

114TH CONGRESS <i>1st Session</i>	HOUSE OF REPRESENTATIVES	REPORT 114-
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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
2016

JUNE --, 2015.—Ordered to be printed

Mr. NUNES, from the Permanent Select Committee on Intelligence,
submitted the following

R E P O R T

together with

VIEWS

[To accompany H.R. 2596]

[Including cost estimate of the Congressional Budget Office]

The Permanent Select Committee on Intelligence, to whom was referred the bill (H.R. 2596) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2016”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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. Provision of information and assistance to Inspector General of the Intelligence Community.
- Sec. 314. Clarification relating to information access by Comptroller General.
- Sec. 315. Use of homeland security grant funds in conjunction with Department of Energy national laboratories.
- Sec. 316. 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. Report on use of certain business concerns.
- Sec. 335. Repeal of certain reporting requirements.

SEC. 2. DEFINITIONS.

In this Act:

- (a) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—
 - (1) the Select Committee on Intelligence of the Senate; and
 - (2) the Permanent Select Committee on Intelligence of the House of Representatives.
- (b) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Budget Committee of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.

- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.**—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2016, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2596 of the One Hundred Fourteenth Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—

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

(2) **DISTRIBUTION BY THE PRESIDENT.**—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) **LIMITS ON DISCLOSURE.**—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

- (A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));
- (B) to the extent necessary to implement the budget; or
- (C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) **AUTHORITY FOR INCREASES.**—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2016 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such schedule for such element.

(b) **TREATMENT OF CERTAIN PERSONNEL.**—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

- (1) a student program, trainee program, or similar program;
- (2) a reserve corps or as a reemployed annuitant; or
- (3) details, joint duty, or long-term, full-time training.

(c) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2016 the sum of \$501,850,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2017.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 785 positions as of September 30, 2016. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Manage-

ment Account for fiscal year 2016 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2017.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2016, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2016 the sum of \$514,000,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. PRIOR CONGRESSIONAL NOTIFICATION OF INITIATIONS OF CERTAIN NEW SPECIAL ACCESS PROGRAMS.

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the intelligence community for fiscal year 2016 may be used to initiate any new special access program pertaining to any intelligence or intelligence-related activity or covert action unless the Director of National Intelligence or the Secretary of Defense, as appropriate, submits to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate, by not later than 30 days before initiating such a program, written notification of the intention to initiate the program.

(b) **WAIVER.**—

(1) **IN GENERAL.**—The Director of National Intelligence or the Secretary of Defense, as appropriate, may waive subsection (a) with respect to the initiation of a new special access program if the Director or Secretary, as the case may be, determines that an emergency situation makes it impossible or impractical to provide the notice required under such subsection by the date that is 30 days before such initiation.

(2) **NOTICE.**—If the Director or Secretary issues a waiver under paragraph (1), the Director or Secretary, as the case may be, shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate, by not later than 48 hours after the initiation of the new special access program covered by the waiver, written notice of the waiver and a justification for the waiver, including a description of the emergency situation that necessitated the waiver.

(c) **SPECIAL ACCESS PROGRAM DEFINED.**—In this section, the term “special access program” has the meaning given such term in Executive Order 13526 as in effect on the date of the enactment of this Act.

SEC. 304. PRIOR CONGRESSIONAL NOTIFICATION OF TRANSFERS OF FUNDS FOR CERTAIN INTELLIGENCE ACTIVITIES.

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the intelligence community for fiscal year 2016 may be used to initiate a transfer of funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund to be used for intelligence activities unless the Director of National Intelligence or the Secretary of Defense, as appropriate, submits to the congressional intelligence committees, by not later than 30 days before initiating such a transfer, written notice of the transfer.

(b) **WAIVER.**—

(1) **IN GENERAL.**—The Director of National Intelligence or the Secretary of Defense, as appropriate, may waive subsection (a) with respect to the initiation of a transfer of funds if the Director or Secretary, as the case may be, determines that an emergency situation makes it impossible or impractical to provide the notice required under such subsection by the date that is 30 days before such initiation.

(2) **NOTICE.**—If the Director or Secretary issues a waiver under paragraph (1), the Director or Secretary, as the case may be, shall submit to the congressional intelligence committees, by not later than 48 hours after the initiation of the transfer of funds covered by the waiver, written notice of the waiver and a justification for the waiver, including a description of the emergency situation that necessitated the waiver.

SEC. 305. DESIGNATION OF LEAD INTELLIGENCE OFFICER FOR TUNNELS.

The Director of National Intelligence shall designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and nonstate actors.

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

Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended by adding at the end the following new paragraph:

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

SEC. 307. REPORTING PROCESS REQUIRED FOR TRACKING CERTAIN REQUESTS FOR COUNTRY CLEARANCE.

(a) **IN GENERAL.**—By not later than September 30, 2016, the Director of National Intelligence shall establish a formal internal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives by departments and agencies of the United States. Such reporting process shall include a mechanism for tracking the department or agency that submits each such request and the date on which each such request is submitted.

(b) **CONGRESSIONAL BRIEFING.**—By not later than December 31, 2016, the Director of National Intelligence shall brief the congressional intelligence committees on the progress of the Director in establishing the process required under subsection (a).

SEC. 308. PROHIBITION ON SHARING OF CERTAIN INFORMATION IN RESPONSE TO FOREIGN GOVERNMENT INQUIRIES.

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act for any element of the intelligence community may be used to respond to, share, or authorize the sharing of any non-public information related to intelligence activities carried out by the United States in response to a legislative or judicial inquiry from a foreign government into the intelligence activities of the United States.

(b) **CONGRESSIONAL NOTIFICATION.**—Not later than 30 days after an element of the intelligence community receives a legislative or judicial inquiry from a foreign government related to intelligence activities carried out by the United States, the element shall submit to the congressional intelligence committees written notification of the inquiry.

(c) **CLARIFICATION REGARDING COLLABORATION WITH FOREIGN PARTNERS.**—The prohibition under subsection (a) shall not be construed as limiting routine intelligence activities with foreign partners, except in any case in which the central focus of the collaboration with the foreign partner is to obtain information for, or solicit a response to, a legislative or judicial inquiry from a foreign government related to intelligence activities carried out by the United States.

SEC. 309. NATIONAL CYBER THREAT INTELLIGENCE INTEGRATION CENTER.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended—

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

(2) by inserting after section 119A the following new section:

“SEC. 119B. CYBER THREAT INTELLIGENCE INTEGRATION CENTER.

“(a) ESTABLISHMENT.—There is within the Office of the Director of National Intelligence a Cyber Threat Intelligence Integration Center.

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

“(c) PRIMARY MISSIONS.—The Cyber Threat Intelligence Integration Center shall—

“(1) serve as the primary organization within the Federal Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to cyber threats;

“(2) ensure that appropriate departments and agencies of the Federal Government have full access to and receive all-source intelligence support needed to execute the cyber threat intelligence activities of such agencies and to perform independent, alternative analyses;

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

“(4) coordinate cyber threat intelligence activities of the departments and agencies of the Federal Government; and

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

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

“(1) may not have more than 50 permanent positions;

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

“(3) shall be located in a building owned or operated by an element of the intelligence community as of the date of the enactment of this section.”

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

“Sec. 119B. Cyber Threat Intelligence Integration Center.

“Sec. 119C. National intelligence centers.”.

SEC. 310. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

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

“INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

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

“(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Chief Information Officer of the Intelligence Community that the intelligence community business system transformation—

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

“(B) is necessary—

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

“(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

“(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

“(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

“(B) such amount multiplied by the annual percentage increase in the Consumer Price Index (all items; U.S. city average) as of September of the previous fiscal year.

“(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

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

“(A) An information infrastructure that will enable the intelligence community to—

“(i) comply with all Federal accounting, financial management, and reporting requirements;

“(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

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

“(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

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

“(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

“(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Chief Information Officer of the Intelligence Community shall establish and implement, not later than 60 days after October 7, 2010, an investment review process for the intelligence community business systems for which the Chief Information Officer of the Intelligence Community is responsible.

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

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

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

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

“(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

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

“(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

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

“(e) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

“(f) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Intelligence community business system transformations certified under this section shall be deemed to be in compliance with section 2222 of title 10, United States Code. Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense for activities other than an intelligence

community business system transformation from the requirements of such section 2222, to the extent that such requirements are otherwise applicable.

“(g) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

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

“(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

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

“(h) DEFINITIONS.—In this section:

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

“(2) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

“(3) The term ‘intelligence community business system’ means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

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

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

“(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

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

SEC. 311. INCLUSION OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY IN COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

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

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

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

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

“(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

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

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

(b) TECHNICAL AMENDMENTS RELATING TO SELECTION OF EMPLOYEES.—Paragraph (7) of such section (50 U.S.C. 3517(e)(7)) is amended—

(1) by inserting “(A)” before “Subject to applicable law”; and

(2) by adding at the end the following new subparagraph:

“(B) Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(i) the selection of internal and external candidates for employment with the Office of Inspector General; and

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

SEC. 313. PROVISION OF INFORMATION AND ASSISTANCE TO INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

Section 103H(j)(4) of the National Security Act of 1947 (50 U.S.C. 3033) is amended—

(1) in subparagraph (A), by striking “any department, agency, or other element of the United States Government” and inserting “any Federal, State (as defined in section 804), or local governmental agency or unit thereof”; and

(2) in subparagraph (B), by inserting “from a department, agency, or element of the Federal Government” before “under subparagraph (A)”.

SEC. 314. CLARIFICATION RELATING TO INFORMATION ACCESS BY COMPTROLLER GENERAL.

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

“(4) REQUESTS BY CERTAIN CONGRESSIONAL COMMITTEES.—Consistent with the protection of classified information, the directive issued under paragraph (1) shall not prohibit the Comptroller General from obtaining information necessary to carry out the following audits or reviews:

“(A) An audit or review carried out—

“(i) at the request of the congressional intelligence committees; or

“(ii) pursuant to—

“(I) an intelligence authorization Act;

“(II) a committee report or joint explanatory statement accompanying an intelligence authorization Act; or

“(III) a classified annex to a committee report or joint explanatory statement accompanying an intelligence authorization Act.

“(B) An audit or review pertaining to intelligence activities of the Department of Defense carried out—

“(i) at the request of the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code); or

“(ii) pursuant to a national defense authorization Act.”.

SEC. 315. USE OF HOMELAND SECURITY GRANT FUNDS IN CONJUNCTION WITH DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended in the matter preceding paragraph (1) by inserting “including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)),” after “plans,”.

SEC. 316. TECHNICAL AMENDMENTS RELATING TO PAY UNDER TITLE 5, UNITED STATES CODE.

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

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

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

“(viii) the Office of the Director of National Intelligence;”; and

(3) in clause (x), by striking the period and inserting a semicolon.

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.

No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release, to or within the United States, its terri-

tories, or possessions, Khalid Sheikh Mohammed or any other individual detained at Guantanamo (as such term is defined in section 322(c)).

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.

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

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

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

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

(2) is—

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

(B) otherwise under detention at 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.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to a combat zone.

(b) COMBAT ZONE DEFINED.—In this section, the term “combat zone” means any area designated as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986 for which the income of a member of the Armed Forces was excluded during 2014, 2015, or 2016 by reason of the member’s service on active duty in such area.

Subtitle C—Reports

SEC. 331. REPORTS TO CONGRESS ON INDIVIDUALS FORMERLY DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) ADDITIONAL MATTERS FOR INCLUSION IN REPORTS.—Subsection (c) of section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1874; 10 U.S.C. 801 note) is amended by adding after paragraph (5) the following new paragraphs:

“(6) A summary of all contact by any means of communication, including telecommunications, electronic or technical means, in person, written communications, or any other means of communication, regardless of content, between any individual formerly detained at Naval Station, Guantanamo Bay, Cuba, and any individual known or suspected to be associated with a foreign terrorist group.

“(7) A description of whether any of the contact described in the summary required by paragraph (6) included any information or discussion about hostilities against the United States or its allies or partners.

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

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

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

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to terminate, alter, modify, override, or otherwise af-

fect any reporting of information required under section 319(c) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1874; 10 U.S.C. 801 note), as in effect immediately before the enactment of this section.

SEC. 332. REPORTS ON FOREIGN FIGHTERS.

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

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under subsection (a) shall include each of the following:

(1) The total number of foreign fighters who have traveled to Syria or Iraq since January 1, 2011, the total number of foreign fighters in Syria or Iraq as of the date of the submittal of the report, the total number of foreign fighters whose countries of origin have a visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the total number of foreign fighters who have left Syria or Iraq, the total number of female foreign fighters, and the total number of deceased foreign fighters.

(2) The total number of United States persons who have traveled or attempted to travel to Syria or Iraq since January 1, 2011, the total number of such persons who have arrived in Syria or Iraq since such date, and the total number of such persons who have returned to the United States from Syria or Iraq since such date.

(3) The total number of foreign fighters in Terrorist Identities Datamart Environment and the status of each such foreign fighter in that database, the number of such foreign fighters who are on a watchlist, and the number of such foreign fighters who are not on a watchlist.

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

(5) Any programmatic updates to the foreign fighter report since the last report was issued, including updated analysis on foreign country cooperation, as well as actions taken, such as denying or revoking visas.

(6) A worldwide graphic that describes foreign fighters flows to and from Syria, with points of origin by country.

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

(d) **TERMINATION.**—The requirement to submit reports under subsection (a) shall terminate on the date that is three years after the date of the enactment of this Act.

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

(a) **REPORTS REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Defense Intelligence Agency, in coordination with the Director of National Intelligence, shall submit to the Members of Congress specified in subsection (b) a report on the prisoner population at the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

(b) **SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.**—The Members of Congress specified in this subsection are the following:

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

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

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

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

(5) The Speaker of the House of Representatives.

(6) The minority leader of the House of Representatives.

(7) The Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives.

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

(9) The Chairman and Ranking Member of the Committee on Appropriations of the House of Representatives.

(c) **MATTERS TO BE INCLUDED.**—Each report submitted under subsection (a) shall include each of the following:

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

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each prisoner listed under paragraph (1) at United States Naval Station, Guantanamo Bay, Cuba.

(3) A current accounting of all the measures taken to transfer each prisoner listed under paragraph (1) to the individual's country of citizenship or another country.

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

(5) An assessment of any efforts by foreign terrorist organizations to recruit individuals released from detention at United States Naval Station, Guantanamo Bay, Cuba.

(6) A summary of all contact by any means of communication, including telecommunications, electronic or technical means, in person, written communications, or any other means of communication, regardless of content, between any individual formerly detained at United States Naval Station, Guantanamo Bay, Cuba, and any individual known or suspected to be associated with a foreign terrorist group.

(7) A description of whether any of the contact described in the summary required by paragraph (6) included any information or discussion about hostilities against the United States or its allies or partners.

(8) For each individual described in paragraph (4), the period of time between the date on which the individual was released or transferred from United States Naval Station, Guantanamo Bay, Cuba, and the date on which it is confirmed that the individual is suspected or confirmed of reengaging in terrorist activities.

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

SEC. 334. REPORT ON USE OF CERTAIN BUSINESS CONCERNS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence communities a report on the representation, as of the date of the report, of covered business concerns among the contractors that are awarded contracts by elements of the intelligence community for goods, equipment, tools, and services.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) The representation of covered business concerns as described in subsection (a), including such representation by—

- (A) each type of covered business concern; and
- (B) each element of the intelligence community.

(2) If, as of the date of the enactment of this Act, the Director does not record and monitor the statistics required to carry out this section, a description of the actions taken by the Director to ensure that such statistics are recorded and monitored beginning in fiscal year 2016.

(3) The actions the Director plans to take during fiscal year 2016 to enhance the awarding of contracts to covered business concerns by elements of the intelligence community.

(c) **COVERED BUSINESS CONCERNS DEFINED.**—In this section, the term “covered business concerns” means the following:

- (1) Minority-owned businesses.
- (2) Women-owned businesses.
- (3) Small disadvantaged businesses.
- (4) Service-disabled veteran-owned businesses.
- (5) Veteran-owned small businesses.

SEC. 335. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

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

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

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

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

(c) REPORT ON OUTSIDE EMPLOYMENT BY OFFICERS AND EMPLOYEES OF INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Section 102A(u) of the National Security Act of 1947 (50 U.S.C. 3024) is amended—

(A) by striking “(1) The Director” and inserting “The Director”; and

(B) by striking paragraph (2).

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

(A) by striking paragraph (5); and

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

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

(d) REPORTS ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES.—Section 1055 of the National Defense Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371) is repealed.

(e) REPORTS ON ESPIONAGE BY PEOPLE’S REPUBLIC OF CHINA.—Section 3151 of the National Defense Authorization Act for Fiscal Year 2000 (42 U.S.C. 7383e) is repealed.

(f) REPORTS ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is repealed.

Purpose

The purpose of H.R. 2596 is to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2016. These activities enhance the national security of the United States, support and assist the armed forces of the United States, and support the President in the execution of the foreign policy of the United States.

Classified Annexes and Committee Intent

The classified annexes to this report include the classified schedules of authorizations and their associated explanatory language. The Committee views the classified annexes as integral parts of this legislation. The classified annexes contain thorough discussions of the issues considered by the Committee underlying the funding authorizations found in the classified schedules of authorizations. The Committee expects that all intelligence programs discussed in the classified annexes to this report will follow the guidance and limitations set forth as associated language therein. The classified schedules of authorizations are incorporated directly into this legislation by virtue of section 102 of the bill. The classified annexes are available for review by all Members of the House of Representatives, subject to the requirements of clause 13 of rule XXIII of the Rules of the House of Representatives and rule 14 of the Rules of Procedure for the House Permanent Select Committee on Intelligence.

Scope of Committee Review

The bill authorizes U.S. intelligence and intelligence-related activities within the jurisdiction of the Committee, including the National Intelligence Program (NIP) and the Military Intelligence Program (MIP). The NIP consists of all activities of the Office of the Director of National Intelligence, as well as those intelligence, intelligence-related, and counterintelligence activities conducted by: the Central Intelligence Agency; the Department of Defense; the Defense Intelligence Agency; the National Security Agency; the National Reconnaissance Office; the National Geospatial-Intelligence Agency; the Departments of the Army, Navy, and Air Force; the Department of State; the Department of the Treasury; the Department of Energy; the Department of Justice; the Federal Bureau of Investigation; the U.S. Coast Guard; the Department of Homeland Security; and the Drug Enforcement Administration. The Committee has exclusive legislative, authorizing, and oversight jurisdiction of these programs.

Committee Statement and Views

The Fiscal Year 2016 intelligence authorization bill funds all U.S. intelligence activities, spanning 16 separate agencies. It provides authorization for critical national security functions, including: fighting terrorism and countering the proliferation of weapons of mass destruction; funding efforts to recover from unauthorized disclosures of intelligence capabilities; sustaining activities in Afghanistan and Iraq; investing in the

resiliency of our national security space architecture; providing policy direction on sensitive intelligence operations; promoting intelligence integration through investment in Intelligence Community-wide information technology enterprises; augmenting military-related intelligence, surveillance, and reconnaissance capabilities; and funding initiatives to prevent cyber attacks and detect insider threats.

This bill sustains today's intelligence capabilities and provides for future capabilities while staying within the funding constraints of the Budget Control Act (BCA). For Fiscal Year 2016, the bill authorizes funding that is slightly below the President's budget request level. Its funding levels are in line with the levels appropriated by the appropriations act for the National Intelligence Program and with the National Defense Authorization Act for the Military Intelligence Program. However, the Committee remains concerned that sustained fiscal pressure on the Intelligence Community will exacerbate existing gaps in global coverage for Fiscal Year 2017 and beyond.

The Overseas Contingency Operations (OCO) function provides some relief from the BCA limits, in part because the Committee has included certain funding requirements—consistent with H.R. 1735, the House-passed National Defense Authorization Act, and H.R. 2685, the committee-passed Defense Appropriations Act—in the OCO function that would normally be considered part of base spending. Given the size of the federal debt, the Committee does not take that action lightly. Rather, it funds these requirements through the OCO accounts to avoid serious damage to national security.

As most of the intelligence budget involves highly classified programs, the bulk of this Committee's recommendations each year are found in the classified annexes to the bill. Among other initiatives, the bill increases funding to enhance resiliency and survivability of our space architecture, address insider threats, improve personnel security programs, and encourage Intelligence Community efforts to improve financial management. The classified annexes also provide funds to encourage the Intelligence Community to continue efforts to improve financial management.

The legislative provisions are comprised of changes to statute that better enable the Community to conduct its important mission and to strengthen oversight mechanisms where needed.

Strengthening Oversight Mechanisms

The Committee continues to strengthen mechanisms that help Congress enhance its oversight over elements of the Intelligence Community. In particular, notification requirements serve as a valuable tool to keep the Committee fully and currently informed of intelligence and intelligence-related activities worldwide. Sections 303 and 304 of the bill ensure that specific elements of the executive branch provide timely notification requirements on certain intelligence activities.

Even so, the Committee seeks to improve its visibility into the classification process and better understand how the Intelligence Community determines the classification level of especially sensitive reporting and analysis.

Therefore, the Committee directs the Director of National Intelligence to provide, within 60 days of the enactment of this Act, a report to the congressional intelligence committees. The report shall outline each instance in the past five years that the Office of the Director for National Intelligence—or any other entity within the executive branch—directed an element of the Intelligence Community to begin disseminating existing uncompartmented intelligence reporting or analysis through a compartment or subcompartment.

The Committee further directs the Director of National Intelligence to issue a policy memorandum for each future instance when an element of the Intelligence Community receives direction to begin disseminating existing uncompartmented intelligence reporting or analysis through a compartment or subcompartment. The memorandum shall include: the intelligence topic and compartment or subcompartment name; the rationale for reporting the information through a compartment or subcompartment; the identity of the agency that issued the direction; the identity of the Intelligence Community element that received the direction; the time frame under which the Intelligence Community element must report the information through compartment or subcompartment; and a plan to disseminate the policy memorandum to relevant executive branch entities. The Director of National Intelligence shall provide the congressional intelligence committees with a copy of each policy memorandum within 72 hours of its dissemination within the executive branch.

Space Resiliency

One key component of enabling resiliency for space systems is maintaining assured access to space through multiple reliable, competitive launch service providers. While there has been initial progress in introducing competition for National Reconnaissance Office and national security space launches, the Committee remains concerned about the future of assured access to space. In particular, the Committee understands that currently, only Atlas V and more expensive heavy-class vehicles have the performance to launch certain payloads.

In the National Defense Authorization Act for Fiscal Year 2015, Congress mandated the development, by 2019, of a next-generation rocket propulsion system that enables the effective, efficient, and expedient transition from the use of non-allied space launch engines to a domestic alternative. The Committee views assured access to space as a national security imperative. The Committee therefore recommends continued efforts to ensure competition between multiple launch service providers and expedited development, as soon as feasible, of a rocket propulsion system to meet National Reconnaissance Office and national security requirements.

Intelligence Activities at RAF Croughton

Section 2310 of H.R. 1735, the House-passed National Defense Authorization Act, states that no funds may be expended for the construction of the Joint Intelligence Analysis Complex Consolidation, Phase 2, at Royal Air Force (RAF) Croughton, United Kingdom, until the Secretary of the Air Force, in coordination with the Director of the Defense Intelligence Agency (DIA), provides a report to the congressional defense committees.

That section also prohibits any actions to realign forces at Lajes Air Force Base, Azores, until the Secretary of Defense has determined, based on United States operational requirements, that Lajes Air Force Base is not an optimal location for either the Joint Intelligence Analysis Complex or for critical communications or intelligence capabilities. Furthermore, Section 8111 of H.R. 2685, the Defense Appropriations Act for Fiscal Year 2016, contains the same prohibition.

The Committee supports the limitations specified in Section 2310 of H.R. 1735 and Section 8111 of H.R. 2685.

In addition, the Committee directs the Under Secretary of Defense for Intelligence and the Director of the DIA to jointly provide a report to the congressional intelligence and defense committees that details the criteria under which RAF Croughton was selected as the site for the Joint Intelligence Analysis Complex, including the estimated cost for the construction of the complex, the estimated cost of infrastructure improvements in the surrounding area, counterintelligence considerations, and the cost of locality pay and Living Quarters Allowances for personnel assigned to Croughton. The report should also explain what, if any, alternative sites were considered for the Joint Intelligence Analysis Complex and the costs associated with those sites.

Therefore, the Committee directs that no funds may be obligated or expended to realign any intelligence activities to RAF Croughton, including for the construction of the Joint Intelligence Analysis Complex Consolidation, Phase 2, until the Committee receives the report and determination required by Section 2310 of H.R. 1735 and Section 8111 of H.R. 2685, and the report described in this section.

Declassification of bin Laden Documents

In May 2015, the Office of the Director for National Intelligence began to implement Section 313 of the Fiscal Year 2014 Intelligence Authorization Act by declassifying 86 intelligence reports the Intelligence Community generated based on materials collected in Abbottabad, Pakistan, during the mission that killed Usama Bin Laden. The Committee continues to support fulsome access for citizens, academics, journalists, and historians to the documents so long as declassification does not negatively impact current intelligence operations, sources, methods, potential Federal

Bureau of Investigation investigations, judicial proceedings, or other national security interests. Despite several briefings on the topic, the Committee still lacks sufficient understanding of what materials were collected in the May 1, 2011 raid.

Therefore, the Committee directs the Central Intelligence Agency, within 60 days of the enactment of this Act, to provide the congressional intelligence committees with all intelligence reports based on the documents collected in the May 1, 2011 raid that killed Usama Bin Laden.

Open Source Information

Terrorist groups like al-Qa'ida, Boko Haram, Al Shabaab, and the Islamic State of Iraq and the Levant (ISIL) successfully use the Internet to recruit, train, and fundraise. Through popular public websites, such as video sharing and social networking sites, the groups spread violent ideology and misleading information, diminishing the value of U.S. Government efforts to counter extremist content online.

The Committee believes that the U.S. Government as a whole, and in particular the Intelligence Community, must improve its efforts to understand the full scope of terrorist groups' messaging campaigns and communications methods online. These efforts should not be confined solely to intelligence analysts; operational personnel, including intelligence and defense officials, must be aware of how terrorist groups make use of open source messaging.

Therefore, the Committee directs the Director of National Intelligence and the Under Secretary of Defense for Intelligence to jointly brief the congressional intelligence committees within 180 days of the enactment of this Act on a plan for improving the use of open source information throughout the Intelligence Community and the Department of Defense (DoD), including the U.S. Special Operations Command. The plan should include: (1) ways to expand research and development in the use of publicly available information in relevant Intelligence Community and DoD elements, including any commercially available tools and solutions; (2) a strategy for how the Intelligence Community and the DoD can more effectively work with private industry and non-governmental organizations to gather, store, and analyze publicly available information; and (3) a description of training and guidance available to Intelligence Community and DoD personnel, including non-analytic personnel, with respect to the use and analysis of publicly available information.

Committee Consideration and Roll Call Votes

On June 4, 2015, the Committee met in open and closed session and ordered the bill H.R. 2596 favorably reported, as amended.

Open Session

In open session, the Committee considered the text of the bill H.R. 2596. Chairman Nunes offered a manager's amendment to H.R. 2596. The contents of the manager's amendment are described in the Section-by-Section analysis and the Explanation of Amendment. In particular, the amendment incorporated a provision from Mr. Swalwell to allow national laboratories to compete for homeland security grants and a provision from Ms. Sewell to evaluate the representation of minority-owned, women-owned, veteran-owned businesses and small businesses among Intelligence Community contractors. The Committee adopted the amendment by a voice vote.

Ranking Member Schiff offered an amendment that would strike the Guantanamo Bay-related sections of the bill. The Committee rejected the amendment by a voice vote.

Mr. Himes offered an amendment that would modify the section of the bill that clarified the Privacy and Civil Liberties Oversight Board's jurisdiction into covert action. The Committee rejected the amendment by a voice vote.

Mr. Swalwell offered an amendment that would extend federal loan forgiveness programs to individuals employed by a contractor chosen to manage and operate a National Laboratory. The Committee rejected the amendment by a voice vote.

Closed Session

Chairman Nunes moved to close the meeting for consideration of the classified schedule of authorizations because national security would be endangered if the matters to be considered were disclosed. The motion was agreed to by a record vote of 17 ayes to 0 noes:

Voting aye: Mr. Nunes (chairman), Mr. Miller, Mr. Conaway, Mr. LoBiondo, Mr. Rooney, Mr. Heck, Mr. Pompeo, Mr. Turner, Mr. Wenstrup, Mr. Schiff, Mr. Gutierrez, Mr. Himes, Mr. Carson, Ms. Speier, Mr. Quigley, Mr. Swalwell, and Mr. Murphy.

Voting no: None.

The Committee considered the classified Fiscal Year 2016 schedule of authorizations, which it adopted by a voice vote.

Open Session

By unanimous consent, the Committee returned to open session.

The Committee then adopted a motion by the Chairman to favorably report the bill H.R. 2596 to the House, as amended, including by reference the classified schedules of authorizations, as amended. The motion was agreed to by a voice vote.

Section-by-Section Analysis and Explanation of Amendment

Section 1 - *Short Title, Table of Contents.*

Section 1 lists the title and the table of contents of the Intelligence Authorization Act for Fiscal Year 2016.

Section 2 - *Definitions.*

Section 2 defines the terms “congressional intelligence committees” and the “Intelligence Community” that will be used in the Intelligence Authorization Act for Fiscal Year 2016.

Section 3 - *Budgetary Effects.*

Section 3 states that the budgetary effects of the Act shall be determined by reference to the latest statement entitled “Budgetary Effects of PAYGO Legislation,” submitted for printing in the Congressional Record by the Chairman of the Budget Committee of the House of Representatives.

TITLE I—Intelligence Activities

Section 101 - *Authorization of appropriations.*

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2016.

Section 102 - *Classified schedule of authorizations.*

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2016 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 103 - *Personnel ceiling adjustments.*

Section 103 provides that the Director of National Intelligence may authorize employment of civilian personnel in Fiscal Year 2016 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each Intelligence Community element under Section 102. The Director of National Intelligence may do so only if necessary to the performance of important intelligence functions.

Section 104 - *Intelligence Community Management Account.*

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the Director of National Intelligence and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2016.

Title II—Central Intelligence Agency Retirement and Disability System

Section 201 - *Authorization of appropriations.*

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2016 for the Central Intelligence Agency Retirement and Disability Fund.

Title III—General Provisions

Subtitle A—General Matters

Section 301 - *Increase in employee compensation and benefits authorized by law.*

Section 301 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 302 - *Restriction on conduct of intelligence activities.*

Section 302 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 303 - *Notification of new special access programs.*

Section 303 requires notification to the congressional intelligence and defense committees before the Director of National Intelligence or the Secretary of Defense initiates certain new special access programs. Section 303 also waives the notification requirement in emergency situations, but requires the Director of National Intelligence or the Secretary of Defense, as appropriate, to provide written notice of the waiver and a justification for the waiver.

Section 304 - *Notification of transfers of funds for certain intelligence activities.*

Section 304 requires notification to the congressional intelligence committees before transferring funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund to be used for intelligence activities.

Section 305 - *Designation of lead intelligence officer for tunnels.*

Section 305 requires the Director of National Intelligence to designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by State and non-State actors.

Section 306 - *Clarification of authority of Privacy and Civil Liberties Oversight Board.*

Section 306 amends the Intelligence Reform and Terrorism Prevention Act of 2004 to clarify that nothing in the statute authorizing the Privacy and Civil Liberties Oversight Board should be construed to allow that Board to gain access to information the executive branch deems to be related to covert action.

Section 307 - *Reporting process for tracking country clearance requests.*

Section 307 requires the Director of National Intelligence to establish a formal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives. Section 307 also requires the Director of National Intelligence to brief the congressional intelligence committees on its progress.

Section 308 - *Prohibition on sharing information in response to foreign government inquiries.*

Section 308 prohibits any element of the intelligence community from sharing any non-public information related to intelligence activities carried out by the United States in response to a legislative or judicial inquiry from a foreign government into the intelligence activities of the United States, except for routine intelligence activities with foreign partners.

Section 309 - *National Cyber Threat Intelligence Integration Center.*

Section 309 amends Title I of the National Security Act of 1947 by inserting a new Section 119B. That new section establishes the Cyber Threat Intelligence Integration Center (CTIIC) within the Office of the Director of National Intelligence. Section 119B also lays out the missions of the CTIIC and imposes certain limitations regarding the center's personnel and location.

Section 310 - *Intelligence community business system transformation.*

Section 310 amends section 506D of the National Security Act of 1947 to transfer the statutory responsibilities of the now-dissolved Office of Business Transformation to the Chief Information Officer of the Intelligence Community. It also clarifies that business system transformation projects certified by the Chief Information Officer of the Intelligence Community are deemed to be in compliance with section 2222 of title 10,

United States Code, which would otherwise require these transformation efforts to be certified twice.

Section 311 - *Inclusion of Inspector General of Intelligence Community in Council of Inspectors General on Integrity and Efficiency.*

Section 311 amends Section 11(b)(1)(B) of the Inspector General Act of 1978 to reflect the correct name of the Office of the Inspector General of the Intelligence Community. The section also clarifies that the Inspector General of the Intelligence Community is a member of the Council of the Inspectors General on Integrity and Efficiency.

Section 312 - *Authorities of the Inspector General for the Central Intelligence Agency.*

Section 312 amends Section 17 of the Central Intelligence Agency Act of 1949 to consolidate the Inspector General's personnel authorities and to provide the Inspector General with the same authorities as other Inspector Generals to request assistance and information from federal, state, and local agencies or units thereof.

Section 313 - *Provision of information and assistance to Inspector General of the Intelligence Community.*

Section 313 amends the National Security Act of 1947 to clarify the Inspector General of the Intelligence Community's authority to seek information and assistance from federal, state, and local agencies or units thereof.

Section 314 - *Clarification relating to information access by Comptroller General.*

Section 313 clarifies that the directive issued by the Director of National Intelligence related to access by the Comptroller General to Intelligence Community information shall not prohibit the Comptroller General from obtaining information necessary to carry out an audit or review at the request of the congressional intelligence and defense committees.

Section 315 - *Expanding access to homeland security grant funds.*

Section 315 amends Section 2008(a) of the Homeland Security Act of 2002 to clarify that the Department of Energy's national laboratories may seek access to homeland security grant funds.

Section 316 - *Technical amendments relating to pay.*

Section 314 amends 5 U.S.C. § 5102(a)(1) to expressly exclude the Office of the Director of National Intelligence (ODNI) from the provisions of chapter 51 of title 5, relating to position classification, pay, and allowances for General Schedule employees,

which does not apply to ODNI by virtue of the National Security Act. This proposal would have no substantive effect.

Subtitle B—Matters Relating to Guantanamo Bay

Section 321 - *Prohibition on use of funds for transfer or release of individual detained at Guantanamo Bay.*

Section 321 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release individuals detained at Guantanamo Bay.

Section 322 - *Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from Guantanamo Bay.*

Section 322 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to construct or modify facilities in the United States to house detainees transferred from Guantanamo Bay.

Section 323 - *Prohibition on use of funds to transfer or release individual detained at Guantanamo Bay to combat zones.*

Section 323 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release an individual detained at Guantanamo Bay to a combat zone. Section 323 defines combat zones for purposes of the Internal Revenue Service for which the income of a member of the Armed Forces was excluded during 2014, 2015, or 2016 by reason of a member's service on active duty in such area.

Subtitle C—Reports

Section 331 - *Reports to Congress on individuals detained at Guantanamo Bay.*

Section 331 amends section 319 of the Supplemental Appropriations Act of 2009 to request additional information on the activities of released detainees. In particular, Section 331 requires a summary of all contact by any means of communication between any individual formerly detained at Guantanamo Bay and any individual known or suspected to be associated with a foreign terrorist group, a description of any of the contact described above, and the period of time between the date of release and transfer and the date of suspected or confirmed reengagement.

Section 332 - *Reports on foreign fighters.*

Section 332 requires the Director of National Intelligence to submit a report every 60 days for the three years following the enactment of this Act to the congressional intelligence committees on foreign fighter flows to and from Syria and Iraq. Section 332 requires information on the total number of foreign fighters who have traveled to Syria or Iraq, the total number of United States persons who have traveled or attempted to travel to Syria or Iraq, the total number of foreign fighters in Terrorist Identities Datamart Environment, the total number of foreign fighters who have been processed with biometrics, any programmatic updates to the foreign fighter report, and a worldwide graphic that describes foreign fighter flows to and from Syria.

Section 333 - *Reports on prison population at Guantanamo Bay.*

Section 333 requires the Director of the Defense Intelligence Agency to submit a report to specific Members of Congress on the prisoner population at Guantanamo Bay. Section 333 requires the name and country of origin of each prisoner, the current summary of evidence, intelligence, and information used to justify detention, a current accounting of measures taken to transfer each prisoner, a current description of the number of individuals transferred or released who are confirmed or suspected of returning to terrorist activities, an assessment of any efforts by foreign terrorist organizations to recruit individuals released from detention, a summary of all contact by any means of communication between any individual formerly detained at Guantanamo Bay and any individual known or suspected to be associated with a foreign terrorist group, and the period of time between the date of release and transfer and the date of suspected or confirmed reengagement.

Section 334 - *Report on use of certain business concerns.*

Section 334 requires the Director of National Intelligence to submit to the congressional intelligence committees a report of covered business concerns—including minority-owned, women-owned, small disadvantaged, service-enabled veteran-owned, and veteran-owned small businesses—among contractors that are awarded contracts by the intelligence community for goods, equipment, tools and services.

Section 335 - *Repeal of certain reporting requirements.*

Section 335 repeals certain reporting requirements.

Oversight Findings and Recommendations

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held multiple hearings on the classified budgetary issues raised by H.R. 2596. The bill, as reported by the Committee, reflects conclusions reached by the Committee in light of this oversight activity.

General Performance Goals and Objectives

The goals and objectives of H.R. 2596 are to authorize the intelligence and intelligence-related activities of the United States Government for Fiscal Year 2016. These activities enhance the national security of the United States, support and assist the armed forces of the United States, and support the President in the execution of the foreign policy of the United States.

The classified annexes that accompany this report reflect in great detail the Committee's specific performance goals and objectives at the programmatic level with respect to classified programs.

Unfunded Mandate Statement

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement of whether the provisions of the reported bill include unfunded mandates. In compliance with this requirement, the Committee has received a letter from the Congressional Budget Office included herein.

[Insert]

Statement on Congressional Earmarks

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee states that the bill as reported contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives are shown as follows (new matter is printed in italic and existing law with no change is proposed in roman):

[Insert]

Disclosure of Directed Rule Making

H.R. 2596 does not specifically direct any rule makings within the meaning of 5 U.S.C. 551.

Duplication of Federal Programs

H.R. 2596 does not duplicate or reauthorize an established program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant

to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

114TH CONGRESS
1ST SESSION

H. R. 2596

[Report No. 114–]

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2015

Mr. NUNES introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select), and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE --, 2015

Reported from the Select Committee on Intelligence (Permanent Select) with
an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 1, 2015]

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 “In-*
5 *telligence Authorization Act for Fiscal Year 2016”.*

6 *(b) TABLE OF CONTENTS.—The table of contents for*
7 *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 ac-
cess programs.

Sec. 304. Prior congressional notification of transfers of funds for certain intel-
ligence 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. Provision of information and assistance to Inspector General of the In-
telligence Community.

Sec. 314. Clarification relating to information access by Comptroller General.

Sec. 315. Use of homeland security grant funds in conjunction with Department of Energy national laboratories.

Sec. 316. 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. Report on use of certain business concerns.

Sec. 335. Repeal of certain reporting requirements.

1 SEC. 2. DEFINITIONS.

2 *In this Act:*

3 (a) CONGRESSIONAL INTELLIGENCE COMMITTEES.—

4 *The term “congressional intelligence committees” means—*

5 (1) *the Select Committee on Intelligence of the*

6 *Senate; and*

7 (2) *the Permanent Select Committee on Intel-*

8 *ligence of the House of Representatives.*

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

1 **SEC. 3. BUDGETARY EFFECTS.**

2 *The budgetary effects of this Act, for the purpose of*
3 *complying with the Statutory Pay-As-You-Go Act of 2010,*
4 *shall be determined by reference to the latest statement titled*
5 *“Budgetary Effects of PAYGO Legislation” for this Act,*
6 *submitted for printing in the Congressional Record by the*
7 *Chairman of the Budget Committee of the House of Rep-*
8 *resentatives, provided that such statement has been sub-*
9 *mitted prior to the vote on passage.*

10 **TITLE I—INTELLIGENCE**
11 **ACTIVITIES**

12 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 2016 for the conduct of the intelligence and intel-*
15 *ligence-related activities of the following elements of the*
16 *United States Government:*

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

19 (2) *The Central Intelligence Agency.*

20 (3) *The Department of Defense.*

21 (4) *The Defense Intelligence Agency.*

22 (5) *The National Security Agency.*

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

26 (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 AND PERSONNEL*
13 *LEVELS.—The amounts authorized to be appropriated*
14 *under section 101 and, subject to section 103, the authorized*
15 *personnel ceilings as of September 30, 2016, for the conduct*
16 *of the intelligence activities of the elements listed in para-*
17 *graphs (1) through (16) of section 101, are those specified*
18 *in the classified Schedule of Authorizations prepared to ac-*
19 *company the bill H.R. 2596 of the One Hundred Fourteenth*
20 *Congress.*

21 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
22 *THORIZATIONS.—*

23 (1) *AVAILABILITY.—The classified Schedule of*
24 *Authorizations referred to in subsection (a) shall be*
25 *made available to the Committee on Appropriations*

1 *of the Senate, the Committee on Appropriations of the*
2 *House of Representatives, and to the President.*

3 (2) *DISTRIBUTION BY THE PRESIDENT.*—*Subject*
4 *to paragraph (3), the President shall provide for suit-*
5 *able distribution of the classified Schedule of Author-*
6 *izations, or of appropriate portions of the Schedule,*
7 *within the executive branch.*

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

12 (A) *as provided in section 601(a) of the Im-*
13 *plementing Recommendations of the 9/11 Com-*
14 *mission Act of 2007 (50 U.S.C. 3306(a));*

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

17 (C) *as otherwise required by law.*

18 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

19 (a) *AUTHORITY FOR INCREASES.*—*The Director of Na-*
20 *tional Intelligence may authorize employment of civilian*
21 *personnel in excess of the number authorized for fiscal year*
22 *2016 by the classified Schedule of Authorizations referred*
23 *to in section 102(a) if the Director of National Intelligence*
24 *determines that such action is necessary to the performance*
25 *of important intelligence functions, except that the number*

1 of personnel employed in excess of the number authorized
2 under such section may not, for any element of the intel-
3 ligence community, exceed 3 percent of the number of civil-
4 ian personnel authorized under such schedule for such ele-
5 ment.

6 (b) *TREATMENT OF CERTAIN PERSONNEL.*—The Di-
7 rector of National Intelligence shall establish guidelines that
8 govern, for each element of the intelligence community, the
9 treatment under the personnel levels authorized under sec-
10 tion 102(a), including any exemption from such personnel
11 levels, of employment or assignment in—

12 (1) a student program, trainee program, or simi-
13 lar program;

14 (2) a reserve corps or as a reemployed annu-
15 itant; or

16 (3) details, joint duty, or long-term, full-time
17 training.

18 (c) *NOTICE TO CONGRESSIONAL INTELLIGENCE COM-*
19 *MITTEES.*—The Director of National Intelligence shall no-
20 tify the congressional intelligence committees in writing at
21 least 15 days prior to each exercise of an authority de-
22 scribed in subsection (a).

1 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
2 **COUNT.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated for the Intelligence Commu-*
5 *nity Management Account of the Director of National Intel-*
6 *ligence for fiscal year 2016 the sum of \$501,850,000. Within*
7 *such amount, funds identified in the classified Schedule of*
8 *Authorizations referred to in section 102(a) for advanced*
9 *research and development shall remain available until Sep-*
10 *tember 30, 2017.*

11 (b) *AUTHORIZED PERSONNEL LEVELS.—The elements*
12 *within the Intelligence Community Management Account of*
13 *the Director of National Intelligence are authorized 785 po-*
14 *sitions as of September 30, 2016. Personnel serving in such*
15 *elements may be permanent employees of the Office of the*
16 *Director of National Intelligence or personnel detailed from*
17 *other elements of the United States Government.*

18 (c) *CLASSIFIED AUTHORIZATIONS.—*

19 (1) *AUTHORIZATION OF APPROPRIATIONS.—In*
20 *addition to amounts authorized to be appropriated*
21 *for the Intelligence Community Management Account*
22 *by subsection (a), there are authorized to be appro-*
23 *priated for the Community Management Account for*
24 *fiscal year 2016 such additional amounts as are spec-*
25 *ified in the classified Schedule of Authorizations re-*
26 *ferred to in section 102(a). Such additional amounts*

1 *for advanced research and development shall remain*
2 *available until September 30, 2017.*

3 (2) *AUTHORIZATION OF PERSONNEL.—In addi-*
4 *tion to the personnel authorized by subsection (b) for*
5 *elements of the Intelligence Community Management*
6 *Account as of September 30, 2016, there are author-*
7 *ized such additional personnel for the Community*
8 *Management Account as of that date as are specified*
9 *in the classified Schedule of Authorizations referred to*
10 *in section 102(a).*

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

15 ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

16 *There is authorized to be appropriated for the Central*
17 *Intelligence Agency Retirement and Disability Fund for fis-*
18 *cal year 2016 the sum of \$514,000,000.*

19 ***TITLE III—GENERAL***
20 ***PROVISIONS***

21 ***Subtitle A—General Matters***

22 ***SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND***
23 ***BENEFITS AUTHORIZED BY LAW.***

24 *Appropriations authorized by this Act for salary, pay,*
25 *retirement, and other benefits for Federal employees may*

1 *be increased by such additional or supplemental amounts*
2 *as may be necessary for increases in such compensation or*
3 *benefits authorized by law.*

4 **SEC. 302. 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 any*
8 *intelligence activity which is not otherwise authorized by*
9 *the Constitution or the laws of the United States.*

10 **SEC. 303. PRIOR CONGRESSIONAL NOTIFICATION OF INITI-**
11 **ATIONS OF CERTAIN NEW SPECIAL ACCESS**
12 **PROGRAMS.**

13 *(a) LIMITATION.—Except as provided in subsection*
14 *(b), none of the funds authorized to be appropriated by this*
15 *Act or otherwise made available for the intelligence commu-*
16 *nity for fiscal year 2016 may be used to initiate any new*
17 *special access program pertaining to any intelligence or in-*
18 *telligence-related activity or covert action unless the Direc-*
19 *tor of National Intelligence or the Secretary of Defense, as*
20 *appropriate, submits to the congressional intelligence com-*
21 *mittees and the Committees on Armed Services of the House*
22 *of Representatives and the Senate, by not later than 30 days*
23 *before initiating such a program, written notification of the*
24 *intention to initiate the program.*

25 *(b) WAIVER.—*

1 (1) *IN GENERAL.*—*The Director of National In-*
2 *telligence or the Secretary of Defense, as appropriate,*
3 *may waive subsection (a) with respect to the initi-*
4 *ation of a new special access program if the Director*
5 *or Secretary, as the case may be, determines that an*
6 *emergency situation makes it impossible or imprac-*
7 *tical to provide the notice required under such sub-*
8 *section by the date that is 30 days before such initi-*
9 *ation.*

10 (2) *NOTICE.*—*If the Director or Secretary issues*
11 *a waiver under paragraph (1), the Director or Sec-*
12 *retary, as the case may be, shall submit to the con-*
13 *gressional intelligence committees and the Committees*
14 *on Armed Services of the House of Representatives*
15 *and the Senate, by not later than 48 hours after the*
16 *initiation of the new special access program covered*
17 *by the waiver, written notice of the waiver and a jus-*
18 *tification for the waiver, including a description of*
19 *the emergency situation that necessitated the waiver.*

20 (c) *SPECIAL ACCESS PROGRAM DEFINED.*—*In this sec-*
21 *tion, the term “special access program” has the meaning*
22 *given such term in Executive Order 13526 as in effect on*
23 *the date of the enactment of this Act.*

1 **SEC. 304. PRIOR CONGRESSIONAL NOTIFICATION OF**
2 **TRANSFERS OF FUNDS FOR CERTAIN INTEL-**
3 **LIGENCE ACTIVITIES.**

4 (a) *LIMITATION.*—*Except as provided in subsection*
5 *(b), none of the funds authorized to be appropriated by this*
6 *Act or otherwise made available for the intelligence commu-*
7 *nity for fiscal year 2016 may be used to initiate a transfer*
8 *of funds from the Joint Improvised Explosive Device Defeat*
9 *Fund or the Counterterrorism Partnerships Fund to be used*
10 *for intelligence activities unless the Director of National In-*
11 *telligence or the Secretary of Defense, as appropriate, sub-*
12 *mits to the congressional intelligence committees, by not*
13 *later than 30 days before initiating such a transfer, written*
14 *notice of the transfer.*

15 (b) *WAIVER.*—

16 (1) *IN GENERAL.*—*The Director of National In-*
17 *telligence or the Secretary of Defense, as appropriate,*
18 *may waive subsection (a) with respect to the initi-*
19 *ation of a transfer of funds if the Director or Sec-*
20 *retary, as the case may be, determines that an emer-*
21 *gency situation makes it impossible or impractical to*
22 *provide the notice required under such subsection by*
23 *the date that is 30 days before such initiation.*

24 (2) *NOTICE.*—*If the Director or Secretary issues*
25 *a waiver under paragraph (1), the Director or Sec-*
26 *retary, as the case may be, shall submit to the con-*

gressional intelligence committees, by not later than
48 hours after the initiation of the transfer of funds
covered by the waiver, written notice of the waiver
and a justification for the waiver, including a de-
scription of the emergency situation that necessitated
the waiver.

7 SEC. 305. DESIGNATION OF LEAD INTELLIGENCE OFFICER
8 FOR TUNNELS.

9 *The Director of National Intelligence shall designate*
10 *an official to manage the collection and analysis of intel-*
11 *ligence regarding the tactical use of tunnels by state and*
12 *nonstate actors.*

13 **SEC. 306. CLARIFICATION OF AUTHORITY OF PRIVACY AND**
14 **CIVIL LIBERTIES OVERSIGHT BOARD.**

Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended by adding at the end the following new paragraph:

18 “(5) *LIMITATIONS.*—Nothing in this section shall
19 be construed to authorize the Board, or any agent
20 thereof, to gain access to information that an execu-
21 tive branch agency deems related to covert action, as
22 such term is defined in section 503(e) of the National
23 Security Act of 1947 (50 U.S.C. 3093(e)).”.

1 **SEC. 307. REPORTING PROCESS REQUIRED FOR TRACKING**
2 **CERTAIN REQUESTS FOR COUNTRY CLEAR-**
3 **ANCE.**

4 (a) *IN GENERAL.*—By not later than September 30,
5 2016, the Director of National Intelligence shall establish
6 a formal internal reporting process for tracking requests for
7 country clearance submitted to overseas Director of Na-
8 tional Intelligence representatives by departments and
9 agencies of the United States. Such reporting process shall
10 include a mechanism for tracking the department or agency
11 that submits each such request and the date on which each
12 such request is submitted.

13 (b) *CONGRESSIONAL BRIEFING.*—By not later than
14 December 31, 2016, the Director of National Intelligence
15 shall brief the congressional intelligence committees on the
16 progress of the Director in establishing the process required
17 under subsection (a).

18 **SEC. 308. PROHIBITION ON SHARING OF CERTAIN INFOR-**
19 **MATION IN RESPONSE TO FOREIGN GOVERN-**
20 **MENT INQUIRIES.**

21 (a) *PROHIBITION.*—None of the funds authorized to be
22 appropriated by this Act for any element of the intelligence
23 community may be used to respond to, share, or authorize
24 the sharing of any non-public information related to intel-
25 ligence activities carried out by the United States in re-
26 sponse to a legislative or judicial inquiry from a foreign

1 *government into the intelligence activities of the United*
2 *States.*

3 (b) *CONGRESSIONAL NOTIFICATION.*—*Not later than*
4 *30 days after an element of the intelligence community re-*
5 *ceives a legislative or judicial inquiry from a foreign gov-*
6 *ernment related to intelligence activities carried out by the*
7 *United States, the element shall submit to the congressional*
8 *intelligence committees written notification of the inquiry.*

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

18 **SEC. 309. NATIONAL CYBER THREAT INTELLIGENCE INTE-**
19 **GRATION CENTER.**

20 (a) *ESTABLISHMENT.*—*Title I of the National Security*
21 *Act of 1947 (50 U.S.C. 3021 et seq.) is amended—*

22 (1) *by redesignating section 119B as section*
23 *119C; and*

24 (2) *by inserting after section 119A the following*
25 *new section:*

1 **“SEC. 119B. CYBER THREAT INTELLIGENCE INTEGRATION**
2 **CENTER.**

3 “(a) *ESTABLISHMENT.*—*There is within the Office of*
4 *the Director of National Intelligence a Cyber Threat Intel-*
5 *ligence Integration Center.*

6 “(b) *DIRECTOR.*—*There is a Director of the Cyber*
7 *Threat Intelligence Integration Center, who shall be the*
8 *head of the Cyber Threat Intelligence Integration Center,*
9 *and who shall be appointed by the Director of National In-*
10 *telligence.*

11 “(c) *PRIMARY MISSIONS.*—*The Cyber Threat Intel-*
12 *ligence Integration Center shall—*

13 “(1) *serve as the primary organization within*
14 *the Federal Government for analyzing and inte-*
15 *grating all intelligence possessed or acquired by the*
16 *United States pertaining to cyber threats;*

17 “(2) *ensure that appropriate departments and*
18 *agencies of the Federal Government have full access to*
19 *and receive all-source intelligence support needed to*
20 *execute the cyber threat intelligence activities of such*
21 *agencies and to perform independent, alternative*
22 *analyses;*

23 “(3) *disseminate cyber threat analysis to the*
24 *President, the appropriate departments and agencies*
25 *of the Federal Government, and the appropriate com-*
26 *mittees of Congress;*

1 “(4) *coordinate cyber threat intelligence activi-*
2 *ties of the departments and agencies of the Federal*
3 *Government; and*

4 “(5) *conduct strategic cyber threat intelligence*
5 *planning for the Federal Government.*

6 “(d) *LIMITATIONS.—The Cyber Threat Intelligence In-*
7 *tegration Center—*

8 “(1) *may not have more than 50 permanent po-*
9 *sitions;*

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

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

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

 “Sec. 119B. *Cyber Threat Intelligence Integration Center.*

 “Sec. 119C. *National intelligence centers.”.*

1 **SEC. 310. INTELLIGENCE COMMUNITY BUSINESS SYSTEM**
2 **TRANSFORMATION.**

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

5 *“INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
6 *TRANSFORMATION*

7 *“SEC. 506D. (a) LIMITATION ON OBLIGATION OF*
8 *FUNDS.—(1) Subject to paragraph (3), no funds appro-*
9 *priated to any element of the intelligence community may*
10 *be obligated for an intelligence community business system*
11 *transformation that will have a total cost in excess of*
12 *\$3,000,000 unless the Chief Information Officer of the Intel-*
13 *ligence Community makes a certification described in para-*
14 *graph (2) with respect to such intelligence community busi-*
15 *ness system transformation.*

16 *“(2) The certification described in this paragraph for*
17 *an intelligence community business system transformation*
18 *is a certification made by the Chief Information Officer of*
19 *the Intelligence Community that the intelligence commu-*
20 *nity business system transformation—*

21 *“(A) complies with the enterprise architecture*
22 *under subsection (b) and such other policies and*
23 *standards that the Chief Information Officer of the*
24 *Intelligence Community considers appropriate; or*

25 *“(B) is necessary—*

1 “(i) to achieve a critical national security
2 capability or address a critical requirement; or
3 “(ii) to prevent a significant adverse effect
4 on a project that is needed to achieve an essen-
5 tial capability, taking into consideration any al-
6 ternative solutions for preventing such adverse
7 effect.

8 “(3) With respect to a fiscal year after fiscal year
9 2010, the amount referred to in paragraph (1) in the matter
10 preceding subparagraph (A) shall be equal to the sum of—

11 “(A) the amount in effect under such paragraph
12 (1) for the preceding fiscal year (determined after ap-
13 plication of this paragraph), plus

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

18 “(b) *ENTERPRISE ARCHITECTURE FOR INTELLIGENCE*
19 *COMMUNITY BUSINESS SYSTEMS.*—(1) *The Director of Na-*
20 *tional Intelligence shall develop and implement an enter-*
21 *prise architecture to cover all intelligence community busi-*
22 *ness systems, and the functions and activities supported by*
23 *such business systems. The enterprise architecture shall be*
24 *sufficiently defined to effectively guide, constrain, and per-*
25 *mit implementation of interoperable intelligence commu-*

1 *nity business system solutions, consistent with applicable*
2 *policies and procedures established by the Director of the*
3 *Office of Management and Budget.*

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

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

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

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

14 “(iii) *integrate budget, accounting, and pro-*
15 *gram information and systems; and*

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

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

22 “(c) *RESPONSIBILITIES FOR INTELLIGENCE COMMU-*
23 *NITY BUSINESS SYSTEM TRANSFORMATION.—The Director*
24 *of National Intelligence shall be responsible for the entire*
25 *life cycle of an intelligence community business system*

1 *transformation, including review, approval, and oversight*
2 *of the planning, design, acquisition, deployment, operation,*
3 *and maintenance of the business system transformation.*

4 “(d) *INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
5 *INVESTMENT REVIEW.—(1) The Chief Information Officer*
6 *of the Intelligence Community shall establish and imple-*
7 *ment, not later than 60 days after October 7, 2010, an in-*
8 *vestment review process for the intelligence community*
9 *business systems for which the Chief Information Officer of*
10 *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 Com-*
17 *munity 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 an-*
2 *nually, of every intelligence community business sys-*
3 *tem investment.*

4 “(C) *Thresholds for levels of review to ensure ap-*
5 *propriate review of intelligence community business*
6 *system investments depending on the scope, com-*
7 *plexity, and cost of the system involved.*

8 “(D) *Procedures for making certifications in ac-*
9 *cordance with the requirements of subsection (a)(2).*

10 “(e) *RELATION TO ANNUAL REGISTRATION REQUIRE-*
11 *MENTS.—Nothing in this section shall be construed to alter*
12 *the requirements of section 8083 of the Department of De-*
13 *fense Appropriations Act, 2005 (Public Law 108–287; 118*
14 *Stat. 989), with regard to information technology systems*
15 *(as defined in subsection (d) of such section).*

16 “(f) *RELATIONSHIP TO DEFENSE BUSINESS ENTER-*
17 *PRISE ARCHITECTURE.—Intelligence community business*
18 *system transformations certified under this section shall be*
19 *deemed to be in compliance with section 2222 of title 10,*
20 *United States Code. Nothing in this section shall be con-*
21 *strued to exempt funds authorized to be appropriated to the*
22 *Department of Defense for activities other than an intel-*
23 *ligence community business system transformation from the*
24 *requirements of such section 2222, to the extent that such*
25 *requirements are otherwise applicable.*

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

5 “(A) *the Director of National Intelligence and*
6 *the Chief Information Officer of the Intelligence Com-*
7 *munity; and*

8 “(B) *the head of the executive agency that con-*
9 *tains the element of the intelligence community in-*
10 *volved and the chief information officer of that execu-*
11 *tive agency.*

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

18 “(h) *DEFINITIONS.—In this section:*

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

22 “(2) *The terms ‘information system’ and ‘infor-*
23 *mation technology’ have the meanings given those*
24 *terms in section 11101 of title 40, United States Code.*

1 “(3) *The term ‘intelligence community business*
2 *system’ means an information system, including a*
3 *national security system, that is operated by, for, or*
4 *on behalf of an element of the intelligence community,*
5 *including a financial system, mixed system, financial*
6 *data feeder system, and the business infrastructure*
7 *capabilities shared by the systems of the business en-*
8 *terprise architecture, including people, process, and*
9 *technology, that build upon the core infrastructure*
10 *used to support business activities, such as acquisi-*
11 *tion, financial management, logistics, strategic plan-*
12 *ning and budgeting, installations and environment,*
13 *and human resource management.*

14 “(4) *The term ‘intelligence community business*
15 *system transformation’ means—*

16 “(A) *the acquisition or development of a*
17 *new intelligence community business system; or*

18 “(B) *any significant modification or en-*
19 *hancement of an existing intelligence community*
20 *business system (other than necessary to main-*
21 *tain current services).*

22 “(5) *The term ‘national security system’ has the*
23 *meaning given that term in section 3552(b) of title*
24 *44, United States Code.”.*

1 **SEC. 311. INCLUSION OF INSPECTOR GENERAL OF INTEL-**
2 **LIGENCE COMMUNITY IN COUNCIL OF IN-**
3 **SPECTORS GENERAL ON INTEGRITY AND EF-**
4 **FICIENCY.**

5 *Section 11(b)(1)(B) of the Inspector General Act of*
6 *1978 (Public Law 95–452; 5 U.S.C. App.) is amended by*
7 *striking “the Office of the Director of National Intelligence”*
8 *and inserting “the Intelligence Community”.*

9 **SEC. 312. AUTHORITIES OF THE INSPECTOR GENERAL FOR**
10 **THE CENTRAL INTELLIGENCE AGENCY.**

11 *(a) INFORMATION AND ASSISTANCE.—Paragraph (9)*
12 *of section 17(e) of the Central Intelligence Agency Act of*
13 *1949 (50 U.S.C. 3517(e)(9)) is amended to read as follows:*

14 *“(9)(A) The Inspector General may request such infor-*
15 *mation or assistance as may be necessary for carrying out*
16 *the duties and responsibilities of the Inspector General pro-*
17 *vided by this section from any Federal, State, or local gov-*
18 *ernmental agency or unit thereof.*

19 *“(B) Upon request of the Inspector General for infor-*
20 *mation or assistance from a department or agency of the*
21 *Federal Government, the head of the department or agency*
22 *involved, insofar as practicable and not in contravention*
23 *of any existing statutory restriction or regulation of such*
24 *department or agency, shall furnish to the Inspector Gen-*
25 *eral, or to an authorized designee, such information or as-*
26 *sistance.*

1 “(C) *Nothing in this paragraph may be construed to*
2 *provide any new authority to the Central Intelligence Agen-*
3 *cy to conduct intelligence activity in the United States.*

4 “(D) *In this paragraph, the term ‘State’ means each*
5 *of the several States, the District of Columbia, the Common-*
6 *wealth of Puerto Rico, the Commonwealth of the Northern*
7 *Mariana Islands, and any territory or possession of the*
8 *United States.”.*

9 (b) *TECHNICAL AMENDMENTS RELATING TO SELEC-*
10 *TION OF EMPLOYEES.—Paragraph (7) of such section (50*
11 *U.S.C. 3517(e)(7)) is amended—*

12 (1) *by inserting “(A)” before “Subject to appli-*
13 *cable law”; and*

14 (2) *by adding at the end the following new sub-*
15 *paragraph:*

16 “(B) *Consistent with budgetary and personnel re-*
17 *sources allocated by the Director, the Inspector General has*
18 *final approval of—*

19 “(i) *the selection of internal and external can-*
20 *didates for employment with the Office of Inspector*
21 *General; and*

22 “(ii) *all other personnel decisions concerning*
23 *personnel permanently assigned to the Office of In-*
24 *spector General, including selection and appointment*
25 *to the Senior Intelligence Service, but excluding all*

1 *security-based determinations that are not within the*
2 *authority of a head of other Central Intelligence*
3 *Agency offices.”.*

4 **SEC. 313. PROVISION OF INFORMATION AND ASSISTANCE**
5 **TO INSPECTOR GENERAL OF THE INTEL-**
6 **LIGENCE COMMUNITY.**

7 *Section 103H(j)(4) of the National Security Act of*
8 *1947 (50 U.S.C. 3033) is amended—*

9 *(1) in subparagraph (A), by striking “any de-*
10 *partment, agency, or other element of the United*
11 *States Government” and inserting “any Federal,*
12 *State (as defined in section 804), or local govern-*
13 *mental agency or unit thereof”; and*

14 *(2) in subparagraph (B), by inserting “from a*
15 *department, agency, or element of the Federal Govern-*
16 *ment” before “under subparagraph (A)”.*

17 **SEC. 314. CLARIFICATION RELATING TO INFORMATION AC-**
18 **CESS BY COMPTROLLER GENERAL.**

19 *Section 348(a) of the Intelligence Authorization Act for*
20 *Fiscal Year 2010 (Public Law 111–259; 124 Stat. 2700;*
21 *50 U.S.C. 3308) is amended by adding at the end the fol-*
22 *lowing new paragraph:*

23 **“(4) REQUESTS BY CERTAIN CONGRESSIONAL**
24 **COMMITTEES.—***Consistent with the protection of clas-*
25 *sified information, the directive issued under para-*

1 *graph (1) shall not prohibit the Comptroller General*
2 *from obtaining information necessary to carry out the*
3 *following audits or reviews:*

4 “(A) An audit or review carried out—

5 “(i) at the request of the congressional
6 intelligence committees; or

7 “(ii) pursuant to—

8 “(I) an intelligence authorization
9 Act;

10 “(II) a committee report or joint
11 explanatory statement accompanying
12 an intelligence authorization Act; or

13 “(III) a classified annex to a com-
14 mittee report or joint explanatory
15 statement accompanying an intel-
16 ligence authorization Act.

17 “(B) An audit or review pertaining to intel-
18 *ligence activities of the Department of Defense*
19 *carried out—*

20 “(i) at the request of the congressional
21 defense committees (as defined in section
22 101(a)(16) of title 10, United States Code);
23 or

24 “(ii) pursuant to a national defense
25 *authorization Act.”.*

1 **SEC. 315. USE OF HOMELAND SECURITY GRANT FUNDS IN**
2 **CONJUNCTION WITH DEPARTMENT OF EN-**
3 **ERGY NATIONAL LABORATORIES.**

4 *Section 2008(a) of the Homeland Security Act of 2002*
5 *(6 U.S.C. 609(a)) is amended in the matter preceding para-*
6 *graph (1) by inserting “including by working in conjunc-*
7 *tion with a National Laboratory (as defined in section 2(3)*
8 *of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)),”*
9 *after “plans,”.*

10 **SEC. 316. TECHNICAL AMENDMENTS RELATING TO PAY**
11 **UNDER TITLE 5, UNITED STATES CODE.**

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

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

15 *(2) by inserting after clause (vii) the following*
16 *new clause:*

17 *“(viii) the Office of the Director of National*
18 *Intelligence;”; and*

19 *(3) in clause (x), by striking the period and in-*
20 *serting a semicolon.*

1 ***Subtitle B—Matters Relating to***
2 ***United States Naval Station,***
3 ***Guantanamo Bay, Cuba***

4 ***SEC. 321. PROHIBITION ON USE OF FUNDS FOR TRANSFER***
5 ***OR RELEASE OF INDIVIDUALS DETAINED AT***
6 ***UNITED STATES NAVAL STATION, GUANTA-***
7 ***NAMO BAY, CUBA.***

8 *No amounts authorized to be appropriated or otherwise*
9 *made available to an element of the intelligence community*
10 *may be used during the period beginning on the date of*
11 *the enactment of this Act and ending on December 31, 2016,*
12 *to transfer, release, or assist in the transfer or release, to*
13 *or within the United States, its territories, or possessions,*
14 *Khalid Sheikh Mohammed or any other individual detained*
15 *at Guantanamo (as such term is defined in section 322(c)).*

16 ***SEC. 322. PROHIBITION ON USE OF FUNDS TO CONSTRUCT***
17 ***OR MODIFY FACILITIES IN UNITED STATES***
18 ***TO HOUSE DETAINEES TRANSFERRED FROM***
19 ***UNITED STATES NAVAL STATION, GUANTA-***
20 ***NAMO BAY, CUBA.***

21 *(a) IN GENERAL.—No amounts authorized to be ap-*
22 *propriated or otherwise made available to an element of the*
23 *intelligence community may be used during the period be-*
24 *ginning on the date of the enactment of this Act and ending*
25 *on December 31, 2016, to construct or modify any facility*

1 *in the United States, its territories, or possessions to house*
2 *any individual detained at Guantanamo for the purposes*
3 *of detention or imprisonment in the custody or under the*
4 *control of the Department of Defense.*

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

8 (c) *INDIVIDUAL DETAINED AT GUANTANAMO DE-*
9 *FINED.—In this section, the term “individual detained at*
10 *Guantanamo” means any individual located at United*
11 *States Naval Station, Guantanamo Bay, Cuba, as of Octo-*
12 *ber 1, 2009, who—*

13 (1) *is not a citizen of the United States or a*
14 *member of the Armed Forces of the United States; and*

15 (2) *is—*

16 (A) *in the custody or under the control of*
17 *the Department of Defense; or*

18 (B) *otherwise under detention at United*
19 *States Naval Station, Guantanamo Bay, Cuba.*

20 **SEC. 323. PROHIBITION ON USE OF FUNDS TO TRANSFER**
21 **OR RELEASE INDIVIDUALS DETAINED AT**
22 **UNITED STATES NAVAL STATION, GUANTA-**
23 **NAMO BAY, CUBA, TO COMBAT ZONES.**

24 (a) *IN GENERAL.—No amounts authorized to be ap-*
25 *propriated or otherwise made available to an element of the*

1 *intelligence community may be used during the period be-*
2 *ginning on the date of the enactment of this Act and ending*
3 *on December 31, 2016, to transfer, release, or assist in the*
4 *transfer or release of any individual detained in the custody*
5 *or under the control of the Department of Defense at United*
6 *States Naval Station, Guantanamo Bay, Cuba, to a combat*
7 *zone.*

8 (b) *COMBAT ZONE DEFINED.*—*In this section, the term*
9 *“combat zone” means any area designated as a combat zone*
10 *for purposes of section 112 of the Internal Revenue Code*
11 *of 1986 for which the income of a member of the Armed*
12 *Forces was excluded during 2014, 2015, or 2016 by reason*
13 *of the member’s service on active duty in such area.*

14 ***Subtitle C—Reports***

15 ***SEC. 331. REPORTS TO CONGRESS ON INDIVIDUALS FOR-*** 16 ***MERLY DETAINED AT UNITED STATES NAVAL*** 17 ***STATION, GUANTANAMO BAY, CUBA.***

18 (a) *ADDITIONAL MATTERS FOR INCLUSION IN RE-*
19 *PORTS.*—*Subsection (c) of section 319 of the Supplemental*
20 *Appropriations Act, 2009 (Public Law 111–32; 123 Stat.*
21 *1874; 10 U.S.C. 801 note) is amended by adding after para-*
22 *graph (5) the following new paragraphs:*

23 “(6) *A summary of all contact by any means of*
24 *communication, including telecommunications, elec-*
25 *tronic or technical means, in person, written commu-*

1 *nications, or any other means of communication, re-*
2 *gardless of content, between any individual formerly*
3 *detained at Naval Station, Guantanamo Bay, Cuba,*
4 *and any individual known or suspected to be associ-*
5 *ated with a foreign terrorist group.*

6 *“(7) A description of whether any of the contact*
7 *described in the summary required by paragraph (6)*
8 *included any information or discussion about hos-*
9 *tilities against the United States or its allies or part-*
10 *ners.*

11 *“(8) For each individual described in paragraph*
12 *(4), the period of time between the date on which the*
13 *individual was released or transferred from Naval*
14 *Station, Guantanamo Bay, Cuba, and the date on*
15 *which it is confirmed that the individual is suspected*
16 *or confirmed of reengaging in terrorist activities.*

17 *“(9) The average period of time described in*
18 *paragraph (8) for all the individuals described in*
19 *paragraph (4).”.*

20 *(b) FORM.—Subsection (a) of such section is amended*
21 *by adding at the end the following: “The reports may be*
22 *submitted in classified form.”.*

23 *(c) RULE OF CONSTRUCTION.—Nothing in this section*
24 *or the amendments made by this section shall be construed*
25 *to terminate, alter, modify, override, or otherwise affect any*

1 *reporting of information required under section 319(c) of*
2 *the Supplemental Appropriations Act, 2009 (Public Law*
3 *111–32; 123 Stat. 1874; 10 U.S.C. 801 note), as in effect*
4 *immediately before the enactment of this section.*

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

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

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

16 (1) *The total number of foreign fighters who have*
17 *traveled to Syria or Iraq since January 1, 2011, the*
18 *total number of foreign fighters in Syria or Iraq as*
19 *of the date of the submittal of the report, the total*
20 *number of foreign fighters whose countries of origin*
21 *have a visa waiver program described in section 217*
22 *of the Immigration and Nationality Act (8 U.S.C.*
23 *1187), the total number of foreign fighters who have*
24 *left Syria or Iraq, the total number of female foreign*

1 *fighters, and the total number of deceased foreign*
2 *fighters.*

3 (2) *The total number of United States persons*
4 *who have traveled or attempted to travel to Syria or*
5 *Iraq since January 1, 2011, the total number of such*
6 *persons who have arrived in Syria or Iraq since such*
7 *date, and the total number of such persons who have*
8 *returned to the United States from Syria or Iraq*
9 *since such date.*

10 (3) *The total number of foreign fighters in Ter-*
11 *rorist Identities Datamart Environment and the sta-*
12 *tus of each such foreign fighter in that database, the*
13 *number of such foreign fighters who are on a*
14 *watchlist, and the number of such foreign fighters who*
15 *are not on a watchlist.*

16 (4) *The total number of foreign fighters who have*
17 *been processed with biometrics, including face images,*
18 *fingerprints, and iris scans.*

19 (5) *Any programmatic updates to the foreign*
20 *fighter report since the last report was issued, includ-*
21 *ing updated analysis on foreign country cooperation,*
22 *as well as actions taken, such as denying or revoking*
23 *visas.*

1 (6) *A worldwide graphic that describes foreign*
2 *fighters flows to and from Syria, with points of origin*
3 *by country.*

4 (c) *FORM.—The reports submitted under subsection (a)*
5 *may be submitted in classified form.*

6 (d) *TERMINATION.—The requirement to submit reports*
7 *under subsection (a) shall terminate on the date that is*
8 *three years after the date of the enactment of this Act.*

9 **SEC. 333. REPORTS ON PRISONER POPULATION AT UNITED**
10 **STATES NAVAL STATION, GUANTANAMO BAY,**
11 **CUBA.**

12 (a) *REPORTS REQUIRED.—Not later than 60 days*
13 *after the date of the enactment of this Act, and every 30*
14 *days thereafter, the Director of the Defense Intelligence*
15 *Agency, in coordination with the Director of National Intel-*
16 *ligence, shall submit to the Members of Congress specified*
17 *in subsection (b) a report on the prisoner population at*
18 *the detention facility at United States Naval Station,*
19 *Guantanamo Bay, Cuba.*

20 (b) *SPECIFIED MEMBERS AND COMMITTEES OF CON-*
21 *GRESS.—The Members of Congress specified in this sub-*
22 *section are the following:*

23 (1) *The majority leader and minority leader of*
24 *the Senate.*

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

3 (3) *The Chairman and Vice Chairman of the Se-*
4 *lect Committee on Intelligence of the Senate.*

5 (4) *The Chairman and Vice Chairman of the*
6 *Committee on Appropriations of the Senate.*

7 (5) *The Speaker of the House of Representatives.*

8 (6) *The minority leader of the House of Rep-*
9 *resentatives.*

10 (7) *The Chairman and Ranking Member of the*
11 *Committee on Armed Services of the House of Rep-*
12 *resentatives.*

13 (8) *The Chairman and Ranking Member of the*
14 *Permanent Select Committee on Intelligence of the*
15 *House of Representatives.*

16 (9) *The Chairman and Ranking Member of the*
17 *Committee on Appropriations of the House of Rep-*
18 *resentatives.*

19 (c) *MATTERS TO BE INCLUDED.*—*Each report sub-*
20 *mitted under subsection (a) shall include each of the fol-*
21 *lowing:*

22 (1) *The name and country of origin of each pris-*
23 *oner detained at the detention facility at United*
24 *States Naval Station Guantanamo Bay, Cuba, as of*
25 *the date of such report.*

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

5 (3) *A current accounting of all the measures*
6 *taken to transfer each prisoner listed under para-*
7 *graph (1) to the individual's country of citizenship or*
8 *another country.*

9 (4) *A current description of the number of indi-*
10 *viduals released or transferred from detention at*
11 *United States Naval Station, Guantanamo Bay,*
12 *Cuba, who are confirmed or suspected of returning to*
13 *terrorist activities after such release or transfer.*

14 (5) *An assessment of any efforts by foreign ter-*
15 *rorist organizations to recruit individuals released*
16 *from detention at United States Naval Station,*
17 *Guantanamo Bay, Cuba.*

18 (6) *A summary of all contact by any means of*
19 *communication, including telecommunications, elec-*
20 *tronic or technical means, in person, written commu-*
21 *nications, or any other means of communication, re-*
22 *gardless of content, between any individual formerly*
23 *detained at United States Naval Station, Guanta-*
24 *namo Bay, Cuba, and any individual known or sus-*
25 *pected to be associated with a foreign terrorist group.*

1 (7) *A description of whether any of the contact*
2 *described in the summary required by paragraph (6)*
3 *included any information or discussion about hos-*
4 *tilities against the United States or its allies or part-*
5 *ners.*

6 (8) *For each individual described in paragraph*
7 *(4), the period of time between the date on which the*
8 *individual was released or transferred from United*
9 *States Naval Station, Guantanamo Bay, Cuba, and*
10 *the date on which it is confirmed that the individual*
11 *is suspected or confirmed of reengaging in terrorist*
12 *activities.*

13 (9) *The average period of time described in para-*
14 *graph (8) for all the individuals described in para-*
15 *graph (4).*

16 **SEC. 334. REPORT ON USE OF CERTAIN BUSINESS CON-**
17 **CERNS.**

18 (a) *IN GENERAL.*—*Not later than 90 days after the*
19 *date of the enactment of this Act, the Director of National*
20 *Intelligence shall submit to the congressional intelligence*
21 *communities a report on the representation, as of the date*
22 *of the report, of covered business concerns among the con-*
23 *tractors that are awarded contracts by elements of the intel-*
24 *ligence community for goods, equipment, tools, and services.*

1 (b) *MATTERS INCLUDED.*—*The report under subsection*
2 *(a) shall include the following:*

3 (1) *The representation of covered business con-*
4 *cerns as described in subsection (a), including such*
5 *representation by—*

6 (A) *each type of covered business concern;*
7 *and*

8 (B) *each element of the intelligence commu-*
9 *nity.*

10 (2) *If, as of the date of the enactment of this Act,*
11 *the Director does not record and monitor the statistics*
12 *required to carry out this section, a description of the*
13 *actions taken by the Director to ensure that such sta-*
14 *tistics are recorded and monitored beginning in fiscal*
15 *year 2016.*

16 (3) *The actions the Director plans to take during*
17 *fiscal year 2016 to enhance the awarding of contracts*
18 *to covered business concerns by elements of the intel-*
19 *ligence community.*

20 (c) *COVERED BUSINESS CONCERNS DEFINED.*—*In this*
21 *section, the term “covered business concerns” means the fol-*
22 *lowing:*

23 (1) *Minority-owned businesses.*

24 (2) *Women-owned businesses.*

25 (3) *Small disadvantaged businesses.*

1 (4) *Service-disabled veteran-owned businesses.*

2 (5) *Veteran-owned small businesses.*

3 **SEC. 335. REPEAL OF CERTAIN REPORTING REQUIRE-**
4 **MENTS.**

5 (a) *QUADRENNIAL AUDIT OF POSITIONS REQUIRING*
6 *SECURITY CLEARANCES.*—*Section 506H of the National Se-*
7 *curity Act of 1947 (50 U.S.C. 3104) is amended—*

8 (1) *by striking subsection (a); and*

9 (2) *by redesignating subsections (b) and (c) as*
10 *subsections (a) and (b), respectively.*

11 (b) *REPORTS ON ROLE OF ANALYSTS AT FBI AND FBI*
12 *INFORMATION SHARING.*—*Section 2001(g) of the Intel-*
13 *ligence Reform and Terrorism Prevention Act of 2004 (Pub-*
14 *lic Law 108–458; 118 Stat. 3700; 28 U.S.C. 532 note) is*
15 *amended by striking paragraphs (3) and (4).*

16 (c) *REPORT ON OUTSIDE EMPLOYMENT BY OFFICERS*
17 *AND EMPLOYEES OF INTELLIGENCE COMMUNITY.*—

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

21 (A) *by striking “(1) The Director” and in-*
22 *serting “The Director”; and*

23 (B) *by striking paragraph (2).*

1 (2) *CONFORMING AMENDMENT.*—*Subsection (a)*
2 *of section 507 of such Act (50 U.S.C. 3106(a)) is*
3 *amended—*

4 *(A) by striking paragraph (5); and*
5 *(B) by redesignating paragraph (6) as*
6 *paragraph (5).*

7 (3) *TECHNICAL AMENDMENT.*—*Subsection (c)(1)*
8 *of such section 507 is amended by striking “subsection*
9 *(a)(1)” and inserting “subsection (a)”.*

10 (d) *REPORTS ON NUCLEAR ASPIRATIONS OF NON-*
11 *STATE ENTITIES.*—*Section 1055 of the National Defense*
12 *Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371)*
13 *is repealed.*

14 (e) *REPORTS ON ESPIONAGE BY PEOPLE’S REPUBLIC*
15 *OF CHINA.*—*Section 3151 of the National Defense Author-*
16 *ization Act for Fiscal Year 2000 (42 U.S.C. 7383e) is re-*
17 *pealed.*

18 (f) *REPORTS ON SECURITY VULNERABILITIES OF NA-*
19 *TIONAL LABORATORY COMPUTERS.*—*Section 4508 of the*
20 *Atomic Energy Defense Act (50 U.S.C. 2659) is repealed.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**INTELLIGENCE REFORM AND TERRORISM PREVENTION
ACT OF 2004**

* * * * *

**TITLE I—REFORM OF THE
INTELLIGENCE COMMUNITY**

* * * * *

Subtitle F—Privacy and Civil Liberties**SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.**

(a) **IN GENERAL.**—There is established as an independent agency within the executive branch a Privacy and Civil Liberties Oversight Board (referred to in this section as the “Board”).

(b) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

(3) The National Commission on Terrorist Attacks Upon the United States correctly concluded that “The choice between security and liberty is a false choice, as nothing is more likely to endanger America’s liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.”.

(c) **PURPOSE.**—The Board shall—

(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

(d) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

(iii) that there are adequate guidelines and oversight to properly confine its use.

(2) OVERSIGHT.—The Board shall continually review—

(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected;

(B) the information sharing practices of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

(C) other actions by the executive branch relating to efforts to protect the Nation from terrorism to determine whether such actions—

(i) appropriately protect privacy and civil liberties; and

- (ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.
- (3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—
 - (A) receive and review reports and other information from privacy officers and civil liberties officers under section 1062;
 - (B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and
 - (C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant inter-agency matters.
- (4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.
- (e) REPORTS.—
 - (1) IN GENERAL.—The Board shall—
 - (A) receive and review reports from privacy officers and civil liberties officers under section 1062; and
 - (B) periodically submit, not less than semiannually, reports—
 - (i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and
 - (II) to the President; and
 - (ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.
 - (2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—
 - (A) a description of the major activities of the Board during the preceding period;
 - (B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);
 - (C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);
 - (D) each proposal reviewed by the Board under subsection (d)(1) that—
 - (i) the Board advised against implementation; and
 - (ii) notwithstanding such advice, actions were taken to implement; and

(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

(f) INFORMING THE PUBLIC.—The Board shall—

(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(g) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element;

(C) request information or assistance from any State, tribal, or local government; and

(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

(2) REVIEW OF SUBPOENA REQUEST.—

(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

(i) issue the subpoena as requested; or

(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be

found may issue an order requiring such person to produce the evidence required by such subpoena.

(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

(5) LIMITATIONS.—*Nothing in this section shall be construed to authorize the Board, or any agent thereof, to gain access to information that an executive branch agency deems related to covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).*

(h) MEMBERSHIP.—

(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President, consult with the leadership of that party, if any, in the Senate and House of Representatives.

(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term; and

(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(j) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(k) SECURITY CLEARANCES.—

(1) IN GENERAL.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

(2) RULES AND PROCEDURES.—After consultation with the Secretary of Defense, the Attorney General, and the Director of National Intelligence, the Board shall adopt rules and procedures of the Board for physical, communications, computer, document, personnel, and other security relating to carrying out the functions of the Board.

(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—
The Board—

(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

(1) For fiscal year 2008, \$5,000,000.

(2) For fiscal year 2009, \$6,650,000.

(3) For fiscal year 2010, \$8,300,000.

(4) For fiscal year 2011, \$10,000,000.

(5) For fiscal year 2012 and each subsequent fiscal year, such sums as may be necessary.

* * * * *

TITLE II—FEDERAL BUREAU OF INVESTIGATION

SEC. 2001. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States in its final report stated that, under Director Robert Mueller, the Federal Bureau of Investigation has made significant progress in improving its intelligence capabilities.

(2) In the report, the members of the Commission also urged that the Federal Bureau of Investigation fully institutionalize the shift of the Bureau to a preventive counterterrorism posture.

(b) IMPROVEMENT OF INTELLIGENCE CAPABILITIES.—The Director of the Federal Bureau of Investigation shall continue efforts to improve the intelligence capabilities of the Federal Bureau of Investigation and to develop and maintain within the Bureau a national intelligence workforce.

(c) NATIONAL INTELLIGENCE WORKFORCE.—(1) In developing and maintaining a national intelligence workforce under subsection (b), the Director of the Federal Bureau of Investigation shall develop and maintain a specialized and integrated national intelligence workforce consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, and rewarded in a manner which ensures the existence within the Federal Bureau of Investigation of an institutional culture with substantial expertise in, and commitment to, the intelligence mission of the Bureau.

(2) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national intelligence matters.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service

with the Bureau, meaningful assignments in criminal justice matters and in national intelligence matters.

(4) The Director shall—

(A) establish career positions in national intelligence matters for agents, analysts, and related personnel of the Bureau; and

(B) in furtherance of the requirement under subparagraph (A) and to the maximum extent practicable, afford agents, analysts, and related personnel of the Bureau the opportunity to work in the career specialty selected by such agents, analysts, and related personnel over their entire career with the Bureau.

(5) The Director shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence mission of the Bureau.

(6) The Director shall, to the maximum extent practicable, afford the analysts of the Bureau training and career opportunities commensurate with the training and career opportunities afforded analysts in other elements of the intelligence community.

(7) Commencing as soon as practicable after the date of the enactment of this Act, each direct supervisor of a Field Intelligence Group, and each Bureau Operational Manager at the Section Chief and Assistant Special Agent in Charge (ASAC) level and above, shall be a certified intelligence officer.

(8) The Director shall, to the maximum extent practicable, ensure that the successful discharge of advanced training courses, and of one or more assignments to another element of the intelligence community, is a precondition to advancement to higher level intelligence assignments within the Bureau.

(d) FIELD OFFICE MATTERS.—(1) In improving the intelligence capabilities of the Federal Bureau of Investigation under subsection (b), the Director of the Federal Bureau of Investigation shall ensure that each Field Intelligence Group reports directly to a field office senior manager responsible for intelligence matters.

(2) The Director shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence mission of the Bureau.

(3) The Director shall require that each Field Intelligence Group manager ensures the integration of analysts, agents, linguists, and surveillance personnel in the field.

(e) DISCHARGE OF IMPROVEMENTS.—(1) The Director of the Federal Bureau of Investigation shall carry out subsections (b) through (d) through the head of the Directorate of Intelligence of the Federal Bureau of Investigation.

(2) The Director of the Federal Bureau of Investigation shall carry out subsections (b) through (d) under the joint guidance of the Attorney General and the Director of National Intelligence in a manner consistent with applicable law.

(f) BUDGET MATTERS.—The Director of the Federal Bureau of Investigation shall establish a budget structure of the Federal Bu-

reau of Investigation to reflect the four principal missions of the Bureau as follows:

- (1) Intelligence.
- (2) Counterterrorism and counterintelligence.
- (3) Criminal Enterprises/Federal Crimes.
- (4) Criminal justice services.

(g) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(2) The Director shall include in each annual program review of the Federal Bureau of Investigation that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

[(3) Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Director shall submit to Congress a report assessing the qualifications, status, and roles of analysts at Bureau headquarters and in the field offices of the Bureau.

[(4) Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Director shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.]

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NATIONAL SECURITY ACT OF 1947

SHORT TITLE

That this Act may be cited as the “National Security Act of 1947”.

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TITLE I—COORDINATION FOR NATIONAL SECURITY

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[Sec. 119B. National intelligence centers.]

Sec. 119B. Cyber Threat Intelligence Integration Center.

Sec. 119C. National intelligence centers.

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TITLE I—COORDINATION FOR NATIONAL SECURITY

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RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

- (A) to the President;
 - (B) to the heads of departments and agencies of the executive branch;
 - (C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;
 - (D) to the Senate and House of Representatives and the committees thereof; and
 - (E) to such other persons as the Director of National Intelligence determines to be appropriate.
- (2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.
- (b) ACCESS TO INTELLIGENCE.—Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.
- (c) BUDGET AUTHORITIES.—(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—
- (A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;
 - (B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and
 - (C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.
- (2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.
- (3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budget for the Military Intelligence Program or any successor program or programs.
- (B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of

the intelligence community that is not within the National Intelligence Program.

(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.

(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.

(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which may include audits and evaluations.

(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.

(d) **ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN TRANSFER AND REPROGRAMMING OF FUNDS.**—(1)(A) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the Director of National Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Military Intelligence Program or any successor program or programs.

(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program—

(A) to another such program;

(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.

(3) The Director of National Intelligence may only transfer or reprogram funds referred to in paragraph (1)(A)—

(A) with the approval of the Director of the Office of Management and Budget; and

(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

(4) The amounts available for transfer or reprogramming in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

(5)(A) A transfer or reprogramming of funds may be made under this subsection only if—

(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

(I) that is less than \$150,000,000, and

(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

(v) the transfer or reprogramming does not terminate an acquisition program.

(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if

the transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency) to the deputy of such officer.

(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

(7) Any transfer or reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this subsection.

(e) TRANSFER OF PERSONNEL.—(1)(A) In addition to any other authorities available under law for such purposes, in the first twelve months after establishment of a new national intelligence center, the Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in consultation with the congressional committees of jurisdiction referred to in subparagraph (B), may transfer not more than 100 personnel authorized for elements of the intelligence community to such center.

(B) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

- (i) the congressional intelligence committees;
- (ii) the Committees on Appropriations of the Senate and the House of Representatives;
- (iii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and
- (iv) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

(C) The Director shall include in any notice under subparagraph (B) an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

(2)(A) The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in accordance with procedures to be developed by the Director of National Intelligence and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the

intelligence community to another such element for a period of not more than 2 years.

(B) A transfer of personnel may be made under this paragraph only if—

(i) the personnel are being transferred to an activity that is a higher priority intelligence activity; and

(ii) the transfer supports an emergent need, improves program effectiveness, or increases efficiency.

(C) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

(i) the congressional intelligence committees;

(ii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

(iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

(D) The Director shall include in any notice under subparagraph (C) an explanation of the nature of the transfer and how it satisfies the requirements of this paragraph.

(3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).

(B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—

(i) during a period in which a permanent employee of such element is absent to participate in critical language training; or

(ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.

(C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).

(D) For each of the fiscal years 2010, 2011, and 2012, the Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—

(i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;

(ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and

(iii) the cost to carry out subparagraph (B).

(4) It is the sense of Congress that—

(A) the nature of the national security threats facing the United States will continue to challenge the intelligence community to respond rapidly and flexibly to bring analytic resources to bear against emerging and unforeseen requirements;

(B) both the Office of the Director of National Intelligence and any analytic centers determined to be necessary should be fully and properly supported with appropriate levels of personnel resources and that the President's yearly budget requests adequately support those needs; and

(C) the President should utilize all legal and administrative discretion to ensure that the Director of National Intelligence and all other elements of the intelligence community have the necessary resources and procedures to respond promptly and effectively to emerging and unforeseen national security challenges.

(f) TASKING AND OTHER AUTHORITIES.—(1)(A) The Director of National Intelligence shall—

(i) establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) and analytic products generated by or within the intelligence community) of national intelligence;

(ii) determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

(I) approving requirements (including those requirements responding to needs provided by consumers) for collection and analysis; and

(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

(B) The authority of the Director of National Intelligence under subparagraph (A) shall not apply—

(i) insofar as the President so directs;

(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the Director of National Intelligence; or

(iii) to the direct dissemination of information to State government and local government officials and private sector entities pursuant to sections 201 and 892 of the Homeland Security Act of 2002 (6 U.S.C. 121, 482).

(2) The Director of National Intelligence shall oversee the National Counterterrorism Center and may establish such other national intelligence centers as the Director determines necessary.

(3)(A) The Director of National Intelligence shall prescribe, in consultation with the heads of other agencies or elements of the in-

telligence community, and the heads of their respective departments, personnel policies and programs applicable to the intelligence community that—

(i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;

(ii) set standards for education, training, and career development of personnel of the intelligence community;

(iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

(iv) ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(v) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify; and

(vi) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters.

(B) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.

(4) The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

(5) The Director of National Intelligence shall ensure the elimination of waste and unnecessary duplication within the intelligence community.

(6) The Director of National Intelligence shall establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for national intelligence purposes, except that the Director shall have no authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order.

(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.

(8) The Director of National Intelligence shall perform such other functions as the President may direct.

(9) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

(g) INTELLIGENCE INFORMATION SHARING.—(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—

(A) establish uniform security standards and procedures;

(B) establish common information technology standards, protocols, and interfaces;

(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;

(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;

(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program; and

(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.

(2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).

(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.

(4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.

(h) ANALYSIS.—To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—

(1) implement policies and procedures—

(A) to encourage sound analytic methods and tradecraft throughout the elements of the intelligence community;

(B) to ensure that analysis is based upon all sources available; and

(C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;

(2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;

(3) ensure that differences in analytic judgment are fully considered and brought to the attention of policymakers; and

(4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

(i) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) The Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement guidelines for the intelligence community for the following purposes:

(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

(3) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

(j) UNIFORM PROCEDURES FOR CLASSIFIED INFORMATION.—The Director of National Intelligence, subject to the direction of the President, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies;

(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security;

(5) ensure that the background of each employee or officer of an element of the intelligence community, each contractor to an element of the intelligence community, and each individual employee of such a contractor who has been determined to be eligible for access to classified information is monitored on a continual basis under standards developed by the Director, including with respect to the frequency of evaluation, during the period of eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee to such a contractor to determine whether such employee or officer of an element of the intelligence community, such contractor, and such individual employee of such a contractor continues to meet the requirements for eligibility for access to classified information; and

(6) develop procedures to require information sharing between elements of the intelligence community concerning potentially derogatory security information regarding an employee or officer of an element of the intelligence community, a contractor to an element of the intelligence community, or an individual employee of such a contractor that may impact the eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee of such a contractor for a security clearance.

(k) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the President and in a manner consistent with section

207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of National Intelligence shall oversee the coordination of the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(1) ENHANCED PERSONNEL MANAGEMENT.—(1)(A) The Director of National Intelligence shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—

- (i) on the staff of the Director of National Intelligence;
 - (ii) on the staff of the national intelligence centers;
 - (iii) on the staff of the National Counterterrorism Center;
- and
- (iv) in other positions in support of the intelligence community management functions of the Director.

(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) to service under the Director of National Intelligence shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

(B) The Director may prescribe regulations to carry out this paragraph.

(3)(A) The Director of National Intelligence shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.

(B) The mechanisms prescribed under subparagraph (A) may include the following:

- (i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.
- (ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.
- (iii) The establishment of requirements for education, training, service, and evaluation for service involving more than one element of the intelligence community.

(C) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10, United States Code, and the other amendments made by title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

(4)(A) Except as provided in subparagraph (B) and subparagraph (D), this subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services.

(B) Mechanisms that establish requirements for education and training pursuant to paragraph (3)(B)(iii) may apply with respect to members of the uniformed services who are assigned to an element of the intelligence community funded through the National Intelligence Program, but such mechanisms shall not be inconsistent with personnel policies and education and training requirements otherwise applicable to members of the uniformed services.

(C) The personnel policies and programs developed and implemented under this subsection with respect to law enforcement officers (as that term is defined in section 5541(3) of title 5, United States Code) shall not affect the ability of law enforcement entities to conduct operations or, through the applicable chain of command, to control the activities of such law enforcement officers.

(D) Assignment to the Office of the Director of National Intelligence of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10, United States Code, and other provisions of that title.

(m) **ADDITIONAL AUTHORITY WITH RESPECT TO PERSONNEL.**—(1) In addition to the authorities under subsection (f)(3), the Director of National Intelligence may exercise with respect to the personnel of the Office of the Director of National Intelligence any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this subsection to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

(2) Employees and applicants for employment of the Office of the Director of National Intelligence shall have the same rights and protections under the Office of the Director of National Intelligence as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this subsection.

(n) **ACQUISITION AND OTHER AUTHORITIES.**—(1) In carrying out the responsibilities and authorities under this section, the Director of National Intelligence may exercise the acquisition and appropriations authorities referred to in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) other than the authorities referred to in section 8(b) of that Act (50 U.S.C. 403j(b)).

(2) For the purpose of the exercise of any authority referred to in paragraph (1), a reference to the head of an agency shall be deemed to be a reference to the Director of National Intelligence or the Principal Deputy Director of National Intelligence.

(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) by the head of an agency may

be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

(B) Except as provided in subparagraph (C), the Director of National Intelligence or the Principal Deputy Director of National Intelligence may, in such official's discretion, delegate to any officer or other official of the Office of the Director of National Intelligence any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

(C) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the Director of National Intelligence of an authority referred to in paragraph (1).

(D) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the Office of the Director of National Intelligence for a period of at least six years following the date of such determination or decision.

(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

(I) a description of such authority requested to be exercised;

(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

(III) a certification that the mission of such element would be—

(aa) impaired if such authority is not exercised; or

(bb) significantly and measurably enhanced if such authority is exercised; and

(ii) the Director of National Intelligence issues a written authorization that includes—

(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

(II) a justification to support the exercise of such authority.

(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

(G) The Director of National Intelligence shall submit—

(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).

(o) CONSIDERATION OF VIEWS OF ELEMENTS OF INTELLIGENCE COMMUNITY.—In carrying out the duties and responsibilities under this section, the Director of National Intelligence shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.

(p) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PROGRAM BUDGET CONCERNING THE DEPARTMENT OF DEFENSE.—Subject to the direction of the President, the Director of National Intelligence shall, after consultation with the Secretary of Defense, ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands, and wherever such elements are performing Government-wide functions, the needs of other Federal departments and agencies.

(q) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—

(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria, except that with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;

(B) serve as exclusive milestone decision authority, except that with respect to Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary; and

(C) periodically—

(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and

(ii) submit to Congress a report on the results of such review and assessment.

(2) If the Director of National Intelligence and the Secretary of Defense are unable to reach an agreement on a milestone decision under paragraph (1)(B), the President shall resolve the conflict.

(3) Nothing in this subsection may be construed to limit the authority of the Director of National Intelligence to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.

(4) In this subsection:

(A) The term “intelligence program”, with respect to the acquisition of a major system, means a program that—

(i) is carried out to acquire such major system for an element of the intelligence community; and

(ii) is funded in whole out of amounts available for the National Intelligence Program.

(B) The term “major system” has the meaning given such term in section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9)).

(r) PERFORMANCE OF COMMON SERVICES.—The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director

of the Central Intelligence Agency, coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the Director of National Intelligence determines can be more efficiently accomplished in a consolidated manner.

(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

(2) Authority under this subsection may be granted or exercised only—

(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.

(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award

a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).

(u) CONFLICT OF INTEREST REGULATIONS.—**[(1) The Director]** *The Director* of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

[(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.]

(v) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

(3) In this subsection, the term “covered department” means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.

(w) NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives,

and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.

(x) REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.—The Director of National Intelligence, in consultation with the head of each department of the Federal Government that contains an element of the intelligence community and the Director of the Central Intelligence Agency, shall—

(1) ensure that—

(A) any contractor to an element of the intelligence community with access to a classified network or classified information develops and operates a security plan that is consistent with standards established by the Director of National Intelligence for intelligence community networks; and

(B) each contract awarded by an element of the intelligence community includes provisions requiring the contractor comply with such plan and such standards;

(2) conduct periodic assessments of each security plan required under paragraph (1)(A) to ensure such security plan complies with the requirements of such paragraph; and

(3) ensure that the insider threat detection capabilities and insider threat policies of the intelligence community apply to facilities of contractors with access to a classified network.

* * * * *

INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

(2) to provide leadership and coordination and recommend policies for activities designed—

(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

(B) to prevent and detect fraud and abuse in such programs and activities;

(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

- (A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and
- (B) the necessity for, and the progress of, corrective actions; and
- (4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—
 - (A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and
 - (B) the necessity for, and the progress of, corrective actions.
- (c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—
 - (1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.
 - (2) The nomination of an individual for appointment as Inspector General shall be made—
 - (A) without regard to political affiliation;
 - (B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and
 - (C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.
 - (3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.
 - (4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.
 - (d) ASSISTANT INSPECTORS GENERAL.—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—
 - (1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;
 - (2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and
 - (3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.
 - (e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken, and this provision shall qualify as a withholding statute pursuant to subsection (b)(3) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”); and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evi-

dence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any in-

spector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(B) obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from **any department, agency, or other element of the United States Government** *any Federal, State (as defined in section 804), or local governmental agency or unit thereof.*

(B) Upon request of the Inspector General for information or assistance *from a department, agency, or element of the Federal Government* under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

(k) **REPORTS.**—(1)(A) The Inspector General of the Intelligence Community shall, not later than October 31 and April 30 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending September 30 and March 31, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

(B) Each report under this paragraph shall include, at a minimum, the following:

(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered

by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

(3)(A) In the event that—

(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and con-

sent of the Senate, including such a position held on an acting basis;

(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review,

the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) In this paragraph, the term "urgent concern" means any of the following:

(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

(I) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of either of the congressional intelligence committees, or a staff member of either of such committees, of the fact that such in-

dividual has made a submission to the Inspector General, and of the date on which such submission was made.

(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

(1) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appro-

priations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.

(o) INFORMATION ON WEBSITE.—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.

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SEC. 119B. CYBER THREAT INTELLIGENCE INTEGRATION CENTER.

(a) *ESTABLISHMENT.*—*There is within the Office of the Director of National Intelligence a Cyber Threat Intelligence Integration Center.*

(b) *DIRECTOR.*—*There is a Director of the Cyber Threat Intelligence Integration Center, who shall be the head of the Cyber Threat Intelligence Integration Center, and who shall be appointed by the Director of National Intelligence.*

(c) *PRIMARY MISSIONS.*—*The Cyber Threat Intelligence Integration Center shall—*

(1) serve as the primary organization within the Federal Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to cyber threats;

(2) ensure that appropriate departments and agencies of the Federal Government have full access to and receive all-source intelligence support needed to execute the cyber threat intelligence activities of such agencies and to perform independent, alternative analyses;

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

(4) coordinate cyber threat intelligence activities of the departments and agencies of the Federal Government; and

(5) *conduct strategic cyber threat intelligence planning for the Federal Government.*

(d) *LIMITATIONS.—The Cyber Threat Intelligence Integration Center—*

(1) may not have more than 50 permanent positions;

(2) in carrying out the primary missions of the Center described in subsection (c), may not augment staffing through detailees, assignees, or core contractor personnel or enter into any personal services contracts to exceed the limitation under paragraph (1); and

(3) shall be located in a building owned or operated by an element of the intelligence community as of the date of the enactment of this section.

NATIONAL INTELLIGENCE CENTERS

SEC. [119B.] 119C. (a) **AUTHORITY TO ESTABLISH.**—The Director of National Intelligence may establish one or more national intelligence centers to address intelligence priorities, including, but not limited to, regional issues.

(b) **RESOURCES OF DIRECTORS OF CENTERS.**—(1) The Director of National Intelligence shall ensure that the head of each national intelligence center under subsection (a) has appropriate authority, direction, and control of such center, and of the personnel assigned to such center, to carry out the assigned mission of such center.

(2) The Director of National Intelligence shall ensure that each national intelligence center has appropriate personnel to accomplish effectively the mission of such center.

(c) **INFORMATION SHARING.**—The Director of National Intelligence shall, to the extent appropriate and practicable, ensure that each national intelligence center under subsection (a) and the other elements of the intelligence community share information in order to facilitate the mission of such center.

(d) **MISSION OF CENTERS.**—Pursuant to the direction of the Director of National Intelligence, each national intelligence center under subsection (a) may, in the area of intelligence responsibility assigned to such center—

(1) have primary responsibility for providing all-source analysis of intelligence based upon intelligence gathered both domestically and abroad;

(2) have primary responsibility for identifying and proposing to the Director of National Intelligence intelligence collection and analysis and production requirements; and

(3) perform such other duties as the Director of National Intelligence shall specify.

(e) **REVIEW AND MODIFICATION OF CENTERS.**—The Director of National Intelligence shall determine on a regular basis whether—

(1) the area of intelligence responsibility assigned to each national intelligence center under subsection (a) continues to meet appropriate intelligence priorities; and

(2) the staffing and management of such center remains appropriate for the accomplishment of the mission of such center.

(f) **TERMINATION.**—The Director of National Intelligence may terminate any national intelligence center under subsection (a).

(g) **SEPARATE BUDGET ACCOUNT.**—The Director of National Intelligence shall, as appropriate, include in the National Intelligence Program budget a separate line item for each national intelligence center under subsection (a).

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TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

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[INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

[SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) Subject to paragraph (3), no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of \$3,000,000 unless—

[(A) the Director of the Office of Business Transformation of the Office of the Director of National Intelligence makes a certification described in paragraph (2) with respect to such intelligence community business system transformation; and

[(B) such certification is approved by the board established under subsection (f).

[(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Director of the Office of Business Transformation of the Office of the Director of National Intelligence that the intelligence community business system transformation—

[(A) complies with the enterprise architecture under subsection (b) and such other policies and standards that the Director of National Intelligence considers appropriate; or

[(B) is necessary—

[(i) to achieve a critical national security capability or address a critical requirement; or

[(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

[(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

[(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

[(B) such amount multiplied by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of the previous fiscal year.

[(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the board established under subsection (f), develop

and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

[(2) The enterprise architecture under paragraph (1) shall include the following:

[(A) An information infrastructure that will enable the intelligence community to—

[(i) comply with all Federal accounting, financial management, and reporting requirements;

[(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

[(iii) integrate budget, accounting, and program information and systems; and

[(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

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

[(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

[(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Director of the Office of Business Transformation of the Office of the Director of National Intelligence shall establish and implement, not later than 60 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2010, an investment review process for the intelligence community business systems for which the Director of the Office of Business Transformation is responsible.

[(2) The investment review process under paragraph (1) shall—

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

[(B) specifically set forth the responsibilities of the Director of the Office of Business Transformation under such review process.

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

[(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

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

[(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

[(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

[(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the “Board”).

[(2) The Board shall—

[(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

[(B) review and approve any major update of—

[(i) the enterprise architecture developed under subsection (b); and

[(ii) any plans for an intelligence community business systems modernization;

[(C) manage cross-domain integration consistent with such enterprise architecture;

[(D) coordinate initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

[(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

[(F) carry out such other duties as the Director shall specify.

[(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

[(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code, to the extent that such requirements are otherwise applicable.

[(i) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

[(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

[(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

[(2) The Director of National Intelligence and the head of the executive agency referred to in paragraph (1)(B) shall enter into a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

[(j) REPORTS.—Not later than March 31 of each of the years 2011 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

[(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

[(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

[(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection;

[(2) identify the number of intelligence community business system transformations that received a certification described in subsection (a)(2); and

[(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

[(k) DEFINITIONS.—In this section:

[(1) The term “enterprise architecture” has the meaning given that term in section 3601(4) of title 44, United States Code.

[(2) The terms “information system” and “information technology” have the meanings given those terms in section 11101 of title 40, United States Code.

[(3) The term “intelligence community business system” means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

[(4) The term “intelligence community business system transformation” means—

[(A) the acquisition or development of a new intelligence community business system; or

[(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

[(5) The term “national security system” has the meaning given that term in section 3542 of title 44, United States Code.

[(6) The term “Office of Business Transformation of the Office of the Director of National Intelligence” includes any successor office that assumes the functions of the Office of Business Transformation of the Office of the Director of National Intelligence as carried out by the Office of Business Transformation on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010.]

INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) Subject to paragraph (3), no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of \$3,000,000 unless the Chief Information Officer of the Intelligence Community makes a certification described in paragraph (2) with respect to such intelligence community business system transformation.

(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Chief Information Officer of the Intelligence Community that the intelligence community business system transformation—

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

(B) is necessary—

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

(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

(B) such amount multiplied by the annual percentage increase in the Consumer Price Index (all items; U.S. city average) as of September of the previous fiscal year.

(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture

shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

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

(A) An information infrastructure that will enable the intelligence community to—

(i) comply with all Federal accounting, financial management, and reporting requirements;

(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

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

(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

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

(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Chief Information Officer of the Intelligence Community shall establish and implement, not later than 60 days after October 7, 2010, an investment review process for the intelligence community business systems for which the Chief Information Officer of the Intelligence Community is responsible.

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

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

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

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

(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

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

(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

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

(e) *RELATION TO ANNUAL REGISTRATION REQUIREMENTS.*—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

(f) *RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.*—Intelligence community business system transformations certified under this section shall be deemed to be in compliance with section 2222 of title 10, United States Code. Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense for activities other than an intelligence community business system transformation from the requirements of such section 2222, to the extent that such requirements are otherwise applicable.

(g) *RELATION TO CLINGER-COHEN ACT.*—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

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

(h) *DEFINITIONS.*—In this section:

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

(2) The terms “information system” and “information technology” have the meanings given those terms in section 11101 of title 40, United States Code.

(3) The term “intelligence community business system” means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

(4) The term “intelligence community business system transformation” means—

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

(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

(5) The term "national security system" has the meaning given that term in section 3552(b) of title 44, United States Code.

* * * * *

REPORTS ON SECURITY CLEARANCES

SEC. 506H. [(a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the United States Government.

[(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.]

[(b)] (a) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

(A) the number of employees of the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year;

(B) the number of contractors to the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year; and

(C) for each element of the intelligence community—

(i) the total amount of time it took to process the security clearance determination for such level that—

(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

(II) took the longest amount of time to complete;

(ii) the total amount of time it took to process the security clearance determination for such level that—

(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

(II) took the longest amount of time to complete;

(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

(I) 4 months or less;

(II) between 4 months and 8 months;

(III) between 8 months and one year; and

- (IV) more than one year;
 - (iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;
 - (v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;
 - (vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and
 - (vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—
 - (I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;
 - (II) the number of security clearance determinations for contractors that required more than one year to complete;
 - (III) the agencies that investigated and adjudicated such determinations; and
 - (IV) the cause of significant delays in such determinations.
- (2) For purposes of paragraph (1), the President may consider—
- (A) security clearances at the level of confidential and secret as one security clearance level; and
 - (B) security clearances at the level of top secret or higher as one security clearance level.
- [(c)] (b) FORM.—The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.

* * * * *

DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMIANNUAL REPORTS TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES

SEC. 507. (a) ANNUAL REPORTS.—The date for the submittal to the congressional intelligence committees of the following annual reports shall be the date each year provided in subsection (c)(1):

(1) The annual report of the Inspectors General of the intelligence community on proposed resources and activities of their offices required by section 8H(g) of the Inspector General Act of 1978.

(2) The annual report on certifications for immunity in interdiction of aircraft engaged in illicit drug trafficking required by section 1012(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291–4(c)(2)).

(3) The annual report on activities under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) required by section 806(a) of that Act (50 U.S.C. 1906(a)).

(4) The annual report on hiring and retention of minority employees in the intelligence community required by section 114(a).

[(5)] The annual report on outside employment of employees of elements of the intelligence community required by section 102A(u)(2).]

[(6)] (5) The annual report on financial intelligence on terrorist assets required by section 118.

(b) SEMIANNUAL REPORTS.—The dates for the submittal to the congressional intelligence committees of the following semiannual reports shall be the dates each year provided in subsection (c)(2):

(1) The semiannual reports on decisions not to prosecute certain violations of law under the Classified Information Procedures Act (18 U.S.C. App.) as required by section 13 of that Act.

(2) The semiannual reports on the disclosure of information and consumer reports to the Federal Bureau of Investigation for counterintelligence purposes required by section 624(h)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)(2)).

(3) The semiannual provision of information on requests for financial information for foreign counterintelligence purposes required by section 1114(a)(5)(C) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C)).

(c) SUBMITTAL DATES FOR REPORTS.—(1) Except as provided in subsection (d), each annual report listed in [subsection (a)(1)] *subsection (a)* shall be submitted not later than February 1.

(2) Except as provided in subsection (d), each semiannual report listed in subsection (b) shall be submitted not later than February 1 and August 1.

(d) POSTPONEMENT OF SUBMITTAL.—(1) Subject to paragraph (3), the date for the submittal of—

(A) an annual report listed in subsection (a) may be postponed until March 1; and

(B) a semiannual report listed in subsection (b) may be postponed until March 1 or September 1, as the case may be, if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

(2)(A) Notwithstanding any other provision of law and subject to paragraph (3), the date for the submittal to the congressional intelligence committees of any report described in subparagraph (B) may be postponed by not more than 30 days from the date otherwise specified in the provision of law for the submittal of such report if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

(B) A report described in this subparagraph is any report on intelligence or intelligence-related activities of the United States Government that is submitted under a provision of law requiring the submittal of only a single report.

(3)(A) The date for the submittal of a report whose submittal is postponed under paragraph (1) or (2) may be postponed beyond

the time provided for the submittal of such report under such paragraph if the official required to submit such report submits to the congressional intelligence committees a written certification that preparation and submittal of such report at such time will impede the work of officers or employees of the intelligence community in a manner that will be detrimental to the national security of the United States.

(B) A certification with respect to a report under subparagraph (A) shall include a proposed submittal date for such report, and such report shall be submitted not later than that date.

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INSPECTOR GENERAL ACT OF 1978

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SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT AND MISSION.—

(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the “Council”).

(2) MISSION.—The mission of the Council shall be to—

(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the following members:

(A) All Inspectors General whose offices are established under—

(i) section 2; or

(ii) section 8G.

(B) The Inspectors General of [the Office of the Director of National Intelligence] *the Intelligence Community* and the Central Intelligence Agency.

(C) The Controller of the Office of Federal Financial Management.

(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

(E) The Director of the Office of Government Ethics.

(F) The Special Counsel of the Office of Special Counsel.

(G) The Deputy Director of the Office of Personnel Management.

(H) The Deputy Director for Management of the Office of Management and Budget.

(I) The Inspectors General of the Library of Congress, Capitol Police, Government Printing Office, Government Accountability Office, and the Architect of the Capitol.

(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

- (i) preside over meetings of the Council;
- (ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and
- (iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

(B) CHAIRPERSON.—The Chairperson shall—

- (i) convene meetings of the Council—
 - (I) at least 6 times each year;
 - (II) monthly to the extent possible; and
 - (III) more frequently at the discretion of the Chairperson;
- (ii) carry out the functions and duties of the Council under subsection (c);
- (iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;
- (iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;
- (v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;
- (vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, made available from the revolving fund established under subsection (c)(3)(B), or as otherwise provided by law,

enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

(c) FUNCTIONS AND DUTIES OF COUNCIL.—

(1) IN GENERAL.—The Council shall—

(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

(B) develop plans for coordinated, Governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council, as appropriate, shall—

(A) adhere to professional standards developed by the Council; and

(B) participate in the plans, programs, and projects of the Council, except that in the case of a member described under subsection (b)(1)(I), the member shall participate

only to the extent requested by the member and approved by the Executive Chairperson and Chairperson.

(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

(i) the Executive Chairperson may authorize the use of interagency funding for—

(I) Governmentwide training of employees of the Offices of the Inspectors General;

(II) the functions of the Integrity Committee of the Council; and

(III) any other authorized purpose determined by the Council; and

(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the executive branch which has a member on the Council shall fund or participate in the funding of such activities.

(B) REVOLVING FUND.—

(i) IN GENERAL.—The Council may—

(I) establish in the Treasury of the United States a revolving fund to be called the Inspectors General Council Fund; or

(II) enter into an arrangement with a department or agency to use an existing revolving fund.

(ii) AMOUNTS IN REVOLVING FUND.—

(I) IN GENERAL.—Amounts transferred to the Council under this subsection shall be deposited in the revolving fund described under clause (i)(I) or (II).

(II) TRAINING.—Any remaining unexpended balances appropriated for or otherwise available to the Inspectors General Criminal Investigator Academy and the Inspectors General Auditor Training Institute shall be transferred to the revolving fund described under clause (i)(I) or (II).

(iii) USE OF REVOLVING FUND.—

(I) IN GENERAL.—Except as provided under subclause (II), amounts in the revolving fund described under clause (i)(I) or (II) may be used to carry out the functions and duties of the Council under this subsection.

(II) TRAINING.—Amounts transferred into the revolving fund described under clause (i)(I) or (II) may be used for the purpose of maintaining any training academy as determined by the Council.

(iv) AVAILABILITY OF FUNDS.—Amounts in the revolving fund described under clause (i)(I) or (II) shall remain available to the Council without fiscal year limitation.

- (C) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede any authority under subparagraph (A) or (B), unless such provision makes specific reference to the authority in that paragraph.
- (4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—
- (A) the role of the Department of Justice in law enforcement and litigation;
 - (B) the authority or responsibilities of any Government agency or entity; and
 - (C) the authority or responsibilities of individual members of the Council.
- (d) INTEGRITY COMMITTEE.—
- (1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).
- (2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:
- (A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee, and maintain the records of the Committee.
 - (B) Four Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).
 - (C) The Special Counsel of the Office of Special Counsel.
 - (D) The Director of the Office of Government Ethics.
- (3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.
- (4) REFERRAL OF ALLEGATIONS.—
- (A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—
 - (i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and
 - (ii) the Inspector General determines that—
 - (I) an objective internal investigation of the allegation is not feasible; or
 - (II) an internal investigation of the allegation may appear not to be objective.
 - (B) DEFINITION.—In this paragraph the term “staff member” means any employee of an Office of Inspector General who—

- (i) reports directly to an Inspector General; or
- (ii) is designated by an Inspector General under subparagraph (C).

(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against a staff member of an Office of Inspector General described under paragraph (4)(C);

(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

(i) may provide resources necessary to the Integrity Committee; and

(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

(7) PROCEDURES FOR INVESTIGATIONS.—

(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

(B) ADDITIONAL POLICIES AND PROCEDURES.—

(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

(I) determining whether to initiate an investigation;

(II) conducting investigations;

(III) reporting the results of an investigation;

and

(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

(C) REPORTS.—

(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations described under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to an agency under paragraph (5)(B), the head of that agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

(8) ASSESSMENT AND FINAL DISPOSITION.—

(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

(i) assess the report;

(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

(iii) submit to the Committee on Government Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

(A) The number of allegations received.

(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

(D) The number of allegations closed without referral.

(E) The date each allegation was received and the date each allegation was finally disposed of.

(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

(G) Other matters that the Council considers appropriate.

(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any of the following:

(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

(C) The chairperson or ranking member of the congressional committees of jurisdiction.

(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.

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CENTRAL INTELLIGENCE AGENCY ACT OF 1949

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SEC. 17. INSPECTOR GENERAL FOR THE AGENCY.

(a) PURPOSE; ESTABLISHMENT.—In order to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the “intelligence committees”) are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the “Office”).

(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.

(2) The Inspector General shall report directly to and be under the general supervision of the Director.

(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.

(6) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the intelligence committees the reasons for any such removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, inves-

tigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS; REPORTS TO CONGRESS ON URGENT CONCERNS.—(1) The Inspector General shall, not later than October 31 and April 30 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month periods ending September 30 and March 31, respectively. Not later than 30 days after the date of the receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, review, or audit conducted during the reporting period and—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of his functions;

(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and

(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

(3) In the event that—

(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

(I) Deputy Director;

(II) Associate Deputy Director;

(III) Director of the National Clandestine Service;

(IV) Director of Intelligence;

(V) Director of Support; or

(VI) Director of Science and Technology.

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.

(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

(5)(A) An employee of the Agency, or of a contractor to the Agency, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B)(i) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall

transmit to the Director notice of that determination, together with the complaint or information.

(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director of the Central Intelligence Agency apply to the Director of National Intelligence.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(ii) The employee may contact the intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of that committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) In this paragraph:

(i) The term "urgent concern" means any of the following:

(I) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(II) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(III) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (e)(3)(B) in response to an employee's reporting an urgent concern in accordance with this paragraph.

(ii) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Agency—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or providing such information may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, which oath affir-

mation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information or any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(7) (A) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, the Inspector General shall create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

(B) *Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—*

(i) the selection of internal and external candidates for employment with the Office of Inspector General; and

(ii) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.

(8)(A) The Inspector General shall—

(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.

[(9) The Inspector General may request such information or assistance as may be necessary for carrying out his duties and responsibilities from any Government agency. Upon request of the Inspector General for such information or assistance, the head of the Government agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Government agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance. Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

[(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

[(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.]

(9)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

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

(D) In this paragraph, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(f) SEPARATE BUDGET ACCOUNT.—(1) Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of National Intelligence in consultation with the intelligence committees, the Director of National Intelligence shall include in the National Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the In-

spector General that the amount requested is sufficient to fund all training requirements for the Office; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.

(g) TRANSFER.—There shall be transferred to the Office the office of the Agency referred to as the “Office of Inspector General.” The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such “Office of Inspector General” are hereby transferred to the Office established pursuant to this section.

(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency’s publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.

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**INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
2010**

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**TITLE III—GENERAL INTELLIGENCE
COMMUNITY MATTERS**

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**Subtitle D—Congressional Oversight,
Plans, and Reports**

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**SEC. 348. INFORMATION ACCESS BY THE COMPTROLLER GENERAL OF
THE UNITED STATES.**

(a) DNI DIRECTIVE GOVERNING ACCESS.—

(1) REQUIREMENT FOR DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General of the United States, shall issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community.

(2) AMENDMENT TO DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General, may issue an amendment to the directive issued under paragraph (1) at any time the Director determines such an amendment is appropriate.

(3) RELATIONSHIP TO OTHER LAWS.—The directive issued under paragraph (1) and any amendment to such directive issued under paragraph (2) shall be consistent with the provisions of—

(A) chapter 7 of title 31, United States Code; and

(B) the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(4) REQUESTS BY CERTAIN CONGRESSIONAL COMMITTEES.—*Consistent with the protection of classified information, the directive issued under paragraph (1) shall not prohibit the Comptroller General from obtaining information necessary to carry out the following audits or reviews:*

(A) *An audit or review carried out—*

(i) *at the request of the congressional intelligence committees; or*

(ii) *pursuant to—*

(I) *an intelligence authorization Act;*

(II) *a committee report or joint explanatory statement accompanying an intelligence authorization Act; or*

(III) *a classified annex to a committee report or joint explanatory statement accompanying an intelligence authorization Act.*

(B) An audit or review pertaining to intelligence activities of the Department of Defense carried out—

(i) at the request of the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code); or

(ii) pursuant to a national defense authorization Act.

(b) CONFIDENTIALITY OF INFORMATION.—

(1) REQUIREMENT FOR CONFIDENTIALITY.—The Comptroller General of the United States shall ensure that the level of confidentiality of information made available to the Comptroller General pursuant to the directive issued under subsection (a)(1) or an amendment to such directive issued under subsection (a)(2) is not less than the level of confidentiality of such information required of the head of the element of the intelligence community from which such information was obtained.

(2) PENALTIES FOR UNAUTHORIZED DISCLOSURE.—An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of such information as an officer or employee of the element of the intelligence community from which such information was obtained.

(c) SUBMISSION TO CONGRESS.—

(1) SUBMISSION OF DIRECTIVE.—The directive issued under subsection (a)(1) shall be submitted to Congress by the Director of National Intelligence, together with any comments of the Comptroller General of the United States, no later than May 1, 2011.

(2) SUBMISSION OF AMENDMENT.—Any amendment to such directive issued under subsection (a)(2) shall be submitted to Congress by the Director, together with any comments of the Comptroller General.

(d) EFFECTIVE DATE.—The directive issued under subsection (a)(1) and any amendment to such directive issued under subsection (a)(2) shall take effect 60 days after the date such directive or amendment is submitted to Congress under subsection (c), unless the Director determines that for reasons of national security the directive or amendment should take effect sooner.

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HOMELAND SECURITY ACT OF 2002

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TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle A—Grants to States and High-Risk Urban Areas

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SEC. 2008. USE OF FUNDS.

(a) PERMITTED USES.—The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, *including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))*, through—

(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;

(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2);

(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;

(5) ensuring operability and achieving interoperability of emergency communications;

(6) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

(7) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

(8) enhancing school preparedness;

(9) supporting public safety answering points;

(10) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts, regardless of whether such analysts are current or new full-time employees or contract employees;

(11) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

(12) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; and

(13) any other appropriate activity, as determined by the Administrator.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Funds provided under section 2003 or 2004 may not be used—

(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

(B) for any State or local government cost-sharing contribution.

(2) PERSONNEL.—

(A) IN GENERAL.—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

(B) WAIVER.—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

(3) LIMITATIONS ON DISCRETION.—

(A) IN GENERAL.—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for personnel costs in accordance with paragraph (2) of this subsection, the Administrator may not—

(i) impose a limit on the amount of the award that may be used to pay for personnel, or personnel-related, costs that is higher or lower than the percent limit imposed in paragraph (2)(A); or

(ii) impose any additional limitation on the portion of the funds of a recipient that may be used for a specific type, purpose, or category of personnel, or personnel-related, costs.

(B) ANALYSTS.—If amounts awarded to a grant recipient under section 2003 or 2004 are used for paying salary or benefits of a qualified intelligence analyst under subsection (a)(10), the Administrator shall make such amounts available without time limitations placed on the period of time that the analyst can serve under the grant.

(4) CONSTRUCTION.—

(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

(B) EXCEPTIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

(ii) REQUIREMENTS FOR EXCEPTION.—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

(I) specifically approved by the Administrator;

(II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

(III) the amount allocated for purposes under clause (i) does not exceed the greater of \$1,000,000 or 15 percent of the grant award.

(5) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

(d) REIMBURSEMENT OF COSTS.—

(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under section 2003 or 2004, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

(f) EQUIPMENT STANDARDS.—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the appli-

cant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

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TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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Subpart D—PAY AND ALLOWANCES

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CHAPTER 51—CLASSIFICATION

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§ 5102. Definitions; application

(a) For the purpose of this chapter—

(1) “agency” means—

- (A) an Executive agency;
- (B) the Library of Congress;
- (C) the Botanic Garden;
- (D) the Government Publishing Office;
- (E) the Office of the Architect of the Capitol; and
- (F) the government of the District of Columbia;

but does not include—

- (i) a Government controlled corporation;
- (ii) the Tennessee Valley Authority;
- (iii) the Virgin Islands Corporation;
- (iv) the Atomic Energy Commission;
- (v) the Central Intelligence Agency;
- (vi) the National Security Agency, Department of Defense;
- (vii) the Government Accountability Office; **[or]**
- (viii) *the Office of the Director of National Intelligence*;
- (ix) the Defense Intelligence Agency, Department of Defense; or
- (x) the National Geospatial-Intelligence Agency, Department of Defense**[.]**;

(2) “employee” means an individual employed in or under an agency;

(3) “position” means the work, consisting of the duties and responsibilities, assignable to an employee;

(4) “class” or “class of positions” includes all positions which are sufficiently similar, as to—

- (A) kind or subject-matter of work;

- (B) level of difficulty and responsibility; and
 - (C) the qualification requirements of the work;
- to warrant similar treatment in personnel and pay administration; and
- (5) “grade” includes all classes of positions which, although different with respect to kind or subject-matter of work, are sufficiently equivalent as to—
- (A) level of difficulty and responsibility; and
 - (B) level of qualification requirements of the work;
- to warrant their inclusion within one range of rates of basic pay in the General Schedule.
- (b) Except as provided by subsections (c) and (d) of this section, this chapter applies to all civilian positions and employees in or under an agency, including positions in local boards and appeal boards within the Selective Service System and employees occupying those positions.
- (c) This chapter does not apply to—
- (2) members of the Foreign Service whose pay is fixed under the Foreign Service Act of 1980; and positions in or under the Department of State which are—
 - (A) connected with the representation of the United States to international organizations; or
 - (B) specifically exempted by statute from this chapter or other classification or pay statute;
 - (3) physicians, dentists, nurses, and other employees in the Veterans Health Administration of the Department of Veterans Affairs whose pay is fixed under chapter 73 of title 38;
 - (4) teachers, school officials, and employees of the Board of Education of the District of Columbia whose pay is fixed under chapter 15 of title 31, District of Columbia Code; the chief judges and the associate judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals; and nonjudicial employees of the District of Columbia court system whose pay is fixed under title 11 of the District of Columbia Code;
 - (5) members of the Metropolitan Police, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service Uniformed Division; members of the police force of the National Zoological Park whose pay is fixed under section 5375 of this title; and members of the police forces of the Bureau of Engraving and Printing and the United States Mint whose pay is fixed under section 5378 of this title;
 - (6) lighthouse keepers and civilian employees on lightships and vessels of the Coast Guard whose pay is fixed under section 432(f) and (g) of title 14;
 - (7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing whose duties are to perform or to direct manual or machine op-

erations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

(8) officers and members of crews of vessels;

(9) employees of the Government Publishing Office whose pay is fixed under section 305 of title 44;

(10) civilian professors, instructors, and lecturers at a professional military education school (and, in the case of the George C. Marshall European Center for Security Studies, the Director and the Deputy Director) whose pay is fixed under section 1595, 4021, 7478, or 9021 of title 10; civilian professors, lecturers, and instructors at the Military Academy, the Naval Academy, and the Air Force Academy whose pay is fixed under sections 4338, 6952, and 9338, respectively, of title 10; senior professors, professors, associate and assistant professors, and instructors at the Naval Postgraduate School whose pay is fixed under section 7044 of title 10; the Provost and Academic Dean of the Naval Postgraduate School whose pay is fixed under section 7043 of title 10; civilian professors, instructors, and lecturers in the defense acquisition university structure (including the Defense Systems Management College) whose pay is fixed under section 1746(b) of title 10;

(11) aliens or noncitizens of the United States who occupy positions outside the United States;

(13) employees who serve without pay or at nominal rates of pay;

(14) employees whose pay is not wholly from appropriated funds of the United States (other than employees of the Federal Retirement Thrift Investment Management System appointed under section 8474(c)(2) of this title), except that with respect to the Veterans' Canteen Service, Department of Veterans Affairs this paragraph applies only to employees necessary for the transaction of the business of the Service at canteens, warehouses, and storage depots whose employment is authorized by section 7802 of title 38;

(15) employees whose pay is fixed under a cooperative agreement between the United States and—

(A) a State or territory or possession of the United States, or political subdivision thereof; or

(B) an individual or organization outside the service of the Government of the United States;

(16) student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, student occupational therapists, and other student employees, assigned or attached to a hospital, clinic, or laboratory primarily for training purposes, whose pay is fixed under subchapter V of chapter 53 of this title or sections 7405 and 7406 of title 38;

(17) inmates, patients, or beneficiaries receiving care or treatment or living in Government agencies or institutions;

(18) experts or consultants, when employed temporarily or intermittently in accordance with section 3109 of this title;

(19) emergency or seasonal employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals;

(20) employees employed on a fee, contract, or piece work basis;

(21) employees who may lawfully perform their duties concurrently with their private profession, business, or other employment, and whose duties require only a portion of their time, when it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Government of the United States;

(22) “teachers” and “teaching positions” as defined by section 901 of title 20;

(23) administrative patent judges and designated administrative patent judges in the United States Patent and Trademark Office;

(24) temporary positions in the Bureau of the Census established under section 23 of title 13, and enumerator positions in the Bureau of the Census;

(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by other statute, at or in excess of the rate for level V of the Executive Schedule;

(26) civilian members of the faculty of the Coast Guard Academy whose pay is fixed under section 186 of title 14;

(27) members of the police of the Library of Congress whose pay is fixed under section 167 of title 2;

(28) civilian members of the faculty of the Air Force Institute of Technology whose pay is fixed under section 9314 of title 10;

(29) administrative law judges appointed under section 3105; or

(30) members of agency boards of contract appeals appointed under section 7105(a)(2), (c)(2), or (d)(2) of title 41.

(d) This chapter does not apply to an employee of the Office of the Architect of the Capitol whose pay is fixed by other statute. Subsection (c) of this section, except paragraph (7), does not apply to the Office of the Architect of the Capitol.

(e) Except as may be specifically provided, this chapter does not apply for pay purposes to any employee of the government of the District of Columbia during fiscal year 2006 or any succeeding fiscal year.

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SUPPLEMENTAL APPROPRIATIONS ACT, 2009

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TITLE III—DEPARTMENT OF DEFENSE

* * * * *

(INCLUDING TRANSFER OF FUNDS)

* * * * *

SEC. 319. (a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the prisoner population at the detention facility at Naval Station Guantanamo Bay, Cuba. *The reports may be submitted in classified form.*

(b) SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress specified in this subsection are the following:

- (1) The majority leader and minority leader of the Senate.
- (2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.
- (3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.
- (4) The Chairman and Vice Chairman of the Committee on Appropriations of the Senate.
- (5) The Speaker of the House of Representatives.
- (6) The minority leader of the House of Representatives.
- (7) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.
- (8) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives.
- (9) The Chairman and Ranking Member of the Committee on Appropriations of the House of Representatives.

(c) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include the following:

- (1) The name and country of origin of each detainee at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of such report.
- (2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.
- (3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual's country of citizenship or another country.
- (4) A current description of the number of individuals released or transferred from detention at Naval Station Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.
- (5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Naval Station Guantanamo Bay.
- (6) *A summary of all contact by any means of communication, including telecommunications, electronic or technical means, in person, written communications, or any other means of communication, regardless of content, between any individual formerly detained at Naval Station, Guantanamo Bay,*

Cuba, and any individual known or suspected to be associated with a foreign terrorist group.

(7) A description of whether any of the contact described in the summary required by paragraph (6) included any information or discussion about hostilities against the United States or its allies or partners.

(8) For each individual described in paragraph (4), the period of time between the date on which the individual was released or transferred from Naval Station, Guantanamo Bay, Cuba, and the date on which it is confirmed that the individual is suspected or confirmed of reengaging in terrorist activities.

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

(d) ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.—The first report submitted under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described by subsection (c)(4) prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities for reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

* * * * *

SECTION 1055 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

[SEC. 1055. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

[(a) IN GENERAL.—The Director of National Intelligence shall biennially submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report—

[(1) on the nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear

Non-Proliferation Treaty”) and countries that are not parties to the Treaty;

[(2) on the nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the report; and

[(3) that identifies each foreign person that, during the period covered by the report, made a material contribution to the research, development, production, or acquisition by a country of proliferation concern of—

[(A) weapons of mass destruction (including nuclear weapons, chemical weapons, or biological weapons); or

[(B) ballistic or cruise missile systems.

[(b) ELEMENTS.—The report required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

[(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

[(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

[(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

[(4) A description of nuclear weapons designs available to such country or non-state entity.

[(5) A description of any sources of assistance with respect to nuclear weapons design provided to or by such country or non-state entity and, in the case of assistance provided by such country or non-state entity, a description of to whom such assistance was provided.

[(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.

[(7) A description of the type of fissile materials used in any nuclear weapons possessed by such country or non-state entity.

[(8) An description of the location and production capability of any fissile materials production facilities in such country or controlled by such non-state entity, the current status of any such facilities, and any plans by such country or non-state entity to develop such facilities.

[(9) An identification of the source of any fissile materials used by such country or non-state entity, if such materials are not produced in facilities referred to in paragraph (8).

[(10) An assessment of the intentions of such country or non-state entity to leverage civilian nuclear capabilities for a nuclear weapons program.

[(11) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated, or there are plans for such warheads to be mated, to any such delivery system.

[(12) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

[(13) An assessment of whether such country is modernizing or otherwise improving the safety, security, and reliability of the nuclear weapons stockpile of such country.

[(14) An assessment of the industrial capability and capacity of such country or non-state entity to produce nuclear weapons.

[(15) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

[(c) REFERENCES TO OTHER REPORTS.—Each report submitted under subsection (a) shall include a copy of any other report that is incorporated by reference into the report submitted under subsection (a).

[(d) UNCLASSIFIED SUMMARY.—Each report submitted under subsection (a) shall include an unclassified summary of such report.

[(e) SUBMITTAL TO CONGRESS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Director of National Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the first report required under subsection (a) by not later than September 1, 2010.

[(2) NOTIFICATION OF DELAY IN SUBMITTAL.—If the Director of National Intelligence determines that it will not be possible for the Director to submit the first report required under subsection (a) by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

[(A) that such report will not be submitted by September 1, 2010; and

[(B) setting forth the date by which the Director will submit such report.

[(f) CONFORMING AMENDMENT.—Section 722 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

[(g) DEFINITIONS.—In this section:

[(1) FOREIGN PERSON.—The term “foreign person” means any of the following:

[(A) A natural person who is not a citizen of the United States.

[(B) A corporation, business association, partnership, society, trust, or other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country.

[(C) Any foreign government or foreign governmental entity operating as a business enterprise or in any other capacity.

[(D) Any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

[(2) COUNTRY OF PROLIFERATION CONCERN.—The term “country of proliferation concern” means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

[(A) in the most recent report under section 721 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2366); or

[(B) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.]

SECTION 3151 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

[(SEC. 3151. ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE’S REPUBLIC OF CHINA.

[(a) ANNUAL REPORT REQUIRED.—The President shall transmit to Congress an annual report on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People’s Republic of China, particularly with respect to—

[(1) the theft of sophisticated United States nuclear weapons design information; and

[(2) the targeting by the People’s Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

[(b) INITIAL REPORT.—The first report under this section shall be transmitted not later than March 1, 2000.]

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ATOMIC ENERGY DEFENSE ACT

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DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS

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TITLE XLV—SAFEGUARDS AND SECURITY MATTERS

Subtitle A—Safeguards and Security

* * * * *

[SEC. 4508. REPORT ON SECURITY VULNERABILITIES OF NATIONAL SECURITY LABORATORY COMPUTERS.

[(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report on the security vulnerabilities of the computers of the national security laboratories.

[(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called “red team” of individuals to perform an operational evaluation of the security vulnerabilities of the computers of one or more national security laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

[(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

[(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

[(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

[(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.]

* * * * *



CONGRESSIONAL BUDGET OFFICE
U.S. Congress
Washington, DC 20515

Keith Hall, Director

June 8, 2015

Honorable Devin Nunes
Chairman
Permanent Select Committee
on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2596, the Intelligence Authorization Act for Fiscal Year 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is William Ma, who can be reached at 226-2840.

Sincerely,

A handwritten signature in black ink, appearing to be 'KH' or similar, written over the word 'Sincerely,'.

Keith Hall

Enclosure

cc: Honorable Adam Schiff
Ranking Member



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 8, 2015

H.R. 2596 **Intelligence Authorization Act for Fiscal Year 2016**

*As ordered reported by the House Permanent Select Committee on Intelligence
on June 4, 2015*

SUMMARY

H.R. 2596 would authorize appropriations for fiscal 2016 for intelligence activities of the U.S. government, for the Intelligence Community Management Account (ICMA), and for the Central Intelligence Agency Retirement and Disability System (CIARDS).

CBO does not provide estimates for classified programs; therefore, this estimate addresses only the unclassified aspects of the bill. On that limited basis, CBO estimates that implementing the unclassified provisions of the bill would cost about \$660 million over the 2016-2020 period, subject to appropriation of the specified and estimated amounts. Enacting H.R. 2596 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COSTS TO THE FEDERAL GOVERNMENT

The estimated budgetary effects of H.R. 2596 are shown in the following table. The costs of this legislation fall within budget function 050 (national defense).

	By Fiscal Year, in Millions of Dollars					2016-2020
	2016	2017	2018	2019	2020	
SPENDING SUBJECT TO APPROPRIATION						
Intelligence Community Management Account						
Authorization Level	502	0	0	0	0	502
Estimated Outlays	326	141	18	8	3	496
National Cyber Threat Intelligence Integration Center						
Estimated Authorization Level	35	36	37	38	39	185
Estimated Outlays	23	33	35	37	38	166
Total						
Estimated Authorization Level	537	36	37	38	39	687
Estimated Outlays	349	174	53	45	41	662

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 2596 will be enacted near the beginning of fiscal year 2016, that the specified and estimated amounts will be appropriated, and that outlays will follow historical spending patterns for existing or similar programs.

Intelligence Community Management Account

Section 104 would authorize an appropriation of nearly \$502 million for fiscal year 2016 for the ICMA. That amount is about one percent less than the amount appropriated for that account for fiscal year 2015. The ICMA is the principal source of funding for the Office of the Director of National Intelligence (ODNI) and for managing the intelligence agencies. Assuming appropriation of the specified amount, CBO estimates that implementing section 104 would cost \$496 million over the 2016-2020 period.

National Cyber Threat Intelligence Integration Center

Section 309 would establish a National Cyber Threat Intelligence Integration Center (CTIIC) that would be responsible for analyzing, integrating, and disseminating intelligence on cyber threats within the federal government. In February of this year, based on authority in current law to establish intelligence centers, the President announced his intention to establish a CTIIC within the ODNI; however, the process for establishing and creating that operational center has not been completed. H.R. 2596 would require such a center to have a maximum of 50 permanent positions. CBO estimates, based on publicly available information regarding the planned center, the personnel ceiling in H.R. 2596, and

budget data from the Office of Management and Budget, that implementing this provision would cost approximately \$166 million over the 2016-2020 period, assuming appropriation of the estimated amounts.

Central Intelligence Agency Retirement and Disability System

Section 201 would authorize the appropriation of \$514 million for CIARDS for fiscal year 2016 to maintain the proper funding level for operating that retirement and disability system. Appropriations to CIARDS are treated as direct spending in the budget. Because the amounts authorized to be appropriated are the same as the amounts projected in CBO's baseline, CBO does not ascribe any additional cost to this provision.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2596 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

PREVIOUS CBO ESTIMATE

On April 13, 2015, CBO transmitted a cost estimate for H.R. 1560, the Protecting Cyber Networks Act, as ordered reported by the House Permanent Select Committee on Intelligence on March 26, 2015. Section 309 of H.R. 2596 is similar to section 4 of H.R. 1560; both sections would establish a CTIIC within the ODNI. CBO's estimated costs for establishing a CTIIC are the same.

ESTIMATE PREPARED BY:

Federal Costs: William Ma

Impact on State, Local, and Tribal Governments: Jon Sperl

Impact on the Private Sector: Paige Piper-Bach

ESTIMATE APPROVED BY:

H. Samuel Papenfuss

Deputy Assistant Director for Budget Analysis

114TH CONGRESS
1ST SESSION

H. R. 2596

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2015

Mr. NUNES introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select), and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 intel-
ligence 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 de-
tained 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:

“(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Chief Information Officer of the Intelligence Community that the intelligence community business system transformation—

21 “(B) is necessary—

24 “(ii) to prevent a significant adverse effect

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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-

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

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

“(A) An information infrastructure that will enable the intelligence community to—

“(i) comply with all Federal accounting, financial management, and reporting requirements;

“(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

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

“(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

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

“(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system 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(c) 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)”.

○



**One Hundred Fourteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

June 8, 2015

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
HVC 304 Capitol
Washington, DC 20515

Dear Chairman Nunes:

I am writing to you concerning the jurisdictional interest of the Committee on Homeland Security in H.R. 2596, the "Intelligence Authorization Act for Fiscal Year 2016." The bill includes provisions that fall within the jurisdiction of the Committee on Homeland Security.

I recognize and appreciate the desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Homeland Security will forego consideration of this bill. The Committee takes this action with the mutual understanding that by foregoing consideration of H.R. 2596 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction.

This waiver is also given with the understanding that the Committee on Homeland Security expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this or any similar legislation, and requests your support for such a request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2596, and ask that a copy of this letter and your response be included in the Committee report on the bill as well as in the Congressional Record during consideration of this bill on the House floor.

Sincerely,



MICHAEL T. MCCAUL

Chairman

Committee on Homeland Security

cc: The Honorable John Boehner, Speaker,
The Honorable Adam B. Schiff, Ranking Member, Permanent Select Committee
on Intelligence
The Honorable Bennie G. Thompson, Ranking Member, Committee on Homeland
Security
Mr. Thomas J. Wickham, Jr., Parliamentarian

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Eric Swalwell, California
Patrick E. Murphy, Florida

John A. Boehner, SPEAKER OF THE HOUSE
Nancy Pelosi, DEMOCRATIC LEADER

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

JEFF SHOCKEY
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

June 9, 2015

The Honorable Michael McCaul
Chairman
U.S. House Committee on Homeland Security
H2-176 Ford Office Building
Washington, DC 20515

Dear Chairman McCaul:

Thank you for your letter regarding H.R. 2596, the Intelligence Authorization Act for Fiscal Year 2016. As you noted, certain provisions of the bill related to the Homeland Security Act of 2002 fall within the jurisdiction of the Committee on Homeland Security. I agree that your letter in no way diminishes or alters the jurisdiction of the Committee on Homeland Security with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or any similar legislation.

I appreciate your willingness to forego consideration of the bill in the interest of expediting this legislation for floor consideration. I will include a copy of your letter and this response in our Committee's report on H.R. 2596 and the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance with this matter.

Sincerely,



Devin Nunes
Chairman



U.S. House of Representatives

COMMITTEE ON THE BUDGET

Washington, DC 20515

June 8, 2015

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Capitol Visitor Center HVC-304
US Capitol
Washington, DC 20515

Dear Chairman Nunes:

I am writing regarding H.R. 2596, the *Intelligence Authorization Act for Fiscal Year 2016*, which the Permanent Select Committee on Intelligence ordered reported on June 4, 2015.

The bill contains provisions that fall within the jurisdiction of the Committee on the Budget. In order to expedite House consideration of H.R. 2596, the Committee on the Budget will forgo action on the bill with the understanding that, by foregoing consideration of H.R. 2596, the Committee on the Budget does not waive any jurisdiction over the subject matter contained in this bill or similar legislation. Further, it is my understanding that the Permanent Select Committee on Intelligence will strike the provisions in question as part of a manager's amendment submitted to the Rules Committee. I also ask that the Committee on the Budget be appropriately consulted and involved as this bill or similar legislation moves forward so that the Committee may address any remaining issues that fall within its jurisdiction.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2596, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration. We appreciate your cooperation and look forward to working with you as this bill moves through the Congress.

Sincerely,

Tom Price, M.D.
Chairman
Committee on the Budget

cc: The Honorable John A. Boehner, Speaker of the House
The Honorable Adam Schiff
The Honorable Chris Van Hollen
Mr. Tom Wickham, Parliamentarian

Devin Nunes, California, CHAIRMAN

Jeff Miller, Florida
K. Michael Conaway, Texas
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HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

JEFF SHOCKEY
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

June 9, 2015

The Honorable Tom Price, M.D.
Chairman
U.S. House Committee on the Budget
207 Cannon House Office Building
Washington, DC 20515

Dear Chairman Price:

Thank you for your letter regarding H.R. 2596, the Intelligence Authorization Act for Fiscal Year 2016. As you noted, certain provisions of the bill related to the Statutory Pay-As-You-Go Act of 2010 fall within the jurisdiction of the Committee on the Budget. As you also noted, we have agreed to continue to work with you on these provisions.

I appreciate your willingness to forego consideration of the bill in the interest of expediting this legislation for floor consideration. I will include a copy of your letter and this response in our Committee's report on H.R. 2596 and the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance with this matter.

Sincerely,


Devin Nunes
Chairman