



## **SECTION-BY-SECTION ANALYSIS AND EXPLANATION**

### **H.R. 2596: INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016**

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2016.

#### *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.

### **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 DNI 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 IC element under Section 102. The DNI 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 DNI 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.

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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

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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,

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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 except to align the two statutes.

### **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.

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### 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.

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