

S 3017

Intelligence Authorization Act for Fiscal Year 2017

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

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Current Status: By Senator Burr from Select Committee on Intelligence filed written report. Report No. 114-277. Addi

Latest Action: By Senator Burr from Select Committee on Intelligence filed written report. Report No. 114-277. Additional and Minority views filed. (Jun 15, 2016)

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Sponsor

Name: Sen. Burr, Richard [R-NC]

Party: Republican • **State:** NC • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Select) Committee	Senate	Reported Original Measure	Jun 6, 2016

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
114 HR 6480	Related bill	Dec 8, 2016: Received in the Senate.
114 HR 6393	Related bill	Dec 1, 2016: Received in the Senate.
114 HR 5077	Related bill	May 25, 2016: Received in the Senate and Read twice and referred to the Select Committee on Intelligence.

Intelligence Authorization Act for Fiscal Year 2017

TITLE I--INTELLIGENCE ACTIVITIES

This bill authorizes FY2017 appropriations for the conduct of intelligence and intelligence-related activities of:

- the Office of the Director of National Intelligence (ODNI);
- the Central Intelligence Agency (CIA);
- the Department of Defense (DOD);
- the Defense Intelligence Agency;
- the National Security Agency (NSA);
- the Departments of the Army, Navy, and Air Force;
- the U.S. Coast Guard;
- the Departments of State, the Treasury, Energy, and Justice;
- the Federal Bureau of Investigation (FBI);
- the Drug Enforcement Administration;
- the National Reconnaissance Office (NRO);
- the National Geospatial-Intelligence Agency; and
- the Department of Homeland Security (DHS).

It authorizes FY2017 appropriations for the Intelligence Community Management Account. Additional funds identified in a classified schedule for advanced research and development shall remain available until September 30, 2018.

TITLE II--CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

This title authorizes FY2017 appropriations for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III--GENERAL INTELLIGENCE COMMUNITY MATTERS

The ODNI may participate in fundraising events for nonprofit organizations that support: (1) surviving family members of deceased intelligence community employees; or (2) welfare, education, or recreation of intelligence community employees, former employees, or family members.

The ODNI must submit a five-year investment strategy for outreach and recruiting efforts in the fields of science, technology, engineering, and mathematics (STEM) that includes cybersecurity and computer literacy. Each element of the intelligence community may establish higher minimum rates of pay for positions that require STEM expertise.

The ODNI must report annually regarding the intelligence community's engagements with the entertainment industry for theater productions, motion pictures, radio or television broadcasts, podcasts, webcasts, music, dance, books, or other published material. No element of the intelligence community may engage in such activities unless it submits a prior notice to Congress.

Inspectors general in the intelligence community must prohibit former employees of their offices from being involved in matters that affect the interests of their element of the intelligence community for at least: (1) two years after the individual leaves a senior level position, or (2) one year after the individual leaves a position that is not a senior level position.

The ODNI may not require employees of an inspector general office for an element of the intelligence community to rotate to a position in their element for which such office conducts audits, investigations, or reviews. Inspector general employees are exempt from a rotation that may impact their office's independence.

The ODNI must notify Congress of presidential directives or policy guidance that impacts the intelligence community.

Elements of the intelligence community must submit to Congress each memorandum of understanding regarding intelligence activities between the intelligence community and other federal entities.

The ODNI and DHS must establish a program to provide assistance from the intelligence community to certain critical infrastructure to reduce the risk of harm caused by cyber attack where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

TITLE IV--MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

The Office of the National Counterintelligence Executive is redesignated as the National Counterintelligence and Security Center, with a director to be appointed by the President.

The CIA may: (1) pay death benefits substantially similar to those authorized for Foreign Service members, and (2) adjust eligibility requirements for such benefits.

The CIA inspector general may designate officers or employees as law enforcement officers for purposes of pay and retirement benefits if they are appointed to a position that investigates suspected criminal offenses.

An individual may not serve simultaneously as the NSA Director and the commander of a unified combatant command.

The FBI must submit a strategic workforce report to demonstrate progress in expanding initiatives to integrate information technology expertise in the investigative process.

TITLE V--MATTERS RELATING TO FOREIGN COUNTRIES

The President must establish a committee to counter active measures by Russia to exert covert influence over peoples and governments. .

Accredited diplomatic personnel of the Russian Federation in the United States may not be permitted to travel more than 50 miles from their diplomatic post in the United States in a calendar quarter unless the FBI certifies that all Russian Federation diplomatic personnel complied during the preceding calendar quarter with U.S. notification requirements for such travel.

The ODNI must conduct a study to determine the feasibility of creating an intelligence sharing arrangement and database to provide foreign countries that were parties to the Treaty on Open Skies on February 22, 2016 (except for the Russian Federation or the Republic of Belarus), with aerial imagery of the territories of other parties to the treaty that is comparable, delivered more frequently, and in equal or higher resolution than imagery available through the database established under the treaty.

The ODNI must report on: (1) the extent to which Russian flights under the Open Skies Treaty contribute to the Russian Federation's warfighting doctrine; (2) the Russian Federation's capability to exceed the imagery limits set forth in the treaty; and (3) the implications and reactions of state parties if the United States withdraws from the treaty and the information sharing architecture is replaced with another intelligence sharing arrangement.

The ODNI and the CIA must submit reports regarding the relationships between the U.S. intelligence community and the intelligence entities of foreign countries, international organizations, nonstate actors, or substate actors.

TITLE VI--PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

The Intelligence Reform and Terrorism Prevention Act of 2004 is amended to require the Privacy and Civil Liberties Oversight Board (PCLOB) to inform the ODNI, elements of the intelligence community, and the House and Senate intelligence committees about its activities.

The scope of the PCLOB's review of executive branch actions, and its policy advice, is restricted to the privacy and civil liberties of U.S. persons, instead of privacy and civil liberties generally.

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

The ODNI must: (1) complete a declassification review of information on the past terrorist activities of each individual transferred or released from U.S. Naval Station, Guantanamo Bay, Cuba, and (2) describe mitigation measures by countries to which such individuals have been transferred or released to monitor them and prevent them from carrying out terrorist activities.

The bill prohibits the transfer or release to a foreign country of an individual detained at Guantanamo as of October 1, 2009, who is not a U.S. national or a member of the U.S. Armed Forces and who is in or under DOD custody or control or otherwise detained at Guantanamo until after the ODNI certifies that: (1) an intelligence driven threat monitoring system has been established to mitigate the risk of such individuals reengaging in terrorist activity or posing a threat to U.S. persons or national security, and (2) the intelligence community has the capability to monitor all such individuals.

TITLE VIII--REPORTS AND OTHER MATTERS

DOD may establish a Cyber Center for Education and Innovation Home of the National Cryptologic Museum.

The federal criminal code is amended to: (1) add electronic communication transactional records as a category of information that the FBI may request by certifying to a wire or electronic communication service provider that the records are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and (2) prohibit the FBI from requesting the contents of an electronic communication through such process.

The NSA Director must serve as the National Manager for National Security Directive 42, signed by the President on July 5, 1990, regarding the national policy for the security of national security telecommunications and information systems. Agencies are prohibited from continuing to operate or control such systems until they register their configurations with the National Manager and the National Manager acknowledges such registration. The National Manager may inspect national security systems and issue binding operational directives.

The definition of "national security system" is revised to remove the current exclusion of routine administrative and business applications that contribute to the direct fulfillment of military and intelligence missions.

Elements of the intelligence community must certify to the ODNI that all prospective joint facilities in a vicinity have been considered before they purchase, lease, or construct a new facility that is 20,000 square feet or larger.

The ODNI must collaborate with DOD and the Joint Chiefs of Staff to update the strategy for an interagency review of policies for planning and acquiring national security satellite systems and architectures consistent with the National

Space Policy issued on June 28, 2010.

The ODNI must appoint a single official to harmonize the intelligence community's governance, operations, analysis, and collection activities related to space and counterspace.

The NRO and the U.S. Strategic Command must submit a concept of operations for the Joint Interagency Combined Space Operations Center.

The ODNI must propose a plan to monitor advances in life sciences and biotechnology.

The ODNI must submit plans to implement declassification proposals produced in the course of producing the fundamental classification guidance review for FY2017 required by Executive Order 13526. At least every five years, federal agencies must complete a fundamental classification guidance review to: (1) ensure that their guidance reflects current circumstances, and (2) identify classified information that no longer requires protection and may be declassified.

Actions Timeline

- **Jun 15, 2016:** By Senator Burr from Select Committee on Intelligence filed written report. Report No. 114-277. Additional and Minority views filed.
- **Jun 6, 2016:** Introduced in Senate
- **Jun 6, 2016:** Select Committee on Intelligence. Original measure reported to Senate by Senator Burr. Without written report.
- **Jun 6, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 504.