

HR 4127

Intelligence Authorization Act for Fiscal Year 2016

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Nov 30, 2015

Current Status: Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Cale

Latest Action: Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 309. (Dec 2, 2015)

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Sponsor

Name: Rep. Nunes, Devin [R-CA-22]

Party: Republican • **State:** CA • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Schiff, Adam B. [D-CA-28]	D · CA		Nov 30, 2015

Committee Activity

Committee	Chamber	Activity	Date
Budget Committee	House	Referred To	Nov 30, 2015
Intelligence (Permanent Select) Committee	House	Referred To	Nov 30, 2015

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
114 HR 2029	Related bill	Dec 18, 2015: Became Public Law No: 114-113.
114 S 1705	Related bill	Jul 16, 2015: By Senator Burr from Select Committee on Intelligence filed written report. Report No. 114-83. Additional views filed.
114 S 1682	Related bill	Jun 25, 2015: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
114 HR 2596	Related bill	Jun 17, 2015: Received in the Senate and Read twice and referred to the Select Committee on Intelligence.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Intelligence Authorization Act for Fiscal Year 2016

TITLE I--INTELLIGENCE ACTIVITIES

(Sec. 101) This bill authorizes FY2016 appropriations for the conduct of intelligence and intelligence-related activities of:

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

(Sec. 102) The amounts authorized and the authorized personnel ceilings as of September 30, 2016, for such activities are those in the classified Schedule of Authorizations, which shall be made available to the congressional appropriations committees and the President.

(Sec. 103) The DNI, if it provides prior notification to Congress, may authorize employment of civilian personnel in excess of the number authorized for FY2016 when necessary for the performance of important intelligence functions.

The DNI must establish guidelines to govern the treatment under such authorized personnel levels of employment or assignment in: (1) a student or trainee program; (2) a reserve corps or as a reemployed annuitant; or (3) details, joint duty, or long-term, full-time training.

(Sec. 104) The bill authorizes FY2016 appropriations for the Intelligence Community Management Account, as well as for personnel positions for elements within such account. It provides for funds identified in the classified schedule for advanced research and development to remain available until September 30, 2017.

(Sec. 105) The National Security Act of 1947 is amended to allow DOE, DHS, the State Department, or Treasury to appoint individuals to certain excepted service positions that the DNI determines are necessary to carry out intelligence functions.

TITLE II--CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

(Sec. 201) The bill authorizes FY2016 appropriations for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III--GENERAL PROVISIONS

(Sec. 301) 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 necessary for increases in such compensation or benefits authorized by law.

(Sec. 302) The bill prohibits the authorization of appropriations by this Act from being deemed to constitute authority to conduct any intelligence activity not otherwise authorized by the Constitution or U.S. laws.

(Sec. 303) The Inspector General of the Intelligence Community is: (1) authorized to request information or assistance from state or local governmental agencies, subject to the concurrence of the DNI; and (2) included within the Council of the Inspectors General on Integrity and Efficiency.

(Sec. 305) The bill prohibits the Intelligence Reform and Terrorism Prevention Act of 2004 from being construed to authorize the Privacy and Civil Liberties Oversight Board to gain access to information regarding activities that the President determines may be authorized as covert actions to support identifiable U.S. foreign policy objectives that are important to national security.

(Sec. 306) The DNI must direct specified executive agencies, military departments, and elements of the intelligence community to implement a program to provide enhanced security review of agency employees or contractors who have been determined eligible to access classified information or hold a sensitive position. These programs must integrate information from government, publicly available, and commercial data sources, consumer reporting agencies, and social media.

Information obtained from such sources may include: (1) security or counterintelligence information about the individual or information that may suggest ill intent, vulnerability to blackmail, compulsive behavior, allegiance to another country, change in ideology, or a lack of good judgment, reliability, or trustworthiness; and (2) data maintained on any terrorist or criminal watch list maintained by any agency, state or local government, or international organization.

Automated record checks under the enhanced program must be conducted at least twice every five years to ensure continued eligibility of agency employees and contractors. The DNI must implement a plan to eliminate the backlog of overdue periodic reinvestigations of such individuals under the Intelligence Reform and Terrorism Prevention Act of 2004.

(Sec. 307) The DNI must: (1) notify Congress within 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed its retention policy to a period of less than 18 months, and (2) identify each electronic communication service provider that has a policy to retain such records for 18 months or less.

(Sec. 308) The DNI must issue a directive containing a written policy for the timely notification to Congress of the identities of individuals occupying senior level positions within the intelligence community.

(Sec. 309) The DNI must designate an official to manage intelligence regarding the tactical use of tunnels by state and nonstate actors. Within 10 months after enactment of this Act and biennially thereafter until four years after enactment of this Act, the DNI must report to Congress regarding: (1) trends in the use of tunnels by foreign state and nonstate actors, and (2) collaboration between the United States and partner countries to address the use of tunnels by adversaries.

(Sec. 310) The DNI must establish a formal internal reporting process for tracking requests for country clearance submitted to overseas DNI representatives by U.S. agencies.

(Sec. 311) The DNI must evaluate duplication in finished intelligence analysis products and submit a plan for revising standards to ensure customers are able to identify differences among intelligence products on similar topics that are produced contemporaneously.

(Sec. 312) The DNI must collaborate with DOD and the Joint Chiefs of Staff to develop and report to Congress on a strategy for a comprehensive interagency review of policies for planning and acquiring national security satellite systems and architectures, including the capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010. The strategy must ensure that the U.S. national security overhead satellite architecture: (1) aims to produce satellite systems in less than five years that can leverage common, standardized design elements and commercially available technologies; (2) is open to distributed, disaggregated architectures that allow for better resiliency, reconstitution, replenishment, and rapid technological refresh; and (3) emphasizes deterrence and the importance of offensive and defensive space control capabilities.

(Sec. 313) The DNI must carry out a study and report findings to Congress regarding appropriate standards to measure the damage of cyber incidents for purposes of determining the response to such incidents, including a method to quantify damage to affected computers, systems, and devices.

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

Subtitle A--Office of the Director of National Intelligence

(Sec. 401) The bill requires the National Counterintelligence Executive to be appointed by the President with the advice and consent of the Senate. (Currently, the DNI appoints such executive.)

(Sec. 402) Technical amendments exclude the Office of the DNI from certain position classification, pay, and allowances provisions relating to General Schedule employees.

(Sec. 403) The DNI must: (1) assign the Chief of the Analytic Integrity and Standards Group to review finished CIA-produced intelligence products to assess whether the CIA's reorganization has resulted in any loss of analytic objectivity, and (2) submit review results to Congress.

Subtitle B--Central Intelligence Agency and Other Elements

(Sec. 411) The bill authorizes the CIA inspector general to request information or assistance from state or local governmental agencies.

(Sec. 412) The bill prohibits funds authorized to be appropriated by this Act or made available for the intelligence community for FY2016 from being used to initiate a transfer of funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund for intelligence activities unless the DNI or DOD: (1) notifies Congress at least 30 days in advance, or (2) waives such prohibition in an emergency situation and notifies Congress within 48 hours after initiation of the program or transfer.

TITLE V--MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A--Matters Relating to Russia

(Sec. 501) The DNI must: (1) notify Congress if the intelligence community receives intelligence that the Russian Federation has deployed, or is about to deploy, the Club-K container missile system through the Russian military or has

transferred or sold, or intends to transfer or sell, such system to another state or nonstate actor; and (2) update Congress regarding any intelligence community engagement with a foreign partner on such a deployment and the impacts of a deployment to any potentially impacted nation.

(Sec. 502) The DNI must submit to Congress assessments of: (1) the funding of political parties and nongovernmental organizations in former Soviet states and countries in Europe by the Russian Security Services since January 1, 2006; and (2) the use of political assassinations as a form of statecraft by the Russian Federation since January 1, 2000.

Subtitle B--Matters Relating to Other Countries

(Sec. 511) The DNI must submit to Congress an assessment of the resources used for intelligence collection efforts with regard to the South and East China Seas. The assessment must describe lead agencies, key partners, purposes of collection activity, annual funding and personnel, prioritization and coordination of collection activities, and resourcing gaps.

(Sec. 512) The State Department must ensure that key supervisory positions at U.S. diplomatic facilities in Cuba are occupied by U.S. citizens.

(Sec. 513) The State Department must also ensure that U.S. diplomatic facilities in Cuba that are constructed or upgraded after the enactment of this Act include a sensitive compartmented information facility. The State Department may waive such requirement in the interest of national security if it submits a justification to Congress before exercising such waiver.

(Sec. 514) The DNI must submit reports to Congress regarding: (1) the monetary value of any sanctions relief that Iran has received since the Joint Plan of Action first entered into effect; (2) Iran's use of such funds, including to support international terrorism or the Bashar al-Assad regime in Syria, advance nuclear weapons or ballistic missile efforts, or commit any violation of the human rights of the people of Iran; and (3) the extent to which senior Iranian officials have diverted sanctions relief funds for their personal use.

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

(Sec. 601) The bill prohibits funds authorized to be appropriated or otherwise made available to an element of the intelligence community from being used through December 31, 2016, to:

- transfer or release to or within the United States, its territories, or possessions, Khalid Sheikh Mohammed or any other detainee who is not a U.S. citizen or a member of the U.S. Armed Forces and is or was held on or after January 20, 2009, at the U.S. Naval Station, Guantanamo Bay, Cuba, by DOD;
- construct or modify any facility in the United States, its territories, or possessions (except at the U.S. Naval Station in Guantanamo) to house an individual located at Guantanamo, as of October 1, 2009, who is not a U.S. citizen or member of the U.S. Armed Forces and is in DOD custody or control or is otherwise detained at Guantanamo, unless authorized by Congress; or
- transfer or release a Guantanamo detainee in DOD custody or control to the custody or control of Libya, Somalia, Syria, or Yemen or any entity within such countries.

TITLE VII--REPORTS AND OTHER MATTERS

Subtitle A--Reports

(Sec. 701) The bill repeals certain reporting requirements, including:

- the President's quadrennial audit and report on the manner in which the executive branch determines whether a security clearance is required for a particular government position,
- the President's annual report on espionage by China,
- DNI reports on outside employment by officers and employees of the intelligence community and on nuclear aspirations of nonstate entities,
- FBI reports on the roles of FBI analysts, and
- National Counterintelligence Policy Board reports on the security vulnerabilities of computers at national security laboratories.

(Sec. 702) The DNI must report to Congress every 60 days for three years after enactment of this Act regarding foreign fighter flows to and from Syria and Iraq.

The DNI must also submit a report regarding foreign fighter travel to and from Iraq and Syria that addresses the challenges impeding intelligence sharing relationships between the United States and member states of the European Union and of the North Atlantic Treaty Organization.

(Sec. 703) The bill expresses the sense of Congress that the intelligence community should dedicate necessary resources to defeating the revenue mechanisms of the Islamic State. The DNI must report on the strategy, efforts, and resources necessary to detect, deter, and degrade those revenue mechanisms.

(Sec. 704) The President must transmit to Congress a comprehensive report on the U.S. counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents. The report must assess: (1) the relationships between such groups and their strengthening or weakening from January 1, 2010, to the present; (2) whether an individual who is not located in Afghanistan or Pakistan can be a member of core al-Qa'ida; (3) whether an individual can be a member of core al-Qa'ida as well as a member of an al-Qa'ida affiliated group, associated group, or adherent; (4) coordination, command, and control between the Islamic State or core al-Qa'ida and such groups and adherents; and (5) the effectiveness of counterterrorism operations.

The report must define "defeat of the Islamic State or core al-Qa'ida."

(Sec. 705) The President must also transmit to Congress within 120 days after enactment of this Act a report regarding the data breach of the Office of Personnel Management (OPM) disclosed in June 2015. The report must address: (1) any effects on the operations of the intelligence community abroad and on each element of the intelligence community; (2) an assessment of how foreign persons, groups, or countries may use the collected data, particularly information included in background investigations for security clearances; and (3) an assessment of which federal agencies use the best practices to protect sensitive data, including a summary of any such best practices that were not used by the OPM.

The DNI must provide Congress an interim briefing on such report, including a discussion of proposals and options for responding to cyber attacks.

(Sec. 706) The DNI, in coordination with the National Science Foundation, must report to Congress regarding the employment by the intelligence community of graduates of the Cyber Corps Scholarship Program.

(Sec. 707) The DNI must report to Congress regarding the representation of certain minority-owned, women-owned, small disadvantaged, service-disabled veteran-owned, or veteran-owned businesses among the contractors awarded

contracts by elements of the intelligence community.

Subtitle B--Other Matters

(Sec. 711) The Federal Emergency Management Agency (FEMA) must permit grant recipients under the Urban Area Security Initiative or the State Homeland Security Grant Program to work in conjunction with DOE's national laboratories when grant funds are used to achieve target preparedness capabilities for federal, state, local, and tribal governments to respond to acts of terrorism under guidelines required by the Post-Katrina Emergency Management Reform Act of 2006.

(Sec. 712) The bill also includes certain Hispanic-serving and Asian American and Native American Pacific Islander-serving institutions of higher education among the minority-serving institutions eligible for DNI grants to provide programs of study for individuals to learn advanced foreign languages, study abroad, or develop other skills that meet the needs of the intelligence community.

Actions Timeline

- **Dec 2, 2015:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 309.
- **Dec 1, 2015:** Mr. Nunes moved to suspend the rules and pass the bill.
- **Dec 1, 2015:** Considered under suspension of the rules. (consideration: CR H8663-8676, H8679)
- **Dec 1, 2015:** DEBATE - The House proceeded with forty minutes of debate on H.R. 4127.
- **Dec 1, 2015:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (consideration: CR H8676)
- **Dec 1, 2015:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by recorded vote (2/3 required): 364 - 58 (Roll no. 649).(text: CR H8663-8671)
- **Dec 1, 2015:** On motion to suspend the rules and pass the bill Agreed to by recorded vote (2/3 required): 364 - 58 (Roll no. 649). (text: CR H8663-8671)
- **Dec 1, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 30, 2015:** Introduced in House
- **Nov 30, 2015:** Referred to the 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.