

Calendar No. 141

114TH CONGRESS
1ST SESSION**S. 1705**

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 SENATE OF THE UNITED STATES

JULY 7, 2015

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

A BILL

To authorize appropriations for fiscal year 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 INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
 Sec. 302. Restriction on conduct of intelligence activities.
 Sec. 303. Notification of appointment and separation of senior level personnel
 of the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Director of National Intelligence

Sec. 401. Appointment and confirmation of the National Counterintelligence
 Executive.
 Sec. 402. Inclusion of Inspector General of the Intelligence Community in
 Council of Inspectors General on Integrity and Efficiency.
 Sec. 403. Provision of information and assistance to Inspector General of the
 Intelligence Community.

Subtitle B—Central Intelligence Agency

Sec. 411. Analytic objectivity review.
 Sec. 412. Authorities of the Inspector General for the Central Intelligence
 Agency.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Matters Relating to Russia

Sec. 501. Notice of deployment or transfer of Club-K container missile system
 by the Russian Federation.
 Sec. 502. Assessment on the funding of political parties and nongovernmental
 organizations by the Russian Federation.
 Sec. 503. Assessment on the use of political assassinations as a form of
 statecraft by the Russian Federation.

Subtitle B—Matters Relating to Other Countries

- Sec. 511. Report on resources and collection posture with regard to the South China Sea and East China Sea.
- Sec. 512. Replacement of locally employed staff serving at United States diplomatic facilities in Cuba.
- Sec. 513. Inclusion of sensitive compartmented information facilities in United States diplomatic facilities in Cuba.
- Sec. 514. Report on use by Iran of funds made available through sanctions relief.

TITLE VI—GENERAL PROVISIONS

- Sec. 601. Intelligence oversight exception for contractual non-disclosure provisions.
- Sec. 602. Notification of changes to retention of call detail record policies.
- Sec. 603. Requirement to report terrorist activities and the unlawful distribution of information relating to explosives.
- Sec. 604. Broadening the scope of the Office of the Director of National Intelligence tradecraft review.
- Sec. 605. Strategy for comprehensive interagency review of the United States national security overhead satellite architecture.
- Sec. 606. Unauthorized dealings in special nuclear material.
- Sec. 607. Enhancing government personnel security programs.
- Sec. 608. Technical amendments relating to pay under title 5, United States Code.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
 4 GRESS.—The term “appropriate committees of Con-
 5 gress” means—

6 (A) the congressional intelligence commit-
 7 tees;

8 (B) the Committee on Armed Services and
 9 the Committee on Foreign Relations of the Sen-
 10 ate; and

11 (C) the Committee on Armed Services and
 12 the Committee on Foreign Affairs of the House
 13 of Representatives.

1 (2) CONGRESSIONAL INTELLIGENCE COMMIT-
 2 TEES.—The term “congressional intelligence com-
 3 mittees” means—

4 (A) the Select Committee on Intelligence of
 5 the Senate; and

6 (B) the Permanent Select Committee on
 7 Intelligence of the House of Representatives.

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

12 **SEC. 3. BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
 14 complying with the Statutory Pay-As-You-Go-Act of 2010,
 15 shall be determined by reference to the latest statement
 16 titled “Budgetary Effects of PAYGO Legislation” for this
 17 Act, submitted for printing in the Congressional Record
 18 by the Chairman of the Senate Budget Committee, pro-
 19 vided that such statement has been submitted prior to the
 20 vote on passage.

21 **TITLE I—INTELLIGENCE**
 22 **ACTIVITIES**

23 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

24 Funds are hereby authorized to be appropriated for
 25 fiscal year 2016 for the conduct of the intelligence and

1 intelligence-related activities of the following elements of
2 the United States Government:

3 (1) The Office of the Director of National Intel-
4 ligence.

5 (2) The Central Intelligence Agency.

6 (3) The Department of Defense.

7 (4) The Defense Intelligence Agency.

8 (5) The National Security Agency.

9 (6) The Department of the Army, the Depart-
10 ment of the Navy, and the Department of the Air
11 Force.

12 (7) The Coast Guard.

13 (8) The Department of State.

14 (9) The Department of the Treasury.

15 (10) The Department of Energy.

16 (11) The Department of Justice.

17 (12) The Federal Bureau of Investigation.

18 (13) The Drug Enforcement Administration.

19 (14) The National Reconnaissance Office.

20 (15) The National Geospatial-Intelligence Agen-
21 cy.

22 (16) The Department of Homeland Security.

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

24 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
25 LEVELS.—The amounts authorized to be appropriated

1 under section 101 and, subject to section 103, the author-
2 ized personnel ceilings as of September 30, 2016, for the
3 conduct of the intelligence activities of the elements listed
4 in paragraphs (1) through (16) of section 101, are those
5 specified in the classified Schedule of Authorizations pre-
6 pared to accompany the bill S. 1705 of the One Hundred
7 Fourteenth Congress.

8 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
9 THORIZATIONS.—

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

15 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
16 ject to paragraph (3), the President shall provide for
17 suitable distribution of the classified Schedule of Au-
18 thorizations, or of appropriate portions of the Sched-
19 ule, within the executive branch.

20 (3) LIMITS ON DISCLOSURE.—The President
21 shall not publicly disclose the classified Schedule of
22 Authorizations or any portion of such Schedule ex-
23 cept—

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

7 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

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

20 (b) **TREATMENT OF CERTAIN PERSONNEL.**—The Di-
21 rector of National Intelligence shall establish guidelines
22 that govern, for each element of the intelligence commu-
23 nity, the treatment under the personnel levels authorized
24 under section 102(a), including any exemption from such
25 personnel levels, of employment or assignment in—

1 (1) a student program, trainee program, or
2 similar program;

3 (2) a reserve corps or as a reemployed annu-
4 itant; or

5 (3) a detail, joint duty, or long term, full-time
6 training.

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

12 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
13 **COUNT.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for the Intelligence Commu-
16 nity Management Account of the Director of National In-
17 telligence for fiscal year 2016 the sum of \$520,073,000.
18 Within such amount, funds identified in the classified
19 Schedule of Authorizations referred to in section 102(a)
20 for advanced research and development shall remain avail-
21 able until September 30, 2017.

22 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
23 ments within the Intelligence Community Management
24 Account of the Director of National Intelligence are au-
25 thorized 785 positions as of September 30, 2015. Per-

1 sonnel serving in such elements may be permanent em-
2 ployees of the Office of the Director of National Intel-
3 ligence or personnel detailed from other elements of the
4 United States Government.

5 (c) CLASSIFIED AUTHORIZATIONS.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—In
7 addition to amounts authorized to be appropriated
8 for the Intelligence Community Management Ac-
9 count by subsection (a), there are authorized to be
10 appropriated for the Community Management Ac-
11 count for fiscal year 2015 such additional amounts
12 as are specified in the classified Schedule of Author-
13 izations referred to in section 102(a). Such addi-
14 tional amounts for advanced research and develop-
15 ment shall remain available until September 30,
16 2017.

17 (2) AUTHORIZATION OF PERSONNEL.—In addi-
18 tion to the personnel authorized by subsection (b)
19 for elements of the Intelligence Community Manage-
20 ment Account as of September 30, 2016, there are
21 authorized such additional personnel for the Com-
22 munity Management Account as of that date as are
23 specified in the classified Schedule of Authorizations
24 referred to in section 102(a).

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

9 **TITLE III—GENERAL INTEL-**
10 **LIGENCE COMMUNITY MAT-**
11 **TERS**

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

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

19 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
20 **ACTIVITIES.**

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

1 **SEC. 303. NOTIFICATION OF APPOINTMENT AND SEPARA-**
2 **TION OF SENIOR LEVEL PERSONNEL OF THE**
3 **INTELLIGENCE COMMUNITY.**

4 (a) REQUIREMENT TO NOTIFY.—The Director of Na-
5 tional Intelligence shall establish a policy to ensure that
6 the head of each appropriate element of the intelligence
7 community shall notify the appropriate committees of
8 Congress, on a quarterly basis, of each appointment of an
9 individual to or separation from a senior level position dur-
10 ing the previous 3-month period.

11 (b) SENIOR LEVEL POSITION DEFINED.—For the
12 purpose of this section, the term “senior level position”
13 shall include positions in the Senior National Intelligence
14 Service, the Senior Intelligence Service, the Senior Execu-
15 tive Service, the Defense Intelligence Senior Executive
16 Service, a Defense Intelligence Senior Leader, or similar
17 position within the intelligence community.

18 (c) NOTIFICATION OF APPOINTMENT.—A notification
19 of the appointment of an individual to a senior level posi-
20 tion required by subsection (a) shall include the following:

21 (1) A summary of the significant previous em-
22 ployment and accomplishments of the individual,
23 such as a career biography and any academic de-
24 grees earned.

25 (2) Any other information appropriate to dem-
26 onstrate that the individual is well-qualified to meet

1 the needs of the intelligence community and that
 2 there is no significant and credible information to
 3 suggest that the individual is unfit or unqualified for
 4 such a position.

5 (d) NOTIFICATION OF SEPARATION.—A notification
 6 of a separation of an individual from a senior level position
 7 required by subsection (a) shall include the effective date
 8 of the separation.

9 **TITLE IV—MATTERS RELATING**
 10 **TO ELEMENTS OF THE INTEL-**
 11 **LIGENCE COMMUNITY**

12 **Subtitle A—Director of National**
 13 **Intelligence**

14 **SEC. 401. APPOINTMENT AND CONFIRMATION OF THE NA-**
 15 **TIONAL COUNTERINTELLIGENCE EXECUTIVE.**

16 Section 902(a) of the Counterintelligence Enhance-
 17 ment Act of 2002 (50 U.S.C. 3382) is amended to read
 18 as follows:

19 “(a) ESTABLISHMENT.—(1) There shall be a Na-
 20 tional Counterintelligence Executive who shall be ap-
 21 pointed by the President, by and with the advice and con-
 22 sent of the Senate.

23 “(2) The President shall make an initial appointment
 24 of the National Counterintelligence Executive under para-
 25 graph (1) not later than one year after the date of the

1 enactment of the Intelligence Authorization Act for Fiscal
2 Year 2016.”.

3 **SEC. 402. INCLUSION OF INSPECTOR GENERAL OF THE IN-**
4 **TELLIGENCE COMMUNITY IN COUNCIL OF IN-**
5 **SPECTORS GENERAL ON INTEGRITY AND EF-**
6 **FICIENCY.**

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

11 **SEC. 403. PROVISION OF INFORMATION AND ASSISTANCE**
12 **TO INSPECTOR GENERAL OF THE INTEL-**
13 **LIGENCE COMMUNITY.**

14 Section 103H(j)(4) of the National Security Act of
15 1947 (50 U.S.C. 3033(j)(4)) is amended—

16 (1) in subparagraph (A), by striking “any de-
17 partment, agency, or other element of the United
18 States Government” and inserting “any Federal,
19 State (as defined in section 804), or local govern-
20 mental agency or unit thereof”; and

21 (2) in subparagraph (B), by inserting “from a
22 department, agency, or element of the Federal Gov-
23 ernment” before “under subparagraph (A)”.

Subtitle B—Central Intelligence Agency

SEC. 411. ANALYTIC OBJECTIVITY REVIEW.

(a) ASSESSMENT.—The Director of National Intelligence shall assign the Chief of the Analytic Integrity and Standards Group, in consultation with the Senior Analytic Service at the Central Intelligence Agency, to conduct a review of finished intelligence products produced by the Central Intelligence Agency to assess whether the reorganization of the Agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity.

(b) SUBMISSION.—Not later than March 6, 2017, the Director of National Intelligence shall submit to the congressional intelligence committees, in writing, the results of the review required under subsection (a), including—

(1) an assessment comparing a representative sample of finished intelligence products produced by the Central Intelligence Agency before the reorganization and a representative sample of such finished intelligence products produced after the reorganization, with a focus on the analytic standard of objectivity;

(2) an assessment comparing the historical results of anonymous surveys of Central Intelligence Agency analysts and customers conducted before the

1 reorganization and the results of such anonymous
 2 surveys conducted after the reorganization, with a
 3 focus on the analytic standard of objectivity;

4 (3) a metrics-based evaluation measuring the
 5 effect that the reorganization's integration of oper-
 6 ational, analytic, support, technical, and digital per-
 7 sonnel and capabilities into Mission Centers has had
 8 on analytic objectivity; and

9 (4) any recommendations for ensuring that
 10 Central Intelligence Agency analysts perform their
 11 functions with objectivity, are not unduly con-
 12 strained, and are not influenced by the force of pref-
 13 erence for a particular policy.

14 **SEC. 412. AUTHORITIES OF THE INSPECTOR GENERAL FOR**
 15 **THE CENTRAL INTELLIGENCE AGENCY.**

16 (a) INFORMATION AND ASSISTANCE.—Paragraph (9)
 17 of section 17(e) of the Central Intelligence Agency Act of
 18 1949 (50 U.S.C. 3517(e)(9)) is amended to read as fol-
 19 lows:

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

1 “(B) Upon request of the Inspector General for infor-
2 mation or assistance from a department or agency of the
3 Federal Government, the head of the department or agen-
4 cy involved, insofar as practicable and not in contravention
5 of any existing statutory restriction or regulation of such
6 department or agency, shall furnish to the Inspector Gen-
7 eral, or to an authorized designee, such information or as-
8 sistance.

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

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

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

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

23 (2) by adding at the end the following new sub-
24 paragraph:

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

4 “(i) the selection of internal and external can-
 5 didates for employment with the Office of Inspector
 6 General; and

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

14 **TITLE V—MATTERS RELATING**
 15 **TO FOREIGN COUNTRIES**
 16 **Subtitle A—Matters Relating to**
 17 **Russia**

18 **SEC. 501. NOTICE OF DEPLOYMENT OR TRANSFER OF**
 19 **CLUB-K CONTAINER MISSILE SYSTEM BY THE**
 20 **RUSSIAN FEDERATION.**

21 (a) NOTICE TO CONGRESS.—The Director of Na-
 22 tional Intelligence shall submit to the appropriate commit-
 23 tees of Congress written notice if the intelligence commu-
 24 nity receives intelligence that the Russian Federation
 25 has—

1 (1) deployed, or is about to deploy, the Club-K
2 container missile system through the Russian mili-
3 tary; or

4 (2) transferred or sold, or intends to transfer or
5 sell, the Club-K container missile system to another
6 state or non-state actor.

7 (b) NOTICE TO CONGRESSIONAL INTELLIGENCE
8 COMMITTEES.—Not later than 30 days after the date that
9 a notice is submitted under subsection (a), the Director
10 of National Intelligence shall submit to the congressional
11 intelligence committees a written update regarding any in-
12 telligence community engagement with a foreign partner
13 on the deployment and impacts of a deployment of the
14 Club-K container missile system to any potentially im-
15 pacted nation.

16 **SEC. 502. ASSESSMENT ON THE FUNDING OF POLITICAL**
17 **PARTIES AND NONGOVERNMENTAL ORGANI-**
18 **ZATIONS BY THE RUSSIAN FEDERATION.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Director of National Intelligence
21 shall submit to the appropriate committees of Congress
22 an intelligence community assessment on the funding of
23 political parties and nongovernmental organizations in
24 former Soviet States and Europe by the Russian Federa-
25 tion and the Russian Federation security and intelligence

1 services since January 1, 2006. Such assessment shall in-
2 clude the country involved, the entity funded, the security
3 service involved, and the intended impact.

4 **SEC. 503. ASSESSMENT ON THE USE OF POLITICAL ASSAS-**
5 **SINATIONS AS A FORM OF STATECRAFT BY**
6 **THE RUSSIAN FEDERATION.**

7 (a) REQUIREMENT FOR ASSESSMENT.—Not later
8 than 180 days after the date of the enactment of this Act,
9 the Director of National Intelligence shall submit to the
10 appropriate committees of Congress an intelligence com-
11 munity assessment on the use of political assassinations
12 as a form of statecraft by the Russian Federation since
13 January 1, 2000.

14 (b) CONTENT.—The assessment required by sub-
15 section (a) shall include—

16 (1) a list of Russian politicians, businessmen,
17 dissidents, journalists, current or former government
18 officials, foreign heads-of-state, foreign political lead-
19 ers, foreign journalists, members of nongovern-
20 mental organization, and other relevant individuals
21 that the intelligence community assesses were assas-
22 sinated by Russian Security Services, or agents of
23 such Services, since January 1, 2000; and

24 (2) for each individual described in paragraph
25 (1), the country in which the assassination took

1 place, the means used, associated individuals and or-
 2 ganizations, and other background information re-
 3 lated to the assassination of the individual.

4 **Subtitle B—Matters Relating to** 5 **Other Countries**

6 **SEC. 511. REPORT ON RESOURCES AND COLLECTION POS-** 7 **TURE WITH REGARD TO THE SOUTH CHINA** 8 **SEA AND EAST CHINA SEA.**

9 (a) IN GENERAL.—Not later than 180 days after the
 10 date of the enactment of this Act, the Director of National
 11 Intelligence shall submit to the congressional intelligence
 12 committees an intelligence community assessment on the
 13 resources utilized for collection efforts and the collection
 14 posture of the intelligence community with regard to the
 15 South China Sea and East China Sea.

16 (b) ELEMENTS.—The intelligence community assess-
 17 ment required by subsection (a) shall provide detailed in-
 18 formation related to United States intelligence collection
 19 with regard to the South China Sea and East China Sea,
 20 to include—

21 (1) a review of intelligence community collection
 22 activities and a description of these activities, to in-
 23 clude the lead agency, key partners, purpose of col-
 24 lection activity, annual funding and personnel, the

1 manner in which the collection is conducted, and
2 types of information collected;

3 (2) an explanation of how the intelligence com-
4 munity prioritizes and coordinates collection activi-
5 ties focused on the region; and

6 (3) a description of any collection and
7 resourcing gaps and efforts being made to address
8 them.

9 **SEC. 512. REPLACEMENT OF LOCALLY EMPLOYED STAFF**
10 **SERVING AT UNITED STATES DIPLOMATIC**
11 **FACILITIES IN CUBA.**

12 (a) EMPLOYMENT REQUIREMENT.—

13 (1) IN GENERAL.—Except as provided under
14 paragraph (2), the Secretary of State shall ensure
15 that, not later than 1 year after the date of the en-
16 actment of this Act, every supervisory position at a
17 United States diplomatic facility in Cuba is occupied
18 by a citizen of the United States who has been sub-
19 jected to, and has passed, a thorough background
20 check.

21 (2) EXTENSION.—The Secretary of State may
22 extend the deadline under paragraph (1) for up to
23 1 year by providing advance written notification and
24 justification of such extension to the appropriate
25 congressional committees.

1 (3) PROGRESS REPORT.—Not later than 180
2 days after the date of the enactment of this Act, the
3 Secretary of State shall submit a report to the ap-
4 propriate congressional committees that describes
5 the progress made toward meeting the requirement
6 under paragraph (1).

7 (b) PLAN FOR REDUCED USE OF LOCALLY EM-
8 PLOYED STAFF.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary of State, in
10 coordination with other appropriate Federal agencies,
11 shall submit a plan to the appropriate congressional com-
12 mittees for reducing the reliance on locally employed staff
13 in United States diplomatic facilities in Cuba that includes
14 cost estimates, timelines, and numbers of employees to be
15 replaced.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

- 19 (1) the congressional intelligence committees;
20 (2) the Committee on Foreign Relations and
21 the Committee on Appropriations of the Senate; and
22 (3) the Committee on Foreign Affairs and the
23 Committee on Appropriations of the House of Rep-
24 resentatives.

1 **SEC. 513. INCLUSION OF SENSITIVE COMPARTMENTED IN-**
2 **FORMATION FACILITIES IN UNITED STATES**
3 **DIPLOMATIC FACILITIES IN CUBA.**

4 (a) **RESTRICTED ACCESS SPACE REQUIREMENT.**—

5 Each United States diplomatic facility that, after the date
6 of the enactment of this Act, is constructed in, or under-
7 goes a construction upgrade in Cuba shall be constructed
8 to include a sensitive compartmented information facility.

9 (b) **NATIONAL SECURITY WAIVER.**—The Secretary of
10 State may waive the requirement under subsection (a) if
11 the Secretary—

12 (1) determines that such waiver is in the na-
13 tional security interest of the United States; and

14 (2) submits a written justification for such
15 waiver to the relevant congressional committees not
16 later than 180 days before exercising such waiver.

17 (c) **RELEVANT CONGRESSIONAL COMMITTEES DE-**
18 **FINED.**—In this section, the term “relevant congressional
19 committees” means—

20 (1) the appropriate committees of Congress;

21 (2) the Committee on Appropriations of the
22 Senate; and

23 (3) the Committee on Appropriations of the
24 House of Representatives.

1 **SEC. 514. REPORT ON USE BY IRAN OF FUNDS MADE AVAIL-**
2 **ABLE THROUGH SANCTIONS RELIEF.**

3 (a) IN GENERAL.—At the times specified in sub-
4 section (b), the Director of National Intelligence, in con-
5 sultation with the Secretary of the Treasury, shall submit
6 to the appropriate congressional committees a report as-
7 sessing the following:

8 (1) The monetary value of any direct or indirect
9 forms of sanctions relief that Iran has received since
10 the Joint Plan of Action first entered into effect.

11 (2) How Iran has used funds made available
12 through sanctions relief, including the extent to
13 which any such funds have facilitated the ability of
14 Iran—

15 (A) to provide support for—

16 (i) any individual or entity designated
17 for the imposition of sanctions for activi-
18 ties relating to international terrorism pur-
19 suant to an Executive order or by the Of-
20 fice of Foreign Assets Control of the De-
21 partment of the Treasury on or before the
22 enactment of this Act;

23 (ii) any organization designated by
24 the Secretary of State as a foreign ter-
25 rorist organization under section 219(a) of
26 the Immigration and Nationality Act (8

1 U.S.C. 1189(a)) on or before the enact-
2 ment of this Act; or

3 (iii) any other terrorist organization,
4 including Hamas, Hezbollah, Palestinian
5 Islamic Jihad, or the regime of Bashar al-
6 Assad in Syria;

7 (B) to advance the efforts of Iran or any
8 other country to develop nuclear weapons or
9 ballistic missiles overtly or covertly; or

10 (C) to commit any violation of the human
11 rights of the people of Iran.

12 (3) The extent to which any senior officials of
13 the Government of Iran have diverted any funds
14 from sanctions relief into their personal accounts.

15 (b) SUBMISSION TO CONGRESS.—

16 (1) IN GENERAL.—The Director shall submit
17 the report required by subsection (a) to the appro-
18 priate congressional committees—

19 (A) not later than 180 days after the date
20 of the enactment of this Act and every 180
21 days thereafter while the Joint Plan of Action
22 is in effect; and

23 (B) not later than one year after a subse-
24 quent agreement with Iran relating to Iran's
25 nuclear program takes effect and annually

1 thereafter while that agreement remains in ef-
2 fect.

3 (2) NONDUPLICATION.—The Director may sub-
4 mit the information required by subsection (a) with
5 a report required to be submitted to Congress under
6 another provision of law if—

7 (A) the Director notifies the appropriate
8 congressional committees of the intention of the
9 Director to do so before submitting that report;
10 and

11 (B) all matters required to be covered by
12 subsection (a) are included in that report.

13 (c) FORM OF REPORTS.—Each report required by
14 subsection (a) shall be submitted in unclassified form, but
15 may include a classified annex.

16 (d) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Banking, Housing,
21 and Urban Affairs, the Committee on Finance,
22 the Committee on Foreign Relations, and the
23 Select Committee on Intelligence of the Senate;
24 and

1 (B) the Committee on Financial Services,
 2 the Committee on Foreign Affairs, the Com-
 3 mittee on Ways and Means, and the Permanent
 4 Select Committee on Intelligence of the House
 5 of Representatives.

6 (2) JOINT PLAN OF ACTION.—The term “Joint
 7 Plan of Action” means the Joint Plan of Action,
 8 signed at Geneva November 24, 2013, by Iran and
 9 by France, Germany, the Russian Federation, the
 10 People’s Republic of China, the United Kingdom,
 11 and the United States, and all implementing mate-
 12 rials and agreements related to the Joint Plan of
 13 Action, including the technical understandings
 14 reached on January 12, 2014, the extension thereto
 15 agreed to on July 18, 2014, and the extension there-
 16 to agreed to on November 24, 2014.

17 **TITLE VI—GENERAL** 18 **PROVISIONS**

19 **SEC. 601. INTELLIGENCE OVERSIGHT EXCEPTION FOR CON-** 20 **TRACTUAL NON-DISCLOSURE PROVISIONS.**

21 (a) IN GENERAL.—No provision of an intelligence
 22 contract that prohibits the disclosure of information may
 23 be construed to prohibit an element of the intelligence
 24 community from providing information to the congres-
 25 sional intelligence committees.

1 (b) INTELLIGENCE CONTRACT DEFINED.—In this
 2 section, the term “intelligence contract” means a contract
 3 entered into by an element of the intelligence community.

4 (c) LIMITATION ON LIABILITY.—No cause of action
 5 shall lie in any court against an element of the intelligence
 6 community or an officer, employee, or contractor of such
 7 element that provides information pursuant to subsection
 8 (a).

9 (d) CONSTRUCTION.—Nothing in this section may be
 10 construed to modify the requirements of section 5.403 of
 11 title 48, Code of Federal Regulations (related to requests
 12 from Members of Congress).

13 **SEC. 602. NOTIFICATION OF CHANGES TO RETENTION OF**
 14 **CALL DETAIL RECORD POLICIES.**

15 (a) REQUIREMENT TO RETAIN.—Not later than 15
 16 days after learning that an electronic communication serv-
 17 ice provider that generates call detail records in the ordi-
 18 nary course of business has changed its policy on the re-
 19 tention of such call detail records to result in a retention
 20 period of less than 18 months, the Director of National
 21 Intelligence shall provide written notification of such
 22 change to the congressional intelligence committees.

23 (b) DEFINITIONS.—In this section:

24 (1) CALL DETAIL RECORD.—The term “call de-
 25 tail record”—

(A) means session-identifying information (including an originating or terminating telephone number, an International Mobile Subscriber Identity number, or an International Mobile Station Equipment Identity number), a telephone calling card number, or the time or duration of a call; and

(B) does not include—

(i) the contents (as defined in section 2510(8) of title 18, United States Code) of any communication;

(ii) the name, address, or financial information of a subscriber or customer; or

(iii) cell site location or global positioning system information.

(2) ELECTRONIC COMMUNICATION SERVICE.—

The term “electronic communication service” has the meaning given that term in section 2510 of title 18, United States Code.

SEC. 603. REQUIREMENT TO REPORT TERRORIST ACTIVITIES AND THE UNLAWFUL DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES.

(a) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public through a facility or means

1 of interstate or foreign commerce, obtains actual knowl-
 2 edge of any terrorist activity, including the facts or cir-
 3 cumstances described in subsection (c) shall, as soon as
 4 reasonably possible, provide to the appropriate authorities
 5 the facts or circumstances of the alleged terrorist activi-
 6 ties.

7 (b) ATTORNEY GENERAL DETERMINATION.—The
 8 Attorney General shall determine the appropriate authori-
 9 ties under subsection (a).

10 (c) FACTS OR CIRCUMSTANCES.—The facts or cir-
 11 cumstances described in this subsection, include any facts
 12 or circumstances from which there is an apparent violation
 13 of section 842(p) of title 18, United States Code, that in-
 14 volves distribution of information relating to explosives,
 15 destructive devices, and weapons of mass destruction.

16 (d) PROTECTION OF PRIVACY.—Nothing in this sec-
 17 tion may be construed to require an electronic communica-
 18 tion service provider or a remote computing service pro-
 19 vider—

20 (1) to monitor any user, subscriber, or cus-
 21 tomer of that provider; or

22 (2) to monitor the content of any communica-
 23 tion of any person described in paragraph (1).

1 **SEC. 604. BROADENING THE SCOPE OF THE OFFICE OF THE**
2 **DIRECTOR OF NATIONAL INTELLIGENCE**
3 **TRADECRAFT REVIEW.**

4 Section 1019(b)(2)(A) of the Intelligence Reform and
5 Terrorism Prevention Act of 2004 (50 U.S.C.
6 3364(b)(2)(A)) is amended by striking “and incorporate,
7 where appropriate, alternative analyses; and” and insert-
8 ing “incorporate, where appropriate, alternative analyses,
9 and explain how substantially similar, contemporaneous
10 intelligence products are distinct in terms of source mate-
11 rial, timeframe, methodology, or other distinguishing ana-
12 lytic characteristic; and”.

13 **SEC. 605. STRATEGY FOR COMPREHENSIVE INTERAGENCY**
14 **REVIEW OF THE UNITED STATES NATIONAL**
15 **SECURITY OVERHEAD SATELLITE ARCHITEC-**
16 **TURE.**

17 (a) REQUIREMENT FOR STRATEGY.—The Director of
18 National Intelligence shall collaborate with the Secretary
19 of Defense and the Chairman of the Joint Chiefs of Staff
20 to develop a strategy, with milestones and benchmarks,
21 to ensure that there is a comprehensive interagency review
22 of policies and practices for planning and acquiring na-
23 tional security satellite systems and architectures, includ-
24 ing the capabilities of commercial systems and partner
25 countries, consistent with the National Space Policy issued
26 on June 28, 2010. Such strategy shall, where applicable,

1 account for the unique missions and authorities vested in
2 the Department of Defense and the intelligence commu-
3 nity.

4 (b) ELEMENTS.—The strategy required by subsection
5 (a) shall ensure that the United States national security
6 overhead satellite architecture—

7 (1) meets the needs of the United States in
8 peace time and is resilient in war time;

9 (2) responsibly stewards the taxpayers’ dollars;

10 (3) accurately takes into account cost and per-
11 formance tradeoffs;

12 (4) meets realistic requirements;

13 (5) produces excellence, innovation, competition,
14 and a robust industrial base;

15 (6) aims to produce innovative satellite systems
16 in less than 5 years that are able to leverage com-
17 mon, standardized design elements and commercially
18 available technologies;

19 (7) takes advantage of rapid advances in com-
20 mercial technology, innovation, and commercial-like
21 acquisition practices;

22 (8) is open to innovative concepts such as dis-
23 tributed, disaggregated architectures that could
24 allow for better resiliency, reconstitution, replenish-
25 ment, and rapid technological refresh; and

1 (9) emphasizes deterrence and recognizes the
2 importance of offensive and defensive space control
3 capabilities.

4 (c) REPORT ON STRATEGY.—Not later than Feb-
5 ruary 28, 2016, the Director of National Intelligence, the
6 Secretary of Defense, and the Chairman of the Joint
7 Chiefs of Staff shall submit to the congressional intel-
8 ligence committees, the Committee on Armed Services of
9 the Senate, and the Committee on Armed Services of the
10 House of Representatives a report on the strategy re-
11 quired by subsection (a).

12 **SEC. 606. UNAUTHORIZED DEALINGS IN SPECIAL NUCLEAR**
13 **MATERIAL.**

14 Section 57b.(2) of the Atomic Energy Act of 1954
15 (42 U.S.C. 2077(b)(2)) is amended in the first sentence
16 in the proviso by inserting “the Director of National Intel-
17 ligence,” after “Commerce,”.

18 **SEC. 607. ENHANCING GOVERNMENT PERSONNEL SECU-**
19 **RITY PROGRAMS.**

20 (a) DEFINITIONS.—In this section:

21 (1) COVERED INDIVIDUAL.—The term “covered
22 individual” means an individual who has been deter-
23 mined eligible for access to classified information or
24 eligible to hold a sensitive position.

1 (2) PERIODIC REINVESTIGATIONS.—The term
 2 “periodic reinvestigations” means investigations con-
 3 ducted periodically, with a frequency as required by
 4 the Director of National Intelligence, for the purpose
 5 of updating a previously completed background in-
 6 vestigation.

7 (b) RESOLUTION OF BACKLOG OF OVERDUE PERI-
 8 ODIC REINVESTIGATIONS.—

9 (1) IN GENERAL.—The Director of National In-
 10 telligence shall develop and implement a plan to
 11 eliminate the backlog of overdue periodic reinvestiga-
 12 tions of covered individuals.

13 (2) REQUIREMENTS.—The plan developed
 14 under paragraph (1) shall—

15 (A) use a risk-based approach to—

16 (i) identify high-risk populations; and

17 (ii) prioritize reinvestigations that are
 18 due or overdue to be conducted; and

19 (B) use random automated record checks
 20 of covered individuals that shall include all cov-
 21 ered individuals in the pool of individuals sub-
 22 ject to a one-time check.

23 (c) ENHANCED SECURITY CLEARANCE PROGRAMS.—
 24 Part III of title 5, United States Code, is amended by
 25 adding at the end the following:

1 **“Subpart J—Enhanced Personnel Security Programs**
 2 **“CHAPTER 110—ENHANCED PERSONNEL**
 3 **SECURITY PROGRAMS**

“Sec.

“11001. Enhanced personnel security programs.

4 **“SEC. 11001. ENHANCED PERSONNEL SECURITY PRO-**
 5 **GRAMS.**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘agency’ has the meaning given
 8 that term in section 3001 of the Intelligence Reform
 9 and Terrorism Prevention Act of 2004 (50 U.S.C.
 10 3341);

11 “(2) the term ‘consumer reporting agency’ has
 12 the meaning given that term in section 603 of the
 13 Fair Credit Reporting Act (15 U.S.C. 1681a);

14 “(3) the term ‘covered individual’ means an in-
 15 dividual who has been determined eligible for access
 16 to classified information or eligible to hold a sen-
 17 sitive position;

18 “(4) the term ‘enhanced personnel security pro-
 19 gram’ means a program implemented by an agency
 20 at the direction of the Director of National Intel-
 21 ligence under subsection (b); and

22 “(5) the term ‘periodic reinvestigations’ means
 23 investigations conducted periodically, with a fre-
 24 quency as required by the Director of National Intel-

1 ligence, for the purpose of updating a previously
2 completed background investigation.

3 “(b) ENHANCED PERSONNEL SECURITY PRO-
4 GRAM.—The Director of National Intelligence shall direct
5 each agency to implement a program to provide enhanced
6 security review of covered individuals—

7 “(1) in accordance with this section; and

8 “(2) not later than the earlier of—

9 “(A) the date that is 5 years after the date
10 of enactment of the Intelligence Authorization
11 Act for Fiscal Year 2016; or

12 “(B) the date on which the backlog of
13 overdue periodic reinvestigations of covered in-
14 dividuals is eliminated, as determined by the
15 Director of National Intelligence.

16 “(c) COMPREHENSIVENESS.—

17 “(1) SOURCES OF INFORMATION.—The en-
18 hanced personnel security program of an agency
19 shall integrate relevant information from various
20 sources, including government, publicly available,
21 and commercial data sources, consumer reporting
22 agencies, social media, and such other sources as de-
23 termined by the Director of National Intelligence.

1 “(2) TYPES OF INFORMATION.—Information
2 obtained and integrated from sources described in
3 paragraph (1) may include—

4 “(A) information relating to any criminal
5 or civil legal proceeding;

6 “(B) financial information relating to the
7 covered individual, including the credit worthi-
8 ness of the covered individual;

9 “(C) public information, including news ar-
10 ticles or reports, that includes relevant security
11 or counterintelligence information about the
12 covered individual;

13 “(D) publicly available electronic informa-
14 tion, to include relevant security or counter-
15 intelligence information on any social media
16 website or forum, that may suggest ill intent,
17 vulnerability to blackmail, compulsive behavior,
18 allegiance to another country, change in ide-
19 ology, or any other information that may sug-
20 gest the covered individual lacks good judg-
21 ment, reliability or trustworthiness; and

22 “(E) data maintained on any terrorist or
23 criminal watch list maintained by any agency,
24 State or local government, or international or-
25 ganization.

1 “(d) REVIEWS OF COVERED INDIVIDUALS.—

2 “(1) REVIEWS.—

3 “(A) IN GENERAL.—The enhanced per-
4 sonnel security program of an agency shall re-
5 quire that, not less than 2 times every 5 years,
6 the head of the agency shall conduct or request
7 the conduct of automated record checks and
8 checks of information from sources under sub-
9 section (c) to ensure the continued eligibility of
10 each covered individual employed by the agency
11 or a contractor of the agency, unless more fre-
12 quent reviews of automated record checks and
13 checks of information from sources under sub-
14 section (c) are conducted on the covered indi-
15 vidual.

16 “(B) SCOPE OF REVIEWS.—Except for a
17 covered individual who is subject to more fre-
18 quent reviews to ensure the continued eligibility
19 of the covered individual, the reviews under
20 subparagraph (A) shall consist of random or
21 aperiodic checks of covered individuals, such
22 that each covered individual is subject to at
23 least 2 reviews during the 5-year period begin-
24 ning on the date on which the agency imple-
25 ments the enhanced personnel security program

1 of an agency, and during each 5-year period
2 thereafter.

3 “(C) INDIVIDUAL REVIEWS.—A review of
4 the information relating to the continued eligi-
5 bility of a covered individual under subpara-
6 graph (A) may not be conducted until after the
7 end of the 120-day period beginning on the
8 date the covered individual receives the notifica-
9 tion required under paragraph (3).

10 “(2) RESULTS.—The head of an agency shall
11 take appropriate action if a review under paragraph
12 (1) finds relevant information that may affect the
13 continued eligibility of a covered individual.

14 “(3) INFORMATION FOR COVERED INDIVID-
15 UALS.—The head of an agency shall ensure that
16 each covered individual employed by the agency or a
17 contractor of the agency is adequately advised of the
18 types of relevant security or counterintelligence in-
19 formation the covered individual is required to re-
20 port to the head of the agency.

21 “(4) LIMITATION.—Nothing in this subsection
22 shall be construed to affect the authority of an agen-
23 cy to determine the appropriate weight to be given
24 to information relating to a covered individual in

1 evaluating the continued eligibility of the covered in-
2 dividual.

3 “(5) GUIDANCE FOR MINOR FINANCIAL OR
4 MENTAL HEALTH ISSUES.—The Director of National
5 Intelligence shall issue guidance defining minor fi-
6 nancial or mental health issues, in accordance with
7 this section and any direction from the President.

8 “(6) AUTHORITY OF THE PRESIDENT.—Noth-
9 ing in this subsection shall be construed as limiting
10 the authority of the President to direct or perpet-
11 uate periodic reinvestigations of a more comprehen-
12 sive nature or to delegate the authority to direct or
13 perpetuate such reinvestigations.

14 “(e) AUDIT.—

15 “(1) IN GENERAL.—Beginning 2 years after the
16 date of implementation of the enhanced personnel
17 security program of an agency under subsection (b),
18 the Inspector General of the agency shall conduct at
19 least 1 audit to assess the effectiveness and fairness,
20 which shall be determined in accordance with per-
21 formance measures and standards established by the
22 Director of National Intelligence, to covered individ-
23 uals of the enhanced personnel security program of
24 the agency.

1 “(2) SUBMISSIONS TO THE DNI.—The results of
 2 each audit conducted under paragraph (1) shall be
 3 submitted to the Director of National Intelligence to
 4 assess the effectiveness and fairness of the enhanced
 5 personnel security programs across the Federal Gov-
 6 ernment.”.

7 (d) TECHNICAL AND CONFORMING AMENDMENT.—
 8 The table of chapters for part III of title 5, United States
 9 Code, is amended by adding at the end following:

 “Subpart J—Enhanced Personnel Security Programs
 “110. Enhanced personnel security programs 11001”.

10 **SEC. 608. 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 Na-
 18 tional Intelligence;”; and

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

Calendar No. 141

114TH CONGRESS
1ST Session
S. 1705

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.

JULY 7, 2015

Read twice and placed on the calendar