



H.R. 2596—Intelligence Authorization Act for Fiscal Year 2016 (Rep. Nunes, R-CA)

CONTACT: NICHOLAS RODMAN, NICHOLAS.RODMAN@MAIL.HOUSE.GOV, 202-226-8576

FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JUNE 16, 2015, UNDER A [STRUCTURED RULE](#).

TOPLINE SUMMARY: [H.R. 2596](#) would authorize funding for the U.S. intelligence community for Fiscal Year (FY) 2016, including for the intelligence activities of the Central Intelligence Agency (CIA), the Office of the Director of National Intelligence (ODNI), the National Security Agency (NSA), the National Geospatial Intelligence Agency (NGA), and the National Reconnaissance Office (NRO) among others.

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Size and Scope of the Federal Government? No**
- **Encroach into State or Local Authority? No**
- **Delegate Any Legislative Authority to the Executive Branch? No**
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No**

DETAILED SUMMARY AND ANALYSIS: This legislation is mainly contained in a classified annex. The committee's section by section guide can be found [here](#) and press release can be found [here](#). The committee report (H. Rept. 114-144) accompanying H.R. 2596 can be found [here](#).

COST: The Congressional Budget Office (CBO) [estimates](#) that the unclassified provisions of the bill would cost about \$660 million over the 2016-2020 period. H.R. 2596 would not affect direct spending or revenues, and pay-as-you-go procedures do not apply.

CBO does not provide estimates for classified programs.

Title I:

- Title I of the bill would authorize funding for the following intelligence and intelligence-related entities: (1) the Office of the Director of National Intelligence, (2) the Central Intelligence Agency, (3) the Department of Defense, (4) the Defense Intelligence Agency, (5) the National Security Agency, (6) the Department of the Army, the Department of the Navy, and the Department of the Air Force, (7) the Coast Guard, (8) the Department of State, (9) the Department of the Treasury, (10) the Department of Energy, (11) the Department of Justice, (12) the Federal Bureau of Investigation, (13) the Drug Enforcement Administration, (14) the National Reconnaissance Office, (15) the National Geospatial-Intelligence Agency, and (16) the Department of Homeland Security.
- Title I would also provide that the details of the authorized amounts for intelligence and intelligence-related activities and the applicable personnel levels by program contained in the classified Schedule of Authorizations made available to Congress and to the president. Title I would also authorize the Director of National Intelligence employ of civilian personnel in excess of the number authorized if the

director determines that such action is necessary to the performance of important intelligence functions. However, the number of personnel employed in excess of the authorized number may not exceed three percent of the total number of authorized civilian personnel.

- Section 104 of Title I would authorize \$501,850,000 for the Intelligence Community Management Account of the Director of National Intelligence for FY2016. The bill would also authorize 785 positions within the Intelligence Community Management Account of the Director of National Intelligence as of September 30, 2016.

Title II

- Title II would authorize \$514,000,000 for the Central Intelligence Agency Retirement and Disability Fund for FY 2016.

Title III

- Title III would allow for authorized appropriations for salary, pay, retirement, and other benefits for federal employees to be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits.

Section 303 would require the Director of National Intelligence or the Secretary of Defense to notify Congress if any funds are used for any new special access program pertaining to any intelligence or intelligence-related activity or covert action. According to the [section by section](#) provided by the House Permanent Select Committee on Intelligence, Section 303 would waive 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 would require congressional notification before transferring funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund to be used for intelligence activities. Section 305 would require 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 would amend 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 308 would prohibit 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 would establish the Cyber Threat Intelligence Integration Center (CTIIC) within the Office of the Director of National Intelligence. Section 310 would transfer the statutory responsibilities of the now-dissolved Office of Business Transformation to the Chief Information Officer of the Intelligence Community. The Director of National Intelligence would be required to develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems.

Section 313 would clarify that the Comptroller General of the Intelligence Community would not be prevented from obtaining information necessary to carry out an audit or review at the request of the congressional intelligence committees or pursuant to an intelligence authorization Act, a committee report or joint explanatory statement.

Sections 321 and 322 would prohibit funds from being used to transfer or release individuals detained at Guantanamo Bay and from being to construct or modify facilities in the United States to house detainees transferred from Guantanamo Bay. The prohibition would not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba. Section 323 would clarify 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. The term “combat zones” is defined as any area designated as a combat zone for the 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.

Title III would further require a series of reports regarding the communications of individuals formerly detained at Naval Station, Guantanamo Bay, foreign fighters who have traveled to Iraq and Syria, and the prisoner population at Naval Station, Guantanamo Bay.

AMENDMENTS MADE IN ORDER:

- [#11 Crowley \(D-NY\)](#) would require the Director of National Intelligence to submit to Congress a report on possibilities for growing national security cooperation between the United States, India, and Israel.
- [#12 Crowley \(D-NY\)](#) would authorize 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.
- [#26 Farr \(D-CA\)](#) would require the Director of National Intelligence to submit to Congress a report on the continuous evaluation of security clearances of employees, officers, and contractors of the intelligence community to include the status of the intelligence community’s continuous evaluation program, a comparison of such program to the Department of Defense’s automated continuous evaluation system, and the identification of any possible efficiencies that could be achieved by the intelligence community.
- [#19 Israel \(D-NY\)](#) would require the Director of the Cyber Threat Intelligence Integration Center to submit to Congress reports on of cyber threat trends, as compiled by the Cyber Threat Intelligence Integration Center; a detailed description of the coordination efforts by the Cyber Threat Intelligence Integration Center between federal departments and agencies; and recommendations for better collaboration between such federal departments and agencies.
- [#22 Israel \(D-NY\)](#) would require the Director of National Intelligence to submit to Congress a report describing trends in the use of tunnels by foreign state and non-state actors; and collaboration efforts between the United States and partner countries to address the use of tunnels by adversaries. The threat posed by the advance construction of tunnels has played a major role in recent conflicts in the Middle East particular with regards to the state of [Israel](#)’s efforts to combat Hamas’ use of smuggling tunnels.
- [#23 Keating \(D-MA\)](#) would require the Director of National Intelligence to submit to Congress a report that includes a description of the intelligence sharing relationships between the United States and member states of the European Union and member states of the North Atlantic Treaty Organization with respect to the travel of foreign fighters to and from Iraq and Syria, and an analysis of the challenges impeding such intelligence sharing relationships.

- [#24 Keating \(D-MA\)](#) would restore the reporting requirement ([Section 2001\(g\) of the Intelligence Reform and Terrorism Prevention Act of 2004](#)) requiring the Director of the Federal Bureau of Investigation to submit to Congress reports on implementing information-sharing principles.
- [#1 Moulton \(D-MA\)](#) would require the president to submit to Congress a report on the data breach of the Office of Personnel Management (OPM) disclosed in June 2015, including the effects, if any, of the data breach on the operations of the intelligence community abroad, including the types of operations that have been negatively affected or entirely suspended or terminated as a result of the data breach. [OPM](#) recently disclosed a massive data breach it suffered at the hands of Chinese hackers which targeted federal employees.
- [#2 Poe \(R-TX\)](#) would require the Director of National Intelligence to submit to Congress a report on wildlife trafficking including: an assessment of the major source, transit, and destination countries for wildlife trafficking products or their derivatives and how such products or derivatives are trafficked; an assessment of the efforts of those countries identified as major source, transit, and destination countries to counter wildlife trafficking and to adhere to their international treaty obligations relating to endangered or threatened species; an assessment of critical vulnerabilities that can be used to counter wildlife trafficking; an assessment of the extent of involvement of designated foreign terrorist organizations and transnational criminal organizations in wildlife trafficking; and an assessment of key actors and facilitators, including government officials, that are supporting wildlife trafficking.
- [#3 Poe \(R-TX\)](#) would require the Director of National Intelligence to submit to Congress a report that represents the coordinated assessment of the intelligence community on terrorist use of social media including: an assessment of what role social media plays in radicalization in the United States and elsewhere; an assessment of how terrorists and terrorist organizations are using social media, including trends; an assessment of the intelligence value of social media posts by terrorists and terrorist organizations; and an assessment of the impact on the national security of the United States of the public availability of terrorist content on social media for fundraising, radicalization, and recruitment.
- [#4 Poe \(R-TX\)](#) would require the Director of National Intelligence to submit to Congress a strategy to defeat the Islamic State of Iraq and the Levant (ISIL) and al-Qaeda.
- [#8 Rooney \(R-FL\)](#) would require the Director of National Intelligence in coordination with the Director of the National Science Foundation, to submit to Congress a report on the employment by the intelligence community of graduates of the Cyber Corps Scholarship Program.
- [#16 Schiff \(D-CA\)](#) would strike provisions in the bill related to the prohibition on amounts authorized to be appropriated to transfer or release individuals detained at Guantanamo Bay and from being to construct or modify facilities in the United States to house detainees transferred from Guantanamo Bay. The amendment would further strike section 323 which prohibits the transfer or release of an individual detained at Guantanamo Bay to a combat zone. The amendment would also strike reporting requirements including the compilation of 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.

There are serious national security concerns if certain Guantanamo Bay transfer prohibitions are stricken. More information on Guantanamo Bay detention center and the threat posed by detainee recidivism can be found [here](#).

- [#10 Sinema \(D-AZ\)](#) would express a sense of Congress that the intelligence community should dedicate necessary resources to defeating the revenue mechanisms of the Islamic State of Iraq and the Levant (ISIL). The amendment would additionally require the Director of National Intelligence 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 ISIL.
- [#13 Turner \(R-OH\)](#) would require the Director of National Intelligence to submit an intelligence community assessment on the funding of political parties and nongovernmental organizations in former Soviet states and countries in Europe by the Russian Federation and the security and intelligence services of the Russian Federation since January 1, 2006.
- [#29 Wilson \(R-SC\)](#) would require the Director of National Intelligence in consultation with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Secretary of Defense, to report to Congress and carry out a study to determine appropriate cyber-attacks standards that can be used to measure the damage of cyber incidents for the purposes of determining the response to such incidents; and include a method for quantifying the damage caused to affected computers, systems, and devices.

COMMITTEE ACTION: This bill was introduced on June 1, 2015, and was referred to the House Permanent Select Committee on Intelligence. The committee [marked-up](#) the bill on June 4, 2015.

ADMINISTRATION POSITION: No statement of administration position is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States. Article I, section 8 of the Constitution of the United States provides, in pertinent part, that “Congress shall have power ... to pay the debts and provide for the common defense and general welfare of the United States”; “... to raise and support armies ...”; “To provide and maintain a Navy”; “To make Rules for the Government and Regulation of the land and naval Forces”; and “To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.”

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*