member of the  
18 Committee on Armed Services of the Senate.

19 (3) The Chairman and Vice Chairman of the  
20 Select Committee on Intelligence of the Senate.

21 (4) The Chairman and Vice Chairman of the  
22 Committee on Appropriations of the Senate.

23 (5) The Speaker of the House of Representa-  
24 tives.

25 (6) The minority leader of the House of Rep-  
26 resentatives.

1           (7) The Chairman and Ranking Member of the  
2           Committee on Armed Services of the House of Rep-  
3           resentatives.

4           (8) The Chairman and Ranking Member of the  
5           Permanent Select Committee on Intelligence of the  
6           House of Representatives.

7           (9) The Chairman and Ranking Member of the  
8           Committee on Appropriations of the House of Rep-  
9           resentatives.

10          (c) MATTERS TO BE INCLUDED.—Each report sub-  
11          mitted under subsection (a) shall include each of the fol-  
12          lowing:

13           (1) The name and country of origin of each  
14           prisoner detained at the detention facility at United  
15           States Naval Station Guantanamo Bay, Cuba, as of  
16           the date of such report.

17           (2) A current summary of the evidence, intel-  
18           ligence, and information used to justify the detention  
19           of each prisoner listed under paragraph (1) at  
20           United States Naval Station, Guantanamo Bay,  
21           Cuba.

22           (3) A current accounting of all the measures  
23           taken to transfer each prisoner listed under para-  
24           graph (1) to the individual's country of citizenship  
25           or another country.

1           (4) A current description of the number of indi-  
2           viduals released or transferred from detention at  
3           United States Naval Station, Guantanamo Bay,  
4           Cuba, who are confirmed or suspected of returning  
5           to terrorist activities after such release or transfer.

6           (5) An assessment of any efforts by foreign ter-  
7           rorist organizations to recruit individuals released  
8           from detention at United States Naval Station,  
9           Guantanamo Bay, Cuba.

10          (6) A summary of all contact by any means of  
11          communication, including telecommunications, elec-  
12          tronic or technical means, in person, written commu-  
13          nications, or any other means of communication, re-  
14          gardless of content, between any individual formerly  
15          detained at United States Naval Station, Guanta-  
16          namo Bay, Cuba, and any individual known or sus-  
17          pected to be associated with a foreign terrorist  
18          group.

19          (7) A description of whether any of the contact  
20          described in the summary required by paragraph (6)  
21          included any information or discussion about hos-  
22          tilities against the United States or its allies or part-  
23          ners.

24          (8) For each individual described in paragraph  
25          (4), the period of time between the date on which

1 the individual was released or transferred from  
2 United States Naval Station, Guantanamo Bay,  
3 Cuba, and the date on which it is confirmed that the  
4 individual is suspected or confirmed of reengaging in  
5 terrorist activities.

6 (9) The average period of time described in  
7 paragraph (8) for all the individuals described in  
8 paragraph (4).

9 **SEC. 334. REPEAL OF CERTAIN REPORTING REQUIRE-**  
10 **MENTS.**

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

14 (1) by striking subsection (a); and

15 (2) by redesignating subsections (b) and (c) as  
16 subsections (a) and (b), respectively.

17 (b) REPORTS ON ROLE OF ANALYSTS AT FBI AND  
18 FBI INFORMATION SHARING.—Section 2001(g) of the In-  
19 telligence Reform and Terrorism Prevention Act of 2004  
20 (Public Law 108–458; 118 Stat. 3700; 28 U.S.C. 532  
21 note) is amended by striking paragraphs (3) and (4).

22 (c) REPORT ON OUTSIDE EMPLOYMENT BY OFFI-  
23 CERS AND EMPLOYEES OF INTELLIGENCE COMMUNITY.—

1           (1) IN GENERAL.—Section 102A(u) of the Na-  
2           tional Security Act of 1947 (50 U.S.C. 3024) is  
3           amended—

4                   (A) by striking “(1) The Director” and in-  
5                   serting “The Director”; and

6                   (B) by striking paragraph (2).

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

10                   (A) by striking paragraph (5); and

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

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