

[H.R. 2596, Intelligence Authorization Act for Fiscal Year 2016](#)

FLOOR SITUATION

On Tuesday, June 16, 2015, the House will consider [H.R. 2596](#), *the Intelligence Authorization Act for Fiscal Year 2016*, under a [structured rule](#). H.R. 2596 was introduced on June 1, 2015, by Rep. Devin Nunes (R-CA) and was referred to the Select Committee on Intelligence, and in addition, to the Committee on the Budget. The Intelligence Committee ordered the bill reported, as amended, by voice vote on June 4, 2015.

Section 2 of the rule provides that the motion to reconsider the vote on the question of concurring in the matter comprising the remainder of title 2 (TAA) of the Senate amendment to [H.R. 1314](#) may continue to be postponed through the legislative day of Thursday, July 30, 2015.

SUMMARY

H.R. 2596 authorizes appropriations for intelligence and intelligence-related activities of the U.S. government. The bill authorizes funds for the intelligence and intelligence-related activities of the: Office of the Director of National Intelligence; Central Intelligence Agency; Department of Defense; Defense Intelligence Agency; National Security Agency; the Departments of the Army, Navy, and Air Force; Coast Guard; Department of State; Department of Treasury; Department of Energy; Department of Justice; Federal Bureau of Investigation; Drug Enforcement Administration; National Reconnaissance Office; National Geospatial-Intelligence Agency; and, the Department of Homeland Security. The amounts authorized by the bill for these elements for the conduct of intelligence activities are specified in a classified schedule of authorizations, including associated explanatory language, which accompanies the bill.

In general, the bill: “sustains critical capabilities to fight terrorism and counter the proliferation of weapons of mass destruction; funds efforts to recover from unauthorized disclosures of intelligence capabilities; sustains activities in Afghanistan and Iraq to continue the fight against ISIS, al Qaeda, and the Taliban; invests in the resiliency of our national security space architecture; provides policy direction on sensitive intelligence operations; promotes intelligence integration and sharing through investment in Intelligence Community-wide information technology enterprises; enhances investments in military intelligence, surveillance, and reconnaissance aircraft; funds initiatives to

thwart cyberattacks and insider threats; and, requires a report every 60 days on foreign fighters in Syria and Iraq.”¹

Select provisions of the unclassified portion of H.R. 2596 are as follows:

Intelligence Community Management Account (ICMA): The bill authorizes \$502 million for the ICMA. The ICMA provides the principal source of funding for the Office of the Director of National Intelligence (ODNI) and resources for managing the intelligence agencies. The bill authorizes a personnel level of 785 positions within this account, which may be permanent employees of the ODNI or personnel detailed from other elements of the United States Government. The classified annex includes additional authorizations for funds and personnel.

CIA Retirement and Disability System: The bill authorizes \$514 million for the CIA Retirement and Disability Fund for fiscal year 2016.

Restriction on Conduct of Intelligence Activities: The bill clarifies that funds authorized to be appropriated under the bill shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

Designation of Lead Intelligence Officer for Tunnels: The bill requires the Director of National Intelligence (DNI) to designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and non-state actors.

Clarification of Authority of Privacy and Civil Liberties Oversight Board: The bill clarifies that nothing in section 1061(g) of the Intelligence Reform and Terrorism Prevention Act authorizes the Board, or any agent thereof, to gain access to information that an executive branch agency deems related to covert action.

Reporting Process Required for Tracking Certain Requests for Country Clearance: The bill requires the DNI to establish, by no later than September 30, 2016, a formal internal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives by departments and agencies of the United States. The bill requires the reporting process to include a mechanism for tracking the department or agency that submits each such request and the date on which each such request is submitted.

Prohibition on Sharing of Certain Information in Response to Foreign Government Inquiries: The bill prohibits authorized funds to respond to, share, or authorize the sharing of any non-public information related to intelligence activities carried out by the United States in response to a legislative or judicial inquiry from a foreign government about such activities.

National Cyber Threat Intelligence Integration Center: The bill establishes within the ODNI a Cyber Threat Intelligence Integration Center, requires the DNI to appoint the Center’s director, and specifies its primary missions. A similar provision (Section 4(c)) was included in [H.R. 1560](#), the Protecting Cyber Networks Act, which the House passed by a vote of [307 to 116](#) on April 22, 2015.

¹ See Press Release—“[House Intelligence Committee Passes Fiscal year 2016 Intelligence Authorization Bill](#),” June 4, 2015.

Intelligence Community Business System Transformation: The bill limits funds for any Intelligence Community (IC) business system transformation whose cost exceeds \$3 million unless the Chief Information Officer of the IC certifies that the system complies with certain policies and standards or is necessary to achieve a critical national security capability or address a critical requirement, or is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, considering alternative solutions for preventing such adverse effect.

Matters relating to United States Naval Station Guantanamo Bay, Cuba: The bill prohibits funds from being used to transfer, release, or assist in the transfer or release, to or within the United States, its territories, or possessions, Khalid Sheikh Mohammed or any other individual detained at Guantanamo. The bill also prohibits funds to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense. The bill further prohibits funds to transfer, release, or assist in the transfer or release of any individual detained at Guantanamo to a combat zone. These provisions are substantively similar to provisions included in H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016, as reported by the House Armed Services Committee.

Reports on Foreign Fighters: The bill requires the DNI to report to the congressional intelligence committees, no later than 60 days after enactment and every 60 days thereafter, on foreign fighter flows to and from Syria and to and from Iraq. The bill further specifies the matters to be included in such reports.

Reports on Prisoner Population at United States Naval Station Guantanamo Bay, Cuba: The bill requires the Director of the Defense Intelligence Agency, in coordination with the DNI, to report to specified Members of Congress and congressional committees, no later than 60 days after enactment and every 30 days thereafter, on the prisoner population at the Guantanamo detention facility. The bill further specifies the matters to be included in such reports.

BACKGROUND

The U.S. Intelligence Community (IC) consists of 17 agencies and organizations, including the Office of the Director of National Intelligence (ODNI), within the Executive Branch that work both independently and collaboratively to gather and analyze the intelligence necessary to conduct foreign relations and national security activities.² The mission of the ODNI is to lead intelligence integration and forge an Intelligence Community that delivers the most insightful intelligence possible.³

According to Chairman Nunes, “this bill will ensure that the Intelligence Community receives the resources it needs to continue protecting Americans from attack by a wide array of foreign adversaries.”⁴

The House passed the Intelligence Authorization Act for Fiscal Year 2015 ([H.R. 4681](#)) by a vote of [345 to 59](#) on May 30, 2014.

COST

² <http://www.dni.gov/index.php>

³ <http://www.dni.gov/index.php/about/mission>

⁴ See Press Release—“[House Intelligence Committee Passes Fiscal year 2016 Intelligence Authorization Bill](#),” June 4, 2015.

The Congressional Budget Office (CBO) [estimates](#) that implementing the unclassified provisions of the bill would cost about \$660 million over the 2016 to 2020 period, subject to appropriation of the specified and estimated amounts. Enacting H.R. 2596 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO does not provide estimates for classified programs.

AMENDMENTS

- 1) [Rep. Steve Israel \(D-NY\)](#) – The amendment requires the Director of National Intelligence to provide a report to the congressional intelligence and defense committees on the trends related to tunnel use by our adversaries and an update on collaborative efforts with partner countries. The report is due 10 months after enactment and biennially for the next four years.
- 2) [Rep. Steve Israel \(D-NY\)](#) – The amendment requires the Director of National Intelligence to provide report to the congressional intelligence and defense committees on the cyber threat trends identified by the Cyber Threat Intelligence Integration Center, an assessment of collaborative efforts between federal agencies, and recommendations to improve those collaborative efforts. The report is due 10 months after enactment and annually for the next three years.
- 3) [Rep. Joe Crowley \(D-NY\)](#) – The amendment allows the Director of National Intelligence to provide grants to Hispanic-serving institutions of higher education for the purpose of offering advanced foreign language programs deemed in the immediate interest of the intelligence community and for study abroad and cultural immersion programs.
- 4) [Rep. William Keating \(D-MA\)](#) – The amendment requires report on intelligence sharing with members of the EU and NATO regarding the travel of foreign fighters to and from Iraq and Syria and an analysis of the challenges impeding coordinated intelligence efforts.
- 5) [Rep. William Keating \(D-MA\)](#) – The amendment restores a reporting requirement on the progress of the Federal Bureau of Investigation in implementing information-sharing principles.
- 6) [Rep. Adam Schiff \(D-CA\)](#) – The amendment strikes four sections of the bill which add new restrictions to prevent the Administration from closing the Guantanamo Bay Detention Camp.
- 7) [Rep. Tom Rooney \(R-FL\)](#) – The amendment requires a report detailing the Intelligence Community's utilization of the National Science Foundation's CyberCorps Scholarship for Service program. The report shall include a description of how each element of the Intelligence Community recruits CyberCorps Scholarship for Service program graduates, a description of processes available to expedite IC hiring and security clearance of CyberCorps Scholarship for Service program graduates, and any changes to legislative authorities needed to improve IC access to new graduates in cybersecurity and related fields.
- 8) [Rep. Seth Moulton \(D-MA\)](#) – The amendment requires a report and briefing regarding the impacts on the intelligence community (IC) of the recently disclosed cyber breach at OPM. The report must analyze how the breach may negatively impact the IC, including personnel and operations, and best practices for data security in the IC that OPM should follow.
- 9) [Rep. Michael Turner \(R-OH\)](#) – The amendment requires the Director of National Intelligence to submit a report to Congress on the funding of political parties and NGOs in former Soviet

states by the Russian Federation and the security and intelligence services of the Russian Federation. The report shall be submitted in unclassified form and allows for a classified annex.

- 10) [Rep. Sam Farr \(D-CA\)](#) – The amendment requires an ODNI report on continuous evaluation of security clearances.
- 11) [Rep. Kyrsten Sinema \(D-AZ\)](#) – The amendment expresses the sense of Congress that the Intelligence Community should dedicate necessary resources to defeating the revenue mechanisms of the Islamic State. Directs the DNI to submit a report on the strategy efforts and resources of the Intelligence Community that are necessary to detect, deter, and degrade the revenue mechanisms of the Islamic State.
- 12) [Rep. Joe Crowley \(D-NY\)](#) – The amendment requires a report from the DNI on possibilities for growing national security cooperation between the US, Israel, and India.
- 13) [Rep. Joe Wilson \(R-SC\)](#) – The amendment directs the Director of National Intelligence to study how we measure cyber-attacks and report to the relevant committees in both a classified and unclassified format.
- 14) [Rep. Ted Poe \(R-TX\)](#) – The amendment requires the Director of National Intelligence to report to Congress on the nexus between terrorist groups and wildlife trafficking, how wildlife trafficking impacts U.S. national security, and key actors and facilitators of wildlife trafficking.
- 15) [Rep. Ted Poe \(R-TX\)](#) – The amendment requires the Director of National Intelligence to submit a report that represents the coordinated assessment of the intelligence community on how terrorists and terrorist organizations are using social media, the intelligence value of social media posts by terrorists and terrorist organizations, and the impact on the national security of the United States of the public availability of terrorist content on social media.
- 16) Rep. Ted Poe (R-TX) – The amendment requires the Director of National Intelligence to submit to Congress a strategy to defeat ISIL and al-Qaeda.

STAFF CONTACT

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee by email or at 5-0190.