

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1681

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## AN ACT

To authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, 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 2014”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**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.

Sec. 202. CIARDS and FERS special retirement credit for service on detail to  
 another agency.

**TITLE III—GENERAL PROVISIONS**

**Subtitle A—General Matters**

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Specific authorization of funding for High Performance Computing  
 Center 2.

Sec. 304. Clarification of exemption from Freedom of Information Act of iden-  
 tities of employees submitting complaints to the Inspector Gen-  
 eral of the Intelligence Community.

Sec. 305. Functional managers for the intelligence community.

Sec. 306. Annual assessment of intelligence community performance by func-  
 tion.

Sec. 307. Software licensing.

Sec. 308. Plans to respond to unauthorized public disclosures of covert actions.

Sec. 309. Auditability.

Sec. 310. Reports of fraud, waste, and abuse.

Sec. 311. Public Interest Declassification Board.

Sec. 312. Official representation items in support of the Coast Guard Attaché  
 Program.

Sec. 313. Declassification review of certain items collected during the mission  
 that killed Osama bin Laden on May 1, 2011.

Sec. 314. Merger of the Foreign Counterintelligence Program and the General Defense Intelligence Program.

Subtitle B—Reporting

- Sec. 321. Significant interpretations of law concerning intelligence activities.
- Sec. 322. Review for official publication of opinions of the Office of Legal Counsel of the Department of Justice concerning intelligence activities.
- Sec. 323. Submittal to Congress by heads of elements of intelligence community of plans for orderly shutdown in event of absence of appropriations.
- Sec. 324. Reports on chemical weapons in Syria.
- Sec. 325. Reports to the intelligence community on penetrations of networks and information systems of certain contractors.
- Sec. 326. Report on electronic waste.
- Sec. 327. Promoting STEM education to meet the future workforce needs of the intelligence community.
- Sec. 328. Repeal of the termination of notification requirements regarding the authorized disclosure of national intelligence.
- Sec. 329. Repeal or modification of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—National Security Agency

- Sec. 401. Appointment of the Director of the National Security Agency.
- Sec. 402. Appointment of the Inspector General of the National Security Agency.
- Sec. 403. Effective date and applicability.

Subtitle B—National Reconnaissance Office

- Sec. 411. Appointment of the Director of the National Reconnaissance Office.
- Sec. 412. Appointment of the Inspector General of the National Reconnaissance Office.
- Sec. 413. Effective date and applicability.

Subtitle C—Central Intelligence Agency

- Sec. 421. Gifts, devises, and bequests.

TITLE V—SECURITY CLEARANCE REFORM

- Sec. 501. Continuous evaluation and sharing of derogatory information regarding personnel with access to classified information.
- Sec. 502. Requirements for intelligence community contractors.
- Sec. 503. Technology improvements to security clearance processing.
- Sec. 504. Report on reciprocity of security clearances.
- Sec. 505. Improving the periodic reinvestigation process.
- Sec. 506. Appropriate committees of Congress defined.

TITLE VI—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

- Sec. 601. Protection of intelligence community whistleblowers.
- Sec. 602. Review of security clearance or access determinations.

Sec. 603. Revisions of other laws.

Sec. 604. Policies and procedures; nonapplicability to certain terminations.

#### TITLE VII—TECHNICAL AMENDMENTS

Sec. 701. Technical amendments to the Central Intelligence Agency Act of 1949.

Sec. 702. Technical amendments to the National Security Act of 1947 relating to the past elimination of certain positions.

Sec. 703. Technical amendments to the Intelligence Authorization Act for Fiscal Year 2013.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (A) the Select Committee on Intelligence of  
7 the Senate; and

8 (B) the Permanent Select Committee on  
9 Intelligence of the House of Representatives.

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

## 14 **TITLE I—INTELLIGENCE** 15 **ACTIVITIES**

### 16 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2014 for the conduct of the intelligence and  
19 intelligence-related activities of the following elements of  
20 the United States Government:

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

3           (2) The Central Intelligence Agency.

4           (3) The Department of Defense.

5           (4) The Defense Intelligence Agency.

6           (5) The National Security Agency.

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

10          (7) The Coast Guard.

11          (8) The Department of State.

12          (9) The Department of the Treasury.

13          (10) The Department of Energy.

14          (11) The Department of Justice.

15          (12) The Federal Bureau of Investigation.

16          (13) The Drug Enforcement Administration.

17          (14) The National Reconnaissance Office.

18          (15) The National Geospatial-Intelligence Agen-  
19          cy.

20          (16) The Department of Homeland Security.

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

22          (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
23 LEVELS.—The amounts authorized to be appropriated  
24 under section 101 and, subject to section 103, the author-  
25 ized personnel ceilings as of September 30, 2014, for the

1 conduct of the intelligence activities of the elements listed  
2 in paragraphs (1) through (16) of section 101, are those  
3 specified in the classified Schedule of Authorizations pre-  
4 pared to accompany the bill S. 1681 of the One Hundred  
5 Thirteenth Congress.

6 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
7 THORIZATIONS.—

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

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

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

22 (A) as provided in section 601(a) of the  
23 Implementing Recommendations of the 9/11  
24 Commission Act of 2007 (50 U.S.C. 3306(a));

1 (B) to the extent necessary to implement  
2 the budget; or

3 (C) as otherwise required by law.

4 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

5 (a) **AUTHORITY FOR INCREASES.**—The Director of  
6 National Intelligence may authorize employment of civil-  
7 ian personnel in excess of the number authorized for fiscal  
8 year 2014 by the classified Schedule of Authorizations re-  
9 ferred to in section 102(a) if the Director of National In-  
10 telligence determines that such action is necessary to the  
11 performance of important intelligence functions, except  
12 that the number of personnel employed in excess of the  
13 number authorized under such section may not, for any  
14 element of the intelligence community, exceed 3 percent  
15 of the number of civilian personnel authorized under such  
16 Schedule for such element.

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

23 (1) a student program, trainee program, or  
24 similar program;

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

3           (3) details, joint duty, or long term, full-time  
4     training.

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

10   **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
11                           **COUNT.**

12     (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
13     authorized to be appropriated for the Intelligence Commu-  
14     nity Management Account of the Director of National In-  
15     telligence for fiscal year 2014 the sum of \$528,229,000.  
16     Within such amount, funds identified in the classified  
17     Schedule of Authorizations referred to in section 102(a)  
18     for advanced research and development shall remain avail-  
19     able until September 30, 2015.

20     (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
21     ments within the Intelligence Community Management  
22     Account of the Director of National Intelligence are au-  
23     thorized 855 positions as of September 30, 2014. Per-  
24     sonnel serving in such elements may be permanent em-  
25     ployees of the Office of the Director of National Intel-

1 ligence or personnel detailed from other elements of the  
2 United States Government.

3 (c) CLASSIFIED AUTHORIZATIONS.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
5 addition to amounts authorized to be appropriated  
6 for the Intelligence Community Management Ac-  
7 count by subsection (a), there are authorized to be  
8 appropriated for the Community Management Ac-  
9 count for fiscal year 2014 such additional amounts  
10 as are specified in the classified Schedule of Author-  
11 izations referred to in section 102(a). Such addi-  
12 tional amounts for advanced research and develop-  
13 ment shall remain available until September 30,  
14 2015.

15 (2) AUTHORIZATION OF PERSONNEL.—In addi-  
16 tion to the personnel authorized by subsection (b)  
17 for elements of the Intelligence Community Manage-  
18 ment Account as of September 30, 2014, there are  
19 authorized such additional personnel for the Com-  
20 munity Management Account as of that date as are  
21 specified in the classified Schedule of Authorizations  
22 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 2014 the sum of \$514,000,000.

9 **SEC. 202. CIARDS AND FERS SPECIAL RETIREMENT CREDIT**  
10 **FOR SERVICE ON DETAIL TO ANOTHER AGEN-**  
11 **CY.**

12 (a) IN GENERAL.—Section 203(b) of the Central In-  
13 telligence Agency Retirement Act (50 U.S.C. 2013(b)) is  
14 amended—

15 (1) in the matter preceding paragraph (1), by  
16 striking “service in the Agency performed” and in-  
17 serting “service performed by an Agency employee”;  
18 and

19 (2) in paragraph (1), by striking “Agency ac-  
20 tivities” and inserting “intelligence activities”.

21 (b) APPLICATION.—The amendment made by sub-  
22 section (a) shall be applied to retired or deceased officers  
23 of the Central Intelligence Agency who were designated  
24 at any time under section 203 of the Central Intelligence

1 Agency Retirement Act (50 U.S.C. 2013) prior to the date  
2 of the enactment of this Act.

3 **TITLE III—GENERAL**  
4 **PROVISIONS**

5 **Subtitle A—General Matters**

6 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**  
7 **BENEFITS AUTHORIZED BY LAW.**

8 Appropriations authorized by this Act for salary, pay,  
9 retirement, and other benefits for Federal employees may  
10 be increased by such additional or supplemental amounts  
11 as may be necessary for increases in such compensation  
12 or benefits authorized by law.

13 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
14 **ACTIVITIES.**

15 The authorization of appropriations by this Act shall  
16 not be deemed to constitute authority for the conduct of  
17 any intelligence activity which is not otherwise authorized  
18 by the Constitution or the laws of the United States.

19 **SEC. 303. SPECIFIC AUTHORIZATION OF FUNDING FOR**  
20 **HIGH PERFORMANCE COMPUTING CENTER 2.**

21 Funds appropriated for the construction of the High  
22 Performance Computing Center 2 (HPCC 2), as described  
23 in the table entitled Consolidated Cryptologic Program  
24 (CCP) in the classified annex to accompany the Consoli-  
25 dated and Further Continuing Appropriations Act, 2013

1 (Public Law 113–6; 127 Stat. 198), in excess of the  
2 amount specified for such activity in the tables in the clas-  
3 sified annex prepared to accompany the Intelligence Au-  
4 thorization Act for Fiscal Year 2013 (Public Law 112–  
5 277; 126 Stat. 2468) shall be specifically authorized by  
6 Congress for the purposes of section 504 of the National  
7 Security Act of 1947 (50 U.S.C. 3094).

8 **SEC. 304. CLARIFICATION OF EXEMPTION FROM FREEDOM**  
9 **OF INFORMATION ACT OF IDENTITIES OF EM-**  
10 **PLOYEES SUBMITTING COMPLAINTS TO THE**  
11 **INSPECTOR GENERAL OF THE INTELLIGENCE**  
12 **COMMUNITY.**

13 Section 103H(g)(3)(A) of the National Security Act  
14 of 1947 (50 U.S.C. 3033(g)(3)(A)) is amended by striking  
15 “undertaken;” and inserting “undertaken, and this provi-  
16 sion shall qualify as a withholding statute pursuant to sub-  
17 section (b)(3) of section 552 of title 5, United States Code  
18 (commonly known as the ‘Freedom of Information Act’);”.

19 **SEC. 305. FUNCTIONAL MANAGERS FOR THE INTEL-**  
20 **LIGENCE COMMUNITY.**

21 (a) **FUNCTIONAL MANAGERS AUTHORIZED.**—Title I  
22 of the National Security Act of 1947 (50 U.S.C. 3021 et  
23 seq.) is amended by inserting after section 103I the fol-  
24 lowing new section:

1 **“SEC. 103J. FUNCTIONAL MANAGERS FOR THE INTEL-**  
2 **LIGENCE COMMUNITY.**

3 “(a) **FUNCTIONAL MANAGERS AUTHORIZED.**—The  
4 Director of National Intelligence may establish within the  
5 intelligence community one or more positions of manager  
6 of an intelligence function. Any position so established  
7 may be known as the ‘Functional Manager’ of the intel-  
8 ligence function concerned.

9 “(b) **PERSONNEL.**—The Director shall designate in-  
10 dividuals to serve as manager of intelligence functions es-  
11 tablished under subsection (a) from among officers and  
12 employees of elements of the intelligence community.

13 “(c) **DUTIES.**—Each manager of an intelligence func-  
14 tion established under subsection (a) shall have the duties  
15 as follows:

16 “(1) To act as principal advisor to the Director  
17 on the intelligence function.

18 “(2) To carry out such other responsibilities  
19 with respect to the intelligence function as the Di-  
20 rector may specify for purposes of this section.”.

21 (b) **TABLE OF CONTENTS AMENDMENT.**—The table  
22 of contents in the first section of the National Security  
23 Act of 1947 is amended by inserting after the item relat-  
24 ing to section 103I the following new item:

“Sec. 103J. Functional managers for the intelligence community.”.

1 **SEC. 306. ANNUAL ASSESSMENT OF INTELLIGENCE COMMU-**  
2 **UNITY PERFORMANCE BY FUNCTION.**

3 (a) ANNUAL ASSESSMENTS REQUIRED.—Title V of  
4 the National Security Act of 1947 (50 U.S.C. 3091 et  
5 seq.) is amended by inserting after section 506I the fol-  
6 lowing new section:

7 **“SEC. 506J. ANNUAL ASSESSMENT OF INTELLIGENCE COM-**  
8 **MUNITY PERFORMANCE BY FUNCTION.**

9 “(a) IN GENERAL.—Not later than April 1, 2016,  
10 and each year thereafter, the Director of National Intel-  
11 ligence shall, in consultation with the Functional Man-  
12 agers, submit to the congressional intelligence committees  
13 a report on covered intelligence functions during the pre-  
14 ceding year.

15 “(b) ELEMENTS.—Each report under subsection (a)  
16 shall include for each covered intelligence function for the  
17 year covered by such report the following:

18 “(1) An identification of the capabilities, pro-  
19 grams, and activities of such intelligence function,  
20 regardless of the element of the intelligence commu-  
21 nity that carried out such capabilities, programs,  
22 and activities.

23 “(2) A description of the investment and alloca-  
24 tion of resources for such intelligence function, in-  
25 cluding an analysis of the allocation of resources  
26 within the context of the National Intelligence Strat-

1       egy, priorities for recipients of resources, and areas  
2       of risk.

3               “(3) A description and assessment of the per-  
4       formance of such intelligence function.

5               “(4) An identification of any issues related to  
6       the application of technical interoperability stand-  
7       ards in the capabilities, programs, and activities of  
8       such intelligence function.

9               “(5) An identification of the operational overlap  
10       or need for de-confliction, if any, within such intel-  
11       ligence function.

12               “(6) A description of any efforts to integrate  
13       such intelligence function with other intelligence dis-  
14       ciplines as part of an integrated intelligence enter-  
15       prise.

16               “(7) A description of any efforts to establish  
17       consistency in tradecraft and training within such  
18       intelligence function.

19               “(8) A description and assessment of develop-  
20       ments in technology that bear on the future of such  
21       intelligence function.

22               “(9) Such other matters relating to such intel-  
23       ligence function as the Director may specify for pur-  
24       poses of this section.

25       “(c) DEFINITIONS.—In this section:

1           “(1) The term ‘covered intelligence functions’  
2 means each intelligence function for which a Func-  
3 tional Manager has been established under section  
4 103J during the year covered by a report under this  
5 section.

6           “(2) The term ‘Functional Manager’ means the  
7 manager of an intelligence function established  
8 under section 103J.”.

9           (b) TABLE OF CONTENTS AMENDMENT.—The table  
10 of contents in the first section of the National Security  
11 Act of 1947 is amended by inserting after the item relat-  
12 ing to section 506I the following new item:

“Sec. 506J. Annual assessment of intelligence community performance by func-  
tion.”.

13 **SEC. 307. SOFTWARE LICENSING.**

14           (a) IN GENERAL.—Title I of the National Security  
15 Act of 1947 (50 U.S.C. 3021 et seq.) is amended by in-  
16 serting after section 108 the following new section:

17 **“SEC. 109. SOFTWARE LICENSING.**

18           “(a) REQUIREMENT FOR INVENTORIES OF SOFT-  
19 WARE LICENSES.—The chief information officer of each  
20 element of the intelligence community, in consultation  
21 with the Chief Information Officer of the Intelligence  
22 Community, shall biennially—

1           “(1) conduct an inventory of all existing soft-  
2       ware licenses of such element, including utilized and  
3       unutilized licenses;

4           “(2) assess the actions that could be carried out  
5       by such element to achieve the greatest possible  
6       economies of scale and associated cost savings in  
7       software procurement and usage; and

8           “(3) submit to the Chief Information Officer of  
9       the Intelligence Community each inventory required  
10      by paragraph (1) and each assessment required by  
11      paragraph (2).

12       “(b) INVENTORIES BY THE CHIEF INFORMATION OF-  
13      FICER OF THE INTELLIGENCE COMMUNITY.—The Chief  
14      Information Officer of the Intelligence Community, based  
15      on the inventories and assessments required by subsection  
16      (a), shall biennially—

17           “(1) compile an inventory of all existing soft-  
18       ware licenses of the intelligence community, includ-  
19       ing utilized and unutilized licenses; and

20           “(2) assess the actions that could be carried out  
21       by the intelligence community to achieve the greatest  
22       possible economies of scale and associated cost sav-  
23       ings in software procurement and usage.

24       “(c) REPORTS TO CONGRESS.—The Chief Informa-  
25      tion Officer of the Intelligence Community shall submit

1 to the congressional intelligence committees a copy of each  
2 inventory compiled under subsection (b)(1).”.

3 (b) INITIAL INVENTORY.—

4 (1) INTELLIGENCE COMMUNITY ELEMENTS.—

5 (A) DATE.—Not later than 120 days after  
6 the date of the enactment of this Act, the chief  
7 information officer of each element of the intel-  
8 ligence community shall complete the initial in-  
9 ventory, assessment, and submission required  
10 under section 109(a) of the National Security  
11 Act of 1947, as added by subsection (a) of this  
12 section.

13 (B) BASIS.—The initial inventory con-  
14 ducted for each element of the intelligence com-  
15 munity under section 109(a)(1) of the National  
16 Security Act of 1947, as added by subsection  
17 (a) of this section, shall be based on the inven-  
18 tory of software licenses conducted pursuant to  
19 section 305 of the Intelligence Authorization  
20 Act for Fiscal Year 2013 (Public Law 112–277;  
21 126 Stat. 2472) for such element.

22 (2) CHIEF INFORMATION OFFICER OF THE IN-  
23 TELLIGENCE COMMUNITY.—Not later than 180 days  
24 after the date of the enactment of this Act, the  
25 Chief Information Officer of the Intelligence Com-

1 munity shall complete the initial compilation and as-  
2 sessment required under section 109(b) of the Na-  
3 tional Security Act of 1947, as added by subsection  
4 (a).

5 (c) TABLE OF CONTENTS AMENDMENTS.—The table  
6 of contents in the first section of the National Security  
7 Act of 1947 is amended—

8 (1) by striking the second item relating to sec-  
9 tion 104 (relating to Annual national security strat-  
10 egy report); and

11 (2) inserting after the item relating to section  
12 108 the following new item:

“Sec. 109. Software licensing.”.

13 **SEC. 308. PLANS TO RESPOND TO UNAUTHORIZED PUBLIC**  
14 **DISCLOSURES OF COVERT ACTIONS.**

15 Section 503 of the National Security Act of 1947 (50  
16 U.S.C. 3093) is amended by adding at the end the fol-  
17 lowing new subsection:

18 “(h) For each type of activity undertaken as part of  
19 a covert action, the President shall establish in writing a  
20 plan to respond to the unauthorized public disclosure of  
21 that type of activity.”.

22 **SEC. 309. AUDITABILITY.**

23 (a) IN GENERAL.—Title V of the National Security  
24 Act of 1947 (50 U.S.C. 3091 et seq.) is amended by add-  
25 ing at the end the following new section:

1 **“SEC. 509. AUDITABILITY OF CERTAIN ELEMENTS OF THE**  
2 **INTELLIGENCE COMMUNITY.**

3 “(a) REQUIREMENT FOR ANNUAL AUDITS.—The  
4 head of each covered entity shall ensure that there is a  
5 full financial audit of such covered entity each year begin-  
6 ning with fiscal year 2014. Such audits may be conducted  
7 by an internal or external independent accounting or au-  
8 diting organization.

9 “(b) REQUIREMENT FOR UNQUALIFIED OPINION.—  
10 Beginning as early as practicable, but in no event later  
11 than the audit required under subsection (a) for fiscal year  
12 2016, the head of each covered entity shall take all reason-  
13 able steps necessary to ensure that each audit required  
14 under subsection (a) contains an unqualified opinion on  
15 the financial statements of such covered entity for the fis-  
16 cal year covered by such audit.

17 “(c) REPORTS TO CONGRESS.—The chief financial  
18 officer of each covered entity shall provide to the congres-  
19 sional intelligence committees an annual audit report from  
20 an accounting or auditing organization on each audit of  
21 the covered entity conducted pursuant to subsection (a).

22 “(d) COVERED ENTITY DEFINED.—In this section,  
23 the term ‘covered entity’ means the Office of the Director  
24 of National Intelligence, the Central Intelligence Agency,  
25 the Defense Intelligence Agency, the National Security

1 Agency, the National Reconnaissance Office, and the Na-  
2 tional Geospatial-Intelligence Agency.”.

3 (b) TABLE OF CONTENTS AMENDMENT.—The table  
4 of contents in the first section of the National Security  
5 Act of 1947 is amended by inserting after the item relat-  
6 ing to section 508 the following new item:

“Sec. 509. Auditability of certain elements of the intelligence community.”.

7 **SEC. 310. REPORTS OF FRAUD, WASTE, AND ABUSE.**

8 Section 8H(a) of the Inspector General Act of 1978  
9 (5 U.S.C. App.) is amended in paragraph (1)—

10 (1) by redesignating subparagraphs (B) and  
11 (C) as subparagraphs (C) and (D), respectively;

12 (2) by inserting after subparagraph (A) the fol-  
13 lowing:

14 “(B) An employee of an element of the intelligence  
15 community, an employee assigned or detailed to an ele-  
16 ment of the intelligence community, or an employee of a  
17 contractor to the intelligence community, who intends to  
18 report to Congress a complaint or information with respect  
19 to an urgent concern may report such complaint or infor-  
20 mation to the Inspector General of the Intelligence Com-  
21 munity.”; and

22 (3) in subparagraph (D), as redesignated by  
23 paragraph (1)—

24 (A) by striking “Act or section 17” and in-  
25 serting “Act, section 17”; and

1 (B) by striking the period at the end and  
2 inserting “, or section 103H(k) of the National  
3 Security Act of 1947 (50 U.S.C. 3033(k)).”.

4 **SEC. 311. PUBLIC INTEREST DECLASSIFICATION BOARD.**

5 Section 710(b) of the Public Interest Declassification  
6 Act of 2000 (Public Law 106–567; 50 U.S.C. 3161 note)  
7 is amended by striking “2014.” and inserting “2018.”.

8 **SEC. 312. OFFICIAL REPRESENTATION ITEMS IN SUPPORT**  
9 **OF THE COAST GUARD ATTACHÉ PROGRAM.**

10 Notwithstanding any other limitation on the amount  
11 of funds that may be used for official representation items,  
12 the Secretary of Homeland Security may use funds made  
13 available to the Secretary through the National Intel-  
14 ligence Program for necessary expenses for intelligence  
15 analysis and operations coordination activities for official  
16 representation items in support of the Coast Guard  
17 Attaché Program.

18 **SEC. 313. DECLASSIFICATION REVIEW OF CERTAIN ITEMS**  
19 **COLLECTED DURING THE MISSION THAT**  
20 **KILLED OSAMA BIN LADEN ON MAY 1, 2011.**

21 Not later than 120 days after the date of the enact-  
22 ment of this Act, the Director of National Intelligence  
23 shall—

24 (1) in the manner described in the classified  
25 annex to this Act—

1 (A) complete a declassification review of  
2 documents collected in Abbottabad, Pakistan,  
3 during the mission that killed Osama bin Laden  
4 on May 1, 2011; and

5 (B) make publicly available any informa-  
6 tion declassified as a result of the declassifica-  
7 tion review required under paragraph (1); and  
8 (2) report to the congressional intelligence com-  
9 mittees—

10 (A) the results of the declassification re-  
11 view required under paragraph (1); and

12 (B) a justification for not declassifying any  
13 information required to be included in such de-  
14 classification review that remains classified.

15 **SEC. 314. MERGER OF THE FOREIGN COUNTERINTEL-**  
16 **LIGENCE PROGRAM AND THE GENERAL DE-**  
17 **FENSE INTELLIGENCE PROGRAM.**

18 Notwithstanding any other provision of law, the Di-  
19 rector of National Intelligence shall carry out the merger  
20 of the Foreign Counterintelligence Program into the Gen-  
21 eral Defense Intelligence Program as directed in the clas-  
22 sified annex to this Act. The merger shall go into effect  
23 no earlier than 30 days after written notification of the  
24 merger is provided to the congressional intelligence com-  
25 mittees.

1                   **Subtitle B—Reporting**

2   **SEC. 321. SIGNIFICANT INTERPRETATIONS OF LAW CON-**  
3                   **CERNING INTELLIGENCE ACTIVITIES.**

4           (a) IN GENERAL.—Title V of the National Security  
5 Act of 1947 (50 U.S.C. 3021 et seq.), as added by section  
6 309 of this Act, is further amended by adding at the end  
7 the following new section:

8   **“SEC. 510. SIGNIFICANT INTERPRETATIONS OF LAW CON-**  
9                   **CERNING INTELLIGENCE ACTIVITIES.**

10           “(a) NOTIFICATION.—Except as provided in sub-  
11 section (c) and to the extent consistent with due regard  
12 for the protection from unauthorized disclosure of classi-  
13 fied information relating to sensitive intelligence sources  
14 and methods or other exceptionally sensitive matters, the  
15 General Counsel of each element of the intelligence com-  
16 munity shall notify the congressional intelligence commit-  
17 tees, in writing, of any significant legal interpretation of  
18 the United States Constitution or Federal law affecting  
19 intelligence activities conducted by such element by not  
20 later than 30 days after the date of the commencement  
21 of any intelligence activity pursuant to such interpreta-  
22 tion.

23           “(b) CONTENT.—Each notification under subsection  
24 (a) shall provide a summary of the significant legal inter-

1 pretation and the intelligence activity or activities con-  
2 ducted pursuant to such interpretation.

3 “(c) EXCEPTIONS.—A notification under subsection  
4 (a) shall not be required for a significant legal interpreta-  
5 tion if—

6 “(1) notice of the significant legal interpreta-  
7 tion was previously provided to the congressional in-  
8 telligence committees under subsection (a); or

9 “(2) the significant legal interpretation was  
10 made before the date of the enactment of the Intel-  
11 ligence Authorization Act for Fiscal Year 2014.

12 “(d) LIMITED ACCESS FOR COVERT ACTION.—If the  
13 President determines that it is essential to limit access to  
14 a covert action finding under section 503(c)(2), the Presi-  
15 dent may limit access to information concerning such find-  
16 ing that is subject to notification under this section to  
17 those members of Congress who have been granted access  
18 to the relevant finding under section 503(c)(2).”.

19 (b) TABLE OF CONTENTS AMENDMENT.—The table  
20 of contents in the first section of the National Security  
21 Act of 1947 is amended by inserting after the item relat-  
22 ing to section 509, as so added, the following new item:

“Sec. 510. Significant interpretations of law concerning intelligence activities.”.

1 **SEC. 322. REVIEW FOR OFFICIAL PUBLICATION OF OPIN-**  
2 **IONS OF THE OFFICE OF LEGAL COUNSEL OF**  
3 **THE DEPARTMENT OF JUSTICE CONCERNING**  
4 **INTELLIGENCE ACTIVITIES.**

5 (a) PROCESS FOR REVIEW FOR OFFICIAL PUBLICA-  
6 TION.—Not later than 180 days after the date of the en-  
7 actment of this Act, the Attorney General shall, in coordi-  
8 nation with the Director of National Intelligence, establish  
9 a process for the regular review for official publication of  
10 significant opinions of the Office of Legal Counsel of the  
11 Department of Justice that have been provided to an ele-  
12 ment of the intelligence community.

13 (b) FACTORS.—The process of review of opinions es-  
14 tablished under subsection (a) shall include consideration  
15 of the following:

16 (1) The potential importance of an opinion to  
17 other agencies or officials in the Executive branch.

18 (2) The likelihood that similar questions ad-  
19 dressed in an opinion may arise in the future.

20 (3) The historical importance of an opinion or  
21 the context in which it arose.

22 (4) The potential significance of an opinion to  
23 the overall jurisprudence of the Office of Legal  
24 Counsel.

1           (5) Such other factors as the Attorney General  
2           and the Director of National Intelligence consider  
3           appropriate.

4           (c) PRESUMPTION.—The process of review estab-  
5           lished under subsection (a) shall apply a presumption that  
6           significant opinions of the Office of Legal Counsel should  
7           be published when practicable, consistent with national se-  
8           curity and other confidentiality considerations.

9           (d) CONSTRUCTION.—Nothing in this section shall  
10          require the official publication of any opinion of the Office  
11          of Legal Counsel, including publication under any cir-  
12          cumstance as follows:

13               (1) When publication would reveal classified or  
14               other sensitive information relating to national secu-  
15               rity.

16               (2) When publication could reasonably be an-  
17               ticipated to interfere with Federal law enforcement  
18               efforts or is prohibited by law.

19               (3) When publication would conflict with pre-  
20               serving internal Executive branch deliberative proc-  
21               esses or protecting other information properly sub-  
22               ject to privilege.

23           (e) REQUIREMENT TO PROVIDE CLASSIFIED OPIN-  
24          IONS TO CONGRESS.—

1           (1) IN GENERAL.—Any opinion of the Office of  
2       Legal Counsel that would have been selected for  
3       publication under the process of review established  
4       under subsection (a) but for the fact that publication  
5       would reveal classified or other sensitive information  
6       relating to national security shall be provided or  
7       made available to the appropriate committees of  
8       Congress.

9           (2) EXCEPTION FOR COVERT ACTION.—If the  
10      President determines that it is essential to limit ac-  
11      cess to a covert action finding under section  
12      503(c)(2) of the National Security Act of 1947 (50  
13      U.S.C. 3093(c)(2)), the President may limit access  
14      to information concerning such finding that would  
15      otherwise be provided or made available under this  
16      subsection to those members of Congress who have  
17      been granted access to such finding under such sec-  
18      tion 503(c)(2).

19      (f) JUDICIAL REVIEW.—The determination whether  
20      an opinion of the Office of Legal Counsel is appropriate  
21      for official publication under the process of review estab-  
22      lished under subsection (a) is discretionary and is not sub-  
23      ject to judicial review.

1 **SEC. 323. SUBMITTAL TO CONGRESS BY HEADS OF ELE-**  
2 **MENTS OF INTELLIGENCE COMMUNITY OF**  
3 **PLANS FOR ORDERLY SHUTDOWN IN EVENT**  
4 **OF ABSENCE OF APPROPRIATIONS.**

5 (a) IN GENERAL.—Whenever the head of an applica-  
6 ble agency submits a plan to the Director of the Office  
7 of Management and Budget in accordance with section  
8 124 of Office of Management and Budget Circular A–11,  
9 pertaining to agency operations in the absence of appro-  
10 priations, or any successor circular of the Office that re-  
11 quires the head of an applicable agency to submit to the  
12 Director a plan for an orderly shutdown in the event of  
13 the absence of appropriations, such head shall submit a  
14 copy of such plan to the following:

15 (1) The congressional intelligence committees.

16 (2) The Subcommittee on Defense of the Com-  
17 mittee on Appropriations of the Senate.

18 (3) The Subcommittee on Defense of the Com-  
19 mittee on Appropriations of the House of Represent-  
20 atives.

21 (4) In the case of a plan for an element of the  
22 intelligence community that is within the Depart-  
23 ment of Defense, to—

24 (A) the Committee on Armed Services of  
25 the Senate; and

1 (B) the Committee on Armed Services of  
2 the House of Representatives.

3 (b) HEAD OF AN APPLICABLE AGENCY DEFINED.—

4 In this section, the term “head of an applicable agency”  
5 includes the following:

6 (1) The Director of National Intelligence.

7 (2) The Director of the Central Intelligence  
8 Agency.

9 (3) Each head of each element of the intel-  
10 ligence community that is within the Department of  
11 Defense.

12 **SEC. 324. REPORTS ON CHEMICAL WEAPONS IN SYRIA.**

13 (a) IN GENERAL.—Not later than 30 days after the  
14 date of the enactment of this Act, the Director of National  
15 Intelligence shall submit to Congress a report on the Syr-  
16 ian chemical weapons program.

17 (b) ELEMENTS.—The report required under sub-  
18 section (a) shall include the following elements:

19 (1) A comprehensive assessment of chemical  
20 weapon stockpiles in Syria, including names, types,  
21 and quantities of chemical weapons agents, types of  
22 munitions, and location and form of storage, produc-  
23 tion, and research and development facilities.

24 (2) A listing of key personnel associated with  
25 the Syrian chemical weapons program.

1           (3) An assessment of undeclared chemical  
2 weapons stockpiles, munitions, and facilities.

3           (4) An assessment of how these stockpiles, pre-  
4 cursors, and delivery systems were obtained.

5           (5) A description of key intelligence gaps re-  
6 lated to the Syrian chemical weapons program.

7           (6) An assessment of any denial and deception  
8 efforts on the part of the Syrian regime related to  
9 its chemical weapons program.

10       (c) PROGRESS REPORTS.—Every 90 days until the  
11 date that is 18 months after the date of the enactment  
12 of this Act, the Director of National Intelligence shall sub-  
13 mit to Congress a progress report providing any material  
14 updates to the report required under subsection (a).

15 **SEC. 325. REPORTS TO THE INTELLIGENCE COMMUNITY ON**  
16 **PENETRATIONS OF NETWORKS AND INFOR-**  
17 **MATION SYSTEMS OF CERTAIN CONTRAC-**  
18 **TORS.**

19       (a) PROCEDURES FOR REPORTING PENETRA-  
20 TIONS.—The Director of National Intelligence shall estab-  
21 lish procedures that require each cleared intelligence con-  
22 tractor to report to an element of the intelligence commu-  
23 nity designated by the Director for purposes of such proce-  
24 dures when a network or information system of such con-

1 tractor that meets the criteria established pursuant to sub-  
2 section (b) is successfully penetrated.

3 (b) NETWORKS AND INFORMATION SYSTEMS SUB-  
4 JECT TO REPORTING.—The Director of National Intel-  
5 ligence shall, in consultation with appropriate officials, es-  
6 tablish criteria for covered networks to be subject to the  
7 procedures for reporting system penetrations under sub-  
8 section (a).

9 (c) PROCEDURE REQUIREMENTS.—

10 (1) RAPID REPORTING.—The procedures estab-  
11 lished pursuant to subsection (a) shall require each  
12 cleared intelligence contractor to rapidly report to an  
13 element of the intelligence community designated  
14 pursuant to subsection (a) of each successful pene-  
15 tration of the network or information systems of  
16 such contractor that meet the criteria established  
17 pursuant to subsection (b). Each such report shall  
18 include the following:

19 (A) A description of the technique or  
20 method used in such penetration.

21 (B) A sample of the malicious software, if  
22 discovered and isolated by the contractor, in-  
23 volved in such penetration.

24 (C) A summary of information created by  
25 or for such element in connection with any pro-

1           gram of such element that has been potentially  
2           compromised due to such penetration.

3           (2) ACCESS TO EQUIPMENT AND INFORMATION  
4           BY INTELLIGENCE COMMUNITY PERSONNEL.—The  
5           procedures established pursuant to subsection (a)  
6           shall—

7                   (A) include mechanisms for intelligence  
8                   community personnel to, upon request, obtain  
9                   access to equipment or information of a cleared  
10                  intelligence contractor necessary to conduct fo-  
11                  rensic analysis in addition to any analysis con-  
12                  ducted by such contractor;

13                  (B) provide that a cleared intelligence con-  
14                  tractor is only required to provide access to  
15                  equipment or information as described in sub-  
16                  paragraph (A) to determine whether informa-  
17                  tion created by or for an element of the intel-  
18                  ligence community in connection with any intel-  
19                  ligence community program was successfully  
20                  exfiltrated from a network or information sys-  
21                  tem of such contractor and, if so, what informa-  
22                  tion was exfiltrated; and

23                  (C) provide for the reasonable protection of  
24                  trade secrets, commercial or financial informa-  
25                  tion, and information that can be used to iden-

1           tify a specific person (other than the name of  
2           the suspected perpetrator of the penetration).

3           (3) LIMITATION ON DISSEMINATION OF CER-  
4           TAIN INFORMATION.—The procedures established  
5           pursuant to subsection (a) shall prohibit the dissemi-  
6           nation outside the intelligence community of infor-  
7           mation obtained or derived through such procedures  
8           that is not created by or for the intelligence commu-  
9           nity except—

10                   (A) with the approval of the contractor  
11                   providing such information;

12                   (B) to the congressional intelligence com-  
13                   mittees or the Subcommittees on Defense of the  
14                   Committees on Appropriations of the House of  
15                   Representatives and the Senate for such com-  
16                   mittees and such Subcommittees to perform  
17                   oversight; or

18                   (C) to law enforcement agencies to inves-  
19                   tigate a penetration reported under this section.

20           (d) ISSUANCE OF PROCEDURES AND ESTABLISH-  
21           MENT OF CRITERIA.—

22                   (1) IN GENERAL.—Not later than 90 days after  
23                   the date of the enactment of this Act, the Director  
24                   of National Intelligence shall establish the proce-

1       dures required under subsection (a) and the criteria  
2       required under subsection (b).

3               (2) APPLICABILITY DATE.—The requirements  
4       of this section shall apply on the date on which the  
5       Director of National Intelligence establishes the pro-  
6       cedures required under this section.

7               (e) COORDINATION WITH THE SECRETARY OF DE-  
8       FENSE TO PREVENT DUPLICATE REPORTING.—Not later  
9       than 180 days after the date of the enactment of this Act,  
10      the Director of National Intelligence and the Secretary of  
11      Defense shall establish procedures to permit a contractor  
12      that is a cleared intelligence contractor and a cleared de-  
13      fense contractor under section 941 of the National De-  
14      fense Authorization Act for Fiscal Year 2013 (Public Law  
15      112–239; 10 U.S.C. 2224 note) to submit a single report  
16      that satisfies the requirements of this section and such  
17      section 941 for an incident of penetration of network or  
18      information system.

19              (f) DEFINITIONS.—In this section:

20                      (1) CLEARED INTELLIGENCE CONTRACTOR.—  
21              The term “cleared intelligence contractor” means a  
22              private entity granted clearance by the Director of  
23              National Intelligence or the head of an element of  
24              the intelligence community to access, receive, or  
25              store classified information for the purpose of bid-

1       ding for a contract or conducting activities in sup-  
2       port of any program of an element of the intelligence  
3       community.

4           (2) COVERED NETWORK.—The term “covered  
5       network” means a network or information system of  
6       a cleared intelligence contractor that contains or  
7       processes information created by or for an element  
8       of the intelligence community with respect to which  
9       such contractor is required to apply enhanced pro-  
10      tection.

11       (g) SAVINGS CLAUSES.—Nothing in this section shall  
12      be construed to alter or limit any otherwise authorized ac-  
13      cess by government personnel to networks or information  
14      systems owned or operated by a contractor that processes  
15      or stores government data.

16      **SEC. 326. REPORT ON ELECTRONIC WASTE.**

17       (a) REPORT.—Not later than 90 days after the date  
18      of the enactment of this Act, the Director of National In-  
19      telligence shall submit to the congressional intelligence  
20      committees a report on the extent to which the intelligence  
21      community has implemented the recommendations of the  
22      Inspector General of the Intelligence Community con-  
23      tained in the report entitled “Study of Intelligence Com-  
24      munity Electronic Waste Disposal Practices” issued in  
25      May 2013. Such report shall include an assessment of the

1 extent to which the policies, standards, and guidelines of  
2 the intelligence community governing the proper disposal  
3 of electronic waste are applicable to covered commercial  
4 electronic waste that may contain classified information.

5 (b) DEFINITIONS.—In this section:

6 (1) COVERED COMMERCIAL ELECTRONIC  
7 WASTE.—The term “covered commercial electronic  
8 waste” means electronic waste of a commercial enti-  
9 ty that contracts with an element of the intelligence  
10 community.

11 (2) ELECTRONIC WASTE.—The term “electronic  
12 waste” includes any obsolete, broken, or irreparable  
13 electronic device, including a television, copier, fac-  
14 simile machine, tablet, telephone, computer, com-  
15 puter monitor, laptop, printer, scanner, and associ-  
16 ated electrical wiring.

17 **SEC. 327. PROMOTING STEM EDUCATION TO MEET THE FU-**  
18 **TURE WORKFORCE NEEDS OF THE INTEL-**  
19 **LIGENCE COMMUNITY.**

20 (a) REPORT.—Not later than 180 days after the date  
21 of the enactment of this Act, the Director of National In-  
22 telligence shall submit to the Secretary of Education and  
23 the congressional intelligence committees a report describ-  
24 ing the anticipated hiring needs of the intelligence commu-  
25 nity in the fields of science, technology, engineering, and

1 mathematics, including cybersecurity and computer lit-  
2 eracy. The report shall—

3           (1) describe the extent to which competitions,  
4 challenges, or internships at elements of the intel-  
5 ligence community that do not involve access to clas-  
6 sified information may be utilized to promote edu-  
7 cation in the fields of science, technology, engineer-  
8 ing, and mathematics, including cybersecurity and  
9 computer literacy, within high schools or institutions  
10 of higher education in the United States;

11           (2) include cost estimates for carrying out such  
12 competitions, challenges, or internships; and

13           (3) include strategies for conducting expedited  
14 security clearance investigations and adjudications  
15 for students at institutions of higher education for  
16 purposes of offering internships at elements of the  
17 intelligence community.

18       (b) **CONSIDERATION OF EXISTING PROGRAMS.**—In  
19 developing the report under subsection (a), the Director  
20 shall take into consideration existing programs of the in-  
21 telligence community, including the education programs of  
22 the National Security Agency and the Information Assur-  
23 ance Scholarship Program of the Department of Defense,  
24 as appropriate.

25       (c) **DEFINITIONS.**—In this section:

1           (1) HIGH SCHOOL.—The term “high school”  
2       mean a school that awards a secondary school di-  
3       ploma.

4           (2) INSTITUTION OF HIGHER EDUCATION.—The  
5       term “institution of higher education” has the  
6       meaning given the term in section 101(a) of the  
7       Higher Education Act of 1965 (20 U.S.C. 1001(a)).

8           (3) SECONDARY SCHOOL.—The term “sec-  
9       ondary school” has the meaning given the term in  
10      section 9101 of the Elementary and Secondary Edu-  
11      cation Act of 1965 (20 U.S.C. 7801).

12 **SEC. 328. REPEAL OF THE TERMINATION OF NOTIFICATION**  
13                   **REQUIREMENTS REGARDING THE AUTHOR-**  
14                   **IZED DISCLOSURE OF NATIONAL INTEL-**  
15                   **LIGENCE.**

16       Section 504 of the Intelligence Authorization Act for  
17       Fiscal Year 2013 (Public Law 112–277; 126 Stat. 2477)  
18       is amended by striking subsection (e).

19 **SEC. 329. REPEAL OR MODIFICATION OF CERTAIN REPORT-**  
20                   **ING REQUIREMENTS.**

21       (a) REPEAL OF REPORTING REQUIREMENTS.—

22           (1) THREAT OF ATTACK ON THE UNITED  
23       STATES USING WEAPONS OF MASS DESTRUCTION.—

24       Section 114 of the National Security Act of 1947

1 (50 U.S.C. 3050) is amended by striking subsection  
2 (b).

3 (2) TREATY ON CONVENTIONAL ARMED FORCES  
4 IN EUROPE.—Section 2(5)(E) of the Senate resolu-  
5 tion advising and consenting to ratification of the  
6 Document Agreed Among the States Parties to the  
7 Treaty on Conventional Armed Forces in Europe  
8 (CFE) of November 19, 1990, adopted at Vienna  
9 May 31, 1996 (Treaty Doc. 105–5) (commonly re-  
10 ferred to as the “CFE Flank Document”), 105th  
11 Congress, agreed to May 14, 1997, is repealed.

12 (b) MODIFICATION OF REPORTING REQUIRE-  
13 MENTS.—

14 (1) INTELLIGENCE ADVISORY COMMITTEES.—  
15 Section 410(b) of the Intelligence Authorization Act  
16 for Fiscal Year 2010 (50 U.S.C. 3309) is amended  
17 to read as follows:

18 “(b) NOTIFICATION OF ESTABLISHMENT OF ADVI-  
19 SORY COMMITTEE.—The Director of National Intelligence  
20 and the Director of the Central Intelligence Agency shall  
21 each notify the congressional intelligence committees each  
22 time each such Director creates an advisory committee.  
23 Each notification shall include—

24 “(1) a description of such advisory committee,  
25 including the subject matter of such committee;

1           “(2) a list of members of such advisory com-  
2       mittee; and

3           “(3) in the case of an advisory committee cre-  
4       ated by the Director of National Intelligence, the  
5       reasons for a determination by the Director under  
6       section 4(b)(3) of the Federal Advisory Committee  
7       Act (5 U.S.C. App.) that an advisory committee can-  
8       not comply with the requirements of such Act.”.

9           (2) INTELLIGENCE INFORMATION SHARING.—  
10       Section 102A(g)(4) of the National Security Act of  
11       1947 (50 U.S.C. 3024(g)(4)) is amended to read as  
12       follows:

13       “(4) The Director of National Intelligence shall, in  
14       a timely manner, report to Congress any statute, regula-  
15       tion, policy, or practice that the Director believes impedes  
16       the ability of the Director to fully and effectively ensure  
17       maximum availability of access to intelligence information  
18       within the intelligence community consistent with the pro-  
19       tection of the national security of the United States.”.

20           (3) INTELLIGENCE COMMUNITY BUSINESS SYS-  
21       TEM TRANSFORMATION.—Section 506D(j) of the  
22       National Security Act of 1947 (50 U.S.C. 3100(j))  
23       is amended in the matter preceding paragraph (1)  
24       by striking “2015” and inserting “2014”.

1           (4) ACTIVITIES OF PRIVACY AND CIVIL LIB-  
2           ERTIES OFFICERS.—Section 1062(f)(1) of the Intel-  
3           ligence Reform and Terrorism Prevention Act of  
4           2004 (42 U.S.C. 2000ee–1(f)(1)) is amended in the  
5           matter preceding subparagraph (A) by striking  
6           “quarterly” and inserting “semiannually”.

7           (c) CONFORMING AMENDMENTS.—The National Se-  
8           curity Act of 1947 (50 U.S.C. 3001 et seq.) is amended—  
9           (1) in the table of contents in the first section,  
10          by striking the item relating to section 114 and in-  
11          serting the following new item:

“Sec. 114. Annual report on hiring and retention of minority employees.”;

12          (2) in section 114 (50 U.S.C. 3050)—  
13                (A) by amending the heading to read as  
14                follows: “**ANNUAL REPORT ON HIRING AND**  
15                **RETENTION OF MINORITY EMPLOYEES**”;  
16                (B) by striking “(a) ANNUAL REPORT ON  
17                HIRING AND RETENTION OF MINORITY EM-  
18                PLOYEES.—”;  
19                (C) by redesignating paragraphs (1)  
20                through (5) as subsections (a) through (e), re-  
21                spectively;  
22                (D) in subsection (b) (as so redesign-  
23                nated)—

1 (i) by redesignating subparagraphs  
2 (A) through (C) as paragraphs (1) through  
3 (3), respectively; and

4 (ii) in paragraph (2) (as so redesign-  
5 nated)—

6 (I) by redesignating clauses (i)  
7 and (ii) as subparagraphs (A) and  
8 (B), respectively; and

9 (II) in the matter preceding sub-  
10 paragraph (A) (as so redesignated),  
11 by striking “clauses (i) and (ii)” and  
12 inserting “subparagraphs (A) and  
13 (B)”;

14 (E) in subsection (d) (as redesignated by  
15 subparagraph (C) of this paragraph), by strik-  
16 ing “subsection” and inserting “section”; and

17 (F) in subsection (e) (as redesignated by  
18 subparagraph (C) of this paragraph)—

19 (i) by redesignating subparagraphs  
20 (A) through (C) as paragraphs (1) through  
21 (3), respectively; and

22 (ii) by striking “subsection,” and in-  
23 sserting “section”; and

24 (3) in section 507 (50 U.S.C. 3106)—

25 (A) in subsection (a)—

- 1 (i) by striking “(1) The date” and in-  
2 serting “The date”;
- 3 (ii) by striking “subsection (c)(1)(A)”  
4 and inserting “subsection (c)(1)”;
- 5 (iii) by striking paragraph (2); and
- 6 (iv) by redesignating subparagraphs  
7 (A) through (F) as paragraphs (1) through  
8 (6), respectively;
- 9 (B) in subsection (c)(1)—
- 10 (i) by striking “(A) Except” and in-  
11 serting “Except”; and
- 12 (ii) by striking subparagraph (B); and
- 13 (C) in subsection (d)(1)—
- 14 (i) in subparagraph (A)—
- 15 (I) by striking “subsection  
16 (a)(1)” and inserting “subsection  
17 (a)”; and
- 18 (II) by inserting “and” after  
19 “March 1;”;
- 20 (ii) by striking subparagraph (B); and
- 21 (iii) by redesignating subparagraph  
22 (C) as subparagraph (B).

1 **TITLE IV—MATTERS RELATING**  
2 **TO ELEMENTS OF THE INTEL-**  
3 **LIGENCE COMMUNITY**  
4 **Subtitle A—National Security**  
5 **Agency**

6 **SEC. 401. APPOINTMENT OF THE DIRECTOR OF THE NA-**  
7 **TIONAL SECURITY AGENCY.**

8 (a) DIRECTOR OF THE NATIONAL SECURITY AGEN-  
9 CY.—Section 2 of the National Security Agency Act of  
10 1959 (50 U.S.C. 3602) is amended—

11 (1) by inserting “(b)” before “There”; and

12 (2) by inserting before subsection (b), as so  
13 designated by paragraph (1), the following:

14 “(a)(1) There is a Director of the National Security  
15 Agency.

16 “(2) The Director of the National Security Agency  
17 shall be appointed by the President, by and with the advice  
18 and consent of the Senate.

19 “(3) The Director of the National Security Agency  
20 shall be the head of the National Security Agency and  
21 shall discharge such functions and duties as are provided  
22 by this Act or otherwise by law or executive order.”.

23 (b) POSITION OF IMPORTANCE AND RESPONSI-  
24 BILITY.—



1           15301 of title 40, United States Code, the Na-  
2           tional Security Agency,”.

3 **SEC. 403. EFFECTIVE DATE AND APPLICABILITY.**

4           (a) IN GENERAL.—Except as otherwise specifically  
5 provided, the amendments made by sections 401 and 402  
6 shall take effect on October 1, 2014, and shall apply upon  
7 the earlier of—

8           (1) in the case of section 401—

9           (A) the date of the first nomination by the  
10          President of an individual to serve as the Direc-  
11          tor of the National Security Agency that occurs  
12          on or after October 1, 2014; or

13          (B) the date of the cessation of the per-  
14          formance of the duties of the Director of the  
15          National Security Agency by the individual per-  
16          forming such duties on October 1, 2014; and

17          (2) in the case of section 402—

18          (A) the date of the first nomination by the  
19          President of an individual to serve as the In-  
20          spector General of the National Security Agen-  
21          cy that occurs on or after October 1, 2014; or

22          (B) the date of the cessation of the per-  
23          formance of the duties of the Inspector General  
24          of the National Security Agency by the indi-

1           vidual performing such duties on October 1,  
2           2014.

3           (b) EXCEPTION FOR INITIAL NOMINATIONS.—Not-  
4 withstanding paragraph (1)(A) or (2)(A) of subsection (a),  
5 an individual serving as the Director of the National Secu-  
6 rity Agency or the Inspector General of the National Secu-  
7 rity Agency on the date that the President first nominates  
8 an individual for such position on or after October 1,  
9 2014, may continue to perform in that position after such  
10 date of nomination and until the individual appointed to  
11 the position, by and with the advice and consent of the  
12 Senate, assumes the duties of the position.

13           (c) INCUMBENT INSPECTOR GENERAL.—The indi-  
14 vidual serving as Inspector General of the National Secu-  
15 rity Agency on the date of the enactment of this Act shall  
16 be eligible to be appointed by the President to a new term  
17 of service under section 3 of the Inspector General Act  
18 of 1978 (5 U.S.C. App.), by and with the advice and con-  
19 sent of the Senate.

1                   **Subtitle B—National**  
2                   **Reconnaissance Office**

3 **SEC. 411. APPOINTMENT OF THE DIRECTOR OF THE NA-**  
4                   **TIONAL RECONNAISSANCE OFFICE.**

5           (a) IN GENERAL.—The National Security Act of  
6 1947 (50 U.S.C. 3001 et seq.) is amended by adding after  
7 section 106 the following:

8 **“SEC. 106A. DIRECTOR OF THE NATIONAL RECONNAIS-**  
9                   **SANCE OFFICE.**

10           “(a) IN GENERAL.—There is a Director of the Na-  
11 tional Reconnaissance Office.

12           “(b) APPOINTMENT.—The Director of the National  
13 Reconnaissance Office shall be appointed by the President,  
14 by and with the advice and consent of the Senate.

15           “(c) FUNCTIONS AND DUTIES.—The Director of the  
16 National Reconnaissance Office shall be the head of the  
17 National Reconnaissance Office and shall discharge such  
18 functions and duties as are provided by this Act or other-  
19 wise by law or executive order.”.

20           (b) POSITION OF IMPORTANCE AND RESPONSI-  
21 BILITY.—

22           (1) IN GENERAL.—The President may des-  
23 ignate the Director of the National Reconnaissance  
24 Office as a position of importance and responsibility  
25 under section 601 of title 10, United States Code.



1 (A) the date of the first nomination by the  
2 President of an individual to serve as the Direc-  
3 tor of the National Reconnaissance Office that  
4 occurs on or after October 1, 2014; or

5 (B) the date of the cessation of the per-  
6 formance of the duties of the Director of the  
7 National Reconnaissance Office by the indi-  
8 vidual performing such duties on October 1,  
9 2014; and

10 (2) in the case of section 412—

11 (A) the date of the first nomination by the  
12 President of an individual to serve as the In-  
13 spector General of the National Reconnaissance  
14 Office that occurs on or after October 1, 2014;  
15 or

16 (B) the date of the cessation of the per-  
17 formance of the duties of the Inspector General  
18 of the National Reconnaissance Office by the  
19 individual performing such duties on October 1,  
20 2014.

21 (b) EXCEPTION FOR INITIAL NOMINATIONS.—Not-  
22 withstanding paragraph (1)(A) or (2)(A) of subsection (a),  
23 an individual serving as the Director of the National Re-  
24 connaissance Office or the Inspector General of the Na-  
25 tional Reconnaissance Office on the date that the Presi-

1 dent first nominates an individual for such position on or  
2 after October 1, 2014, may continue to perform in that  
3 position after such date of nomination and until the indi-  
4 vidual appointed to the position, by and with the advice  
5 and consent of the Senate, assumes the duties of the posi-  
6 tion.

7 (c) INCUMBENT INSPECTOR GENERAL.—The indi-  
8 vidual serving as Inspector General of the National Recon-  
9 naissance Office on the date of the enactment of this Act  
10 shall be eligible to be appointed by the President to a new  
11 term of service under section 3 of the Inspector General  
12 Act of 1978 (5 U.S.C. App.), by and with the advice and  
13 consent of the Senate.

## 14 **Subtitle C—Central Intelligence** 15 **Agency**

### 16 **SEC. 421. GIFTS, DEVISES, AND BEQUESTS.**

17 Section 12 of the Central Intelligence Agency Act of  
18 1949 (50 U.S.C. 3512) is amended—

19 (1) by striking the section heading and insert-  
20 ing “GIFTS, DEVISES, AND BEQUESTS”;

21 (2) in subsection (a)(2)—

22 (A) by inserting “by the Director as a gift  
23 to the Agency” after “accepted”; and

24 (B) by striking “this section” and insert-  
25 ing “this subsection”;

1           (3) in subsection (b), by striking “this section,”  
2           and inserting “subsection (a),”;

3           (4) in subsection (c), by striking “this section,”  
4           and inserting “subsection (a),”;

5           (5) in subsection (d), by striking “this section”  
6           and inserting “subsection (a)”;

7           (6) by redesignating subsection (f) as sub-  
8           section (g); and

9           (7) by inserting after subsection (e) the fol-  
10          lowing:

11          “(f)(1) The Director may engage in fundraising in  
12          an official capacity for the benefit of nonprofit organiza-  
13          tions that provide support to surviving family members of  
14          deceased Agency employees or that otherwise provide sup-  
15          port for the welfare, education, or recreation of Agency  
16          employees, former Agency employees, or their family mem-  
17          bers.

18          “(2) In this subsection, the term ‘fundraising’ means  
19          the raising of funds through the active participation in the  
20          promotion, production, or presentation of an event de-  
21          signed to raise funds and does not include the direct solici-  
22          tation of money by any other means.”.

1 **TITLE V—SECURITY CLEARANCE**  
2 **REFORM**

3 **SEC. 501. CONTINUOUS EVALUATION AND SHARING OF DE-**  
4 **ROGATORY INFORMATION REGARDING PER-**  
5 **SONNEL WITH ACCESS TO CLASSIFIED IN-**  
6 **FORMATION.**

7 Section 102A(j) of the National Security Act of 1947  
8 (50 U.S.C. 3024(j)) is amended—

9 (1) in the heading, by striking “SENSITIVE  
10 COMPARTMENTED INFORMATION” and inserting  
11 “CLASSIFIED INFORMATION”;

12 (2) in paragraph (3), by striking “; and” and  
13 inserting a semicolon;

14 (3) in paragraph (4), by striking the period and  
15 inserting a semicolon; and

16 (4) by adding at the end the following new  
17 paragraphs:

18 “(5) ensure that the background of each em-  
19 ployee or officer of an element of the intelligence  
20 community, each contractor to an element of the in-  
21 telligence community, and each individual employee  
22 of such a contractor who has been determined to be  
23 eligible for access to classified information is mon-  
24 itored on a continual basis under standards devel-  
25 oped by the Director, including with respect to the

1 frequency of evaluation, during the period of eligi-  
2 bility of such employee or officer of an element of  
3 the intelligence community, such contractor, or such  
4 individual employee to such a contractor to deter-  
5 mine whether such employee or officer of an element  
6 of the intelligence community, such contractor, and  
7 such individual employee of such a contractor con-  
8 tinues to meet the requirements for eligibility for ac-  
9 cess to classified information; and

10 “(6) develop procedures to require information  
11 sharing between elements of the intelligence commu-  
12 nity concerning potentially derogatory security infor-  
13 mation regarding an employee or officer of an ele-  
14 ment of the intelligence community, a contractor to  
15 an element of the intelligence community, or an indi-  
16 vidual employee of such a contractor that may im-  
17 pact the eligibility of such employee or officer of an  
18 element of the intelligence community, such con-  
19 tractor, or such individual employee of such a con-  
20 tractor for a security clearance.”.

21 **SEC. 502. REQUIREMENTS FOR INTELLIGENCE COMMUNITY**

22 **CONTRACTORS.**

23 (a) REQUIREMENTS.—Section 102A of the National  
24 Security Act of 1947 (50 U.S.C. 3024) is amended by  
25 adding at the end the following new subsection:

1       “(x) REQUIREMENTS FOR INTELLIGENCE COMMU-  
2 NITY CONTRACTORS.—The Director of National Intel-  
3 ligence, in consultation with the head of each department  
4 of the Federal Government that contains an element of  
5 the intelligence community and the Director of the Central  
6 Intelligence Agency, shall—

7           “(1) ensure that—

8               “(A) any contractor to an element of the  
9 intelligence community with access to a classi-  
10 fied network or classified information develops  
11 and operates a security plan that is consistent  
12 with standards established by the Director of  
13 National Intelligence for intelligence community  
14 networks; and

15               “(B) each contract awarded by an element  
16 of the intelligence community includes provi-  
17 sions requiring the contractor comply with such  
18 plan and such standards;

19           “(2) conduct periodic assessments of each secu-  
20 rity plan required under paragraph (1)(A) to ensure  
21 such security plan complies with the requirements of  
22 such paragraph; and

23           “(3) ensure that the insider threat detection ca-  
24 pabilities and insider threat policies of the intel-

1       ligence community apply to facilities of contractors  
2       with access to a classified network.”.

3       (b) **APPLICABILITY.**—The amendment made by sub-  
4       section (a) shall apply with respect to contracts entered  
5       into or renewed after the date of the enactment of this  
6       Act.

7       **SEC. 503. TECHNOLOGY IMPROVEMENTS TO SECURITY**  
8               **CLEARANCE PROCESSING.**

9       (a) **IN GENERAL.**—The Director of National Intel-  
10       ligence, in consultation with the Secretary of Defense and  
11       the Director of the Office of Personnel Management, shall  
12       conduct an analysis of the relative costs and benefits of  
13       potential improvements to the process for investigating  
14       persons who are proposed for access to classified informa-  
15       tion and adjudicating whether such persons satisfy the cri-  
16       teria for obtaining and retaining access to such informa-  
17       tion.

18       (b) **CONTENTS OF ANALYSIS.**—In conducting the  
19       analysis required by subsection (a), the Director of Na-  
20       tional Intelligence shall evaluate the costs and benefits as-  
21       sociated with—

22               (1) the elimination of manual processes in secu-  
23       rity clearance investigations and adjudications, if  
24       possible, and automating and integrating the ele-  
25       ments of the investigation process, including—

- 1 (A) the clearance application process;
- 2 (B) case management;
- 3 (C) adjudication management;
- 4 (D) investigation methods for the collec-
- 5 tion, analysis, storage, retrieval, and transfer of
- 6 data and records; and
- 7 (E) records management for access and
- 8 eligibility determinations;
- 9 (2) the elimination or reduction, if possible, of
- 10 the use of databases and information sources that
- 11 cannot be accessed and processed automatically elec-
- 12 tronically, or modification of such databases and in-
- 13 formation sources, to enable electronic access and
- 14 processing;
- 15 (3) the use of government-developed and com-
- 16 mercial technology for continuous monitoring and
- 17 evaluation of government and commercial data
- 18 sources that can identify and flag information perti-
- 19 nent to adjudication guidelines and eligibility deter-
- 20 minations;
- 21 (4) the standardization of forms used for rou-
- 22 tine reporting required of cleared personnel (such as
- 23 travel, foreign contacts, and financial disclosures)
- 24 and use of continuous monitoring technology to ac-
- 25 cess databases containing such reportable informa-

1       tion to independently obtain and analyze reportable  
2       data and events;

3           (5) the establishment of an authoritative central  
4       repository of personnel security information that is  
5       accessible electronically at multiple levels of classi-  
6       fication and eliminates technical barriers to rapid  
7       access to information necessary for eligibility deter-  
8       minations and reciprocal recognition thereof;

9           (6) using digitally processed fingerprints, as a  
10      substitute for ink or paper prints, to reduce error  
11      rates and improve portability of data;

12          (7) expanding the use of technology to improve  
13      an applicant's ability to discover the status of a  
14      pending security clearance application or reinvestiga-  
15      tion; and

16          (8) using government and publicly available  
17      commercial data sources, including social media,  
18      that provide independent information pertinent to  
19      adjudication guidelines to improve quality and time-  
20      liness, and reduce costs, of investigations and re-  
21      investigations.

22      (c) REPORT TO CONGRESS.—Not later than 6  
23      months after the date of the enactment of this Act, the  
24      Director of National Intelligence shall submit to the ap-

1 appropriate committees of Congress a report on the analysis  
2 required by subsection (a).

3 **SEC. 504. REPORT ON RECIPROcity OF SECURITY CLEAR-**  
4 **ANCES.**

5 The head of the entity selected pursuant to section  
6 3001(b) of the Intelligence Reform and Terrorism Preven-  
7 tion Act of 2004 (50 U.S.C. 3341(b)) shall submit to the  
8 appropriate committees of Congress a report each year  
9 through 2017 that describes for the preceding year—

10 (1) the periods of time required by authorized  
11 adjudicative agencies for accepting background in-  
12 vestigations and determinations completed by an au-  
13 thorized investigative entity or authorized adjudica-  
14 tive agency;

15 (2) the total number of cases in which a back-  
16 ground investigation or determination completed by  
17 an authorized investigative entity or authorized ad-  
18 judicative agency is accepted by another agency;

19 (3) the total number of cases in which a back-  
20 ground investigation or determination completed by  
21 an authorized investigative entity or authorized ad-  
22 judicative agency is not accepted by another agency;  
23 and

1           (4) such other information or recommendations  
2           as the head of the entity selected pursuant to such  
3           section 3001(b) considers appropriate.

4 **SEC. 505. IMPROVING THE PERIODIC REINVESTIGATION**  
5           **PROCESS.**

6           (a) **IN GENERAL.**—Not later than 180 days after the  
7           date of the enactment of this Act, and annually thereafter  
8           until December 31, 2017, the Director of National Intel-  
9           ligence, in consultation with the Secretary of Defense and  
10          the Director of the Office of Personnel Management, shall  
11          transmit to the appropriate committees of Congress a  
12          strategic plan for updating the process for periodic re-  
13          investigations consistent with a continuous evaluation pro-  
14          gram.

15          (b) **CONTENTS.**—The plan required by subsection (a)  
16          shall include—

17               (1) an analysis of the costs and benefits associ-  
18               ated with conducting periodic reinvestigations;

19               (2) an analysis of the costs and benefits associ-  
20               ated with replacing some or all periodic reinvestiga-  
21               tions with a program of continuous evaluation;

22               (3) a determination of how many risk-based  
23               and ad hoc periodic reinvestigations are necessary on  
24               an annual basis for each component of the Federal  
25               Government with employees with security clearances;



1           (3) the Committee on Armed Services and the  
2           Committee on Homeland Security of the House of  
3           Representatives.

4 **TITLE VI—INTELLIGENCE COM-**  
5 **MUNITY       WHISTLEBLOWER**  
6 **PROTECTIONS**

7 **SEC. 601. PROTECTION OF INTELLIGENCE COMMUNITY**  
8 **WHISTLEBLOWERS.**

9           (a) IN GENERAL.—Title XI of the National Security  
10 Act of 1947 (50 U.S.C. 3231 et seq.) is amended by add-  
11 ing at the end the following new section:

12 **“SEC. 1104. PROHIBITED PERSONNEL PRACTICES IN THE**  
13 **INTELLIGENCE COMMUNITY.**

14           “(a) DEFINITIONS.—In this section:

15               “(1) AGENCY.—The term ‘agency’ means an  
16 executive department or independent establishment,  
17 as defined under sections 101 and 104 of title 5,  
18 United States Code, that contains an intelligence  
19 community element, except the Federal Bureau of  
20 Investigation.

21               “(2) COVERED INTELLIGENCE COMMUNITY  
22 ELEMENT.—The term ‘covered intelligence commu-  
23 nity element’—

24                   “(A) means—

1           “(i) the Central Intelligence Agency,  
2           the Defense Intelligence Agency, the Na-  
3           tional Geospatial-Intelligence Agency, the  
4           National Security Agency, the Office of the  
5           Director of National Intelligence, and the  
6           National Reconnaissance Office; and

7           “(ii) any executive agency or unit  
8           thereof determined by the President under  
9           section 2302(a)(2)(C)(ii) of title 5, United  
10          States Code, to have as its principal func-  
11          tion the conduct of foreign intelligence or  
12          counterintelligence activities; and

13          “(B) does not include the Federal Bureau  
14          of Investigation.

15          “(3) PERSONNEL ACTION.—The term ‘per-  
16          sonnel action’ means, with respect to an employee in  
17          a position in a covered intelligence community ele-  
18          ment (other than a position excepted from the com-  
19          petitive service due to its confidential, policy-deter-  
20          mining, policymaking, or policy-advocating char-  
21          acter)—

22               “(A) an appointment;

23               “(B) a promotion;

24               “(C) a disciplinary or corrective action;

25               “(D) a detail, transfer, or reassignment;

1           “(E) a demotion, suspension, or termi-  
2 nation;

3           “(F) a reinstatement or restoration;

4           “(G) a performance evaluation;

5           “(H) a decision concerning pay, benefits,  
6 or awards;

7           “(I) a decision concerning education or  
8 training if such education or training may rea-  
9 sonably be expected to lead to an appointment,  
10 promotion, or performance evaluation; or

11           “(J) any other significant change in duties,  
12 responsibilities, or working conditions.

13       “(b) IN GENERAL.—Any employee of an agency who  
14 has authority to take, direct others to take, recommend,  
15 or approve any personnel action, shall not, with respect  
16 to such authority, take or fail to take a personnel action  
17 with respect to any employee of a covered intelligence com-  
18 munity element as a reprisal for a lawful disclosure of in-  
19 formation by the employee to the Director of National In-  
20 telligence (or an employee designated by the Director of  
21 National Intelligence for such purpose), the Inspector  
22 General of the Intelligence Community, the head of the  
23 employing agency (or an employee designated by the head  
24 of that agency for such purpose), the appropriate inspec-  
25 tor general of the employing agency, a congressional intel-

1 lidence committee, or a member of a congressional intel-  
2 lidence committee, which the employee reasonably believes  
3 evidences—

4 “(1) a violation of any Federal law, rule, or reg-  
5 ulation; or

6 “(2) mismanagement, a gross waste of funds,  
7 an abuse of authority, or a substantial and specific  
8 danger to public health or safety.

9 “(c) ENFORCEMENT.—The President shall provide  
10 for the enforcement of this section.

11 “(d) EXISTING RIGHTS PRESERVED.—Nothing in  
12 this section shall be construed to—

13 “(1) preempt or preclude any employee, or ap-  
14 plicant for employment, at the Federal Bureau of  
15 Investigation from exercising rights provided under  
16 any other law, rule, or regulation, including section  
17 2303 of title 5, United States Code; or

18 “(2) repeal section 2303 of title 5, United  
19 States Code.”.

20 (b) TABLE OF CONTENTS AMENDMENT.—The table  
21 of contents in the first section of the National Security  
22 Act of 1947 is amended by adding at the end the following  
23 new item:

“Sec. 1104. Prohibited personnel practices in the intelligence community.”.

1 **SEC. 602. REVIEW OF SECURITY CLEARANCE OR ACCESS**  
2 **DETERMINATIONS.**

3 (a) GENERAL RESPONSIBILITY.—

4 (1) IN GENERAL.—Section 3001(b) of the Intel-  
5 ligence Reform and Terrorism Prevention Act of  
6 2004 (50 U.S.C. 3341(b)) is amended—

7 (A) in the matter preceding paragraph (1),  
8 by striking “Not” and inserting “Except as  
9 otherwise provided, not”;

10 (B) in paragraph (5), by striking “and”  
11 after the semicolon;

12 (C) in paragraph (6), by striking the pe-  
13 riod at the end and inserting “; and”; and

14 (D) by inserting after paragraph (6) the  
15 following:

16 “(7) not later than 180 days after the date of  
17 the enactment of the Intelligence Authorization Act  
18 for Fiscal Year 2014—

19 “(A) developing policies and procedures  
20 that permit, to the extent practicable, individ-  
21 uals to appeal a determination to suspend or re-  
22 voke a security clearance or access to classified  
23 information and to retain their government em-  
24 ployment status while such challenge is pend-  
25 ing; and

1           “(B) developing and implementing uniform  
2           and consistent policies and procedures to ensure  
3           proper protections during the process for deny-  
4           ing, suspending, or revoking a security clear-  
5           ance or access to classified information, includ-  
6           ing the ability to appeal such a denial, suspen-  
7           sion, or revocation, except that there shall be no  
8           appeal of an agency’s suspension of a security  
9           clearance or access determination for purposes  
10          of conducting an investigation, if that suspen-  
11          sion lasts no longer than 1 year or the head of  
12          the agency or a designee of the head of the  
13          agency certifies that a longer suspension is  
14          needed before a final decision on denial or rev-  
15          ocation to prevent imminent harm to the na-  
16          tional security.”.

17           (2) REQUIRED ELEMENTS OF POLICIES AND  
18          PROCEDURES.—The policies and procedures for ap-  
19          peal developed under paragraph (7) of section  
20          3001(b) of the Intelligence Reform and Terrorism  
21          Prevention Act of 2004, as added by subsection (a),  
22          shall provide for the Inspector General of the Intel-  
23          ligence Community, or the inspector general of the  
24          employing agency, to conduct fact-finding and report  
25          to the agency head or the designee of the agency

1 head within 180 days unless the employee and the  
2 agency agree to an extension or the investigating in-  
3 spector general determines in writing that a greater  
4 period of time is required. To the fullest extent pos-  
5 sible, such fact-finding shall include an opportunity  
6 for the employee to present relevant evidence such as  
7 witness testimony.

8 (b) RETALIATORY REVOCATION OF SECURITY  
9 CLEARANCES AND ACCESS DETERMINATIONS.—Section  
10 3001 of the Intelligence Reform and Terrorism Prevention  
11 Act of 2004 (50 U.S.C. 3341) is amended by adding at  
12 the end the following:

13 “(j) RETALIATORY REVOCATION OF SECURITY  
14 CLEARANCES AND ACCESS DETERMINATIONS.—

15 “(1) IN GENERAL.—Agency personnel with au-  
16 thority over personnel security clearance or access  
17 determinations shall not take or fail to take, or  
18 threaten to take or fail to take, any action with re-  
19 spect to any employee’s security clearance or access  
20 determination in retaliation for—

21 “(A) any lawful disclosure of information  
22 to the Director of National Intelligence (or an  
23 employee designated by the Director of Na-  
24 tional Intelligence for such purpose) or the head  
25 of the employing agency (or employee des-

1           ignated by the head of that agency for such  
2           purpose) by an employee that the employee rea-  
3           sonably believes evidences—

4                   “(i) a violation of any Federal law,  
5                   rule, or regulation; or

6                   “(ii) gross mismanagement, a gross  
7                   waste of funds, an abuse of authority, or  
8                   a substantial and specific danger to public  
9                   health or safety;

10           “(B) any lawful disclosure to the Inspector  
11           General of an agency or another employee des-  
12           ignated by the head of the agency to receive  
13           such disclosures, of information which the em-  
14           ployee reasonably believes evidences—

15                   “(i) a violation of any Federal law,  
16                   rule, or regulation; or

17                   “(ii) gross mismanagement, a gross  
18                   waste of funds, an abuse of authority, or  
19                   a substantial and specific danger to public  
20                   health or safety;

21           “(C) any lawful disclosure that complies  
22           with—

23                   “(i) subsections (a)(1), (d), and (h) of  
24                   section 8H of the Inspector General Act of  
25                   1978 (5 U.S.C. App.);

1           “(ii) subparagraphs (A), (D), and (H)  
2           of section 17(d)(5) of the Central Intel-  
3           ligence Agency Act of 1949 (50 U.S.C.  
4           3517(d)(5)); or

5           “(iii) subparagraphs (A), (D), and (I)  
6           of section 103H(k)(5) of the National Se-  
7           curity Act of 1947 (50 U.S.C. 3033(k)(5));  
8           and

9           “(D) if the actions do not result in the em-  
10          ployee or applicant unlawfully disclosing infor-  
11          mation specifically required by Executive order  
12          to be kept classified in the interest of national  
13          defense or the conduct of foreign affairs, any  
14          lawful disclosure in conjunction with—

15               “(i) the exercise of any appeal, com-  
16               plaint, or grievance right granted by any  
17               law, rule, or regulation;

18               “(ii) testimony for or otherwise law-  
19               fully assisting any individual in the exer-  
20               cise of any right referred to in clause (i);  
21               or

22               “(iii) cooperation with or disclosing  
23               information to the Inspector General of an  
24               agency, in accordance with applicable pro-  
25               visions of law in connection with an audit,

1 inspection, or investigation conducted by  
2 the Inspector General.

3 “(2) RULE OF CONSTRUCTION.—Consistent  
4 with the protection of sources and methods, nothing  
5 in paragraph (1) shall be construed to authorize the  
6 withholding of information from Congress or the  
7 taking of any personnel action against an employee  
8 who lawfully discloses information to Congress.

9 “(3) DISCLOSURES.—

10 “(A) IN GENERAL.—A disclosure shall not  
11 be excluded from paragraph (1) because—

12 “(i) the disclosure was made to a per-  
13 son, including a supervisor, who partici-  
14 pated in an activity that the employee rea-  
15 sonably believed to be covered by para-  
16 graph (1)(A)(ii);

17 “(ii) the disclosure revealed informa-  
18 tion that had been previously disclosed;

19 “(iii) the disclosure was not made in  
20 writing;

21 “(iv) the disclosure was made while  
22 the employee was off duty; or

23 “(v) of the amount of time which has  
24 passed since the occurrence of the events  
25 described in the disclosure.

1           “(B) REPRISALS.—If a disclosure is made  
2 during the normal course of duties of an em-  
3 ployee, the disclosure shall not be excluded from  
4 paragraph (1) if any employee who has author-  
5 ity to take, direct others to take, recommend, or  
6 approve any personnel action with respect to  
7 the employee making the disclosure, took, failed  
8 to take, or threatened to take or fail to take a  
9 personnel action with respect to that employee  
10 in reprisal for the disclosure.

11           “(4) AGENCY ADJUDICATION.—

12           “(A) REMEDIAL PROCEDURE.—An em-  
13 ployee or former employee who believes that he  
14 or she has been subjected to a reprisal prohib-  
15 ited by paragraph (1) may, within 90 days after  
16 the issuance of notice of such decision, appeal  
17 that decision within the agency of that em-  
18 ployee or former employee through proceedings  
19 authorized by subsection (b)(7), except that  
20 there shall be no appeal of an agency’s suspen-  
21 sion of a security clearance or access determina-  
22 tion for purposes of conducting an investiga-  
23 tion, if that suspension lasts not longer than 1  
24 year (or a longer period in accordance with a  
25 certification made under subsection (b)(7)).

1           “(B) CORRECTIVE ACTION.—If, in the  
2 course of proceedings authorized under sub-  
3 paragraph (A), it is determined that the ad-  
4 verse security clearance or access determination  
5 violated paragraph (1), the agency shall take  
6 specific corrective action to return the employee  
7 or former employee, as nearly as practicable  
8 and reasonable, to the position such employee  
9 or former employee would have held had the  
10 violation not occurred. Such corrective action  
11 may include back pay and related benefits, trav-  
12 el expenses, and compensatory damages not to  
13 exceed \$300,000.

14           “(C) CONTRIBUTING FACTOR.—In deter-  
15 mining whether the adverse security clearance  
16 or access determination violated paragraph (1),  
17 the agency shall find that paragraph (1) was  
18 violated if a disclosure described in paragraph  
19 (1) was a contributing factor in the adverse se-  
20 curity clearance or access determination taken  
21 against the individual, unless the agency dem-  
22 onstrates by a preponderance of the evidence  
23 that it would have taken the same action in the  
24 absence of such disclosure, giving the utmost  
25 deference to the agency’s assessment of the par-

1           ticular threat to the national security interests  
2           of the United States in the instant matter.

3           “(5) APPELLATE REVIEW OF SECURITY CLEAR-  
4           ANCE ACCESS DETERMINATIONS BY DIRECTOR OF  
5           NATIONAL INTELLIGENCE.—

6                   “(A) APPEAL.—Within 60 days after re-  
7                   ceiving notice of an adverse final agency deter-  
8                   mination under a proceeding under paragraph  
9                   (4), an employee or former employee may ap-  
10                  peal that determination in accordance with the  
11                  procedures established under subparagraph (B).

12                   “(B) POLICIES AND PROCEDURES.—The  
13                  Director of National Intelligence, in consulta-  
14                  tion with the Attorney General and the Sec-  
15                  retary of Defense, shall develop and implement  
16                  policies and procedures for adjudicating the ap-  
17                  peals authorized by subparagraph (A).

18                   “(C) CONGRESSIONAL NOTIFICATION.—  
19                  Consistent with the protection of sources and  
20                  methods, at the time the Director of National  
21                  Intelligence issues an order regarding an appeal  
22                  pursuant to the policies and procedures estab-  
23                  lished by this paragraph, the Director of Na-  
24                  tional Intelligence shall notify the congressional  
25                  intelligence committees.

1           “(6) JUDICIAL REVIEW.—Nothing in this sec-  
2           tion shall be construed to permit or require judicial  
3           review of any—

4                   “(A) agency action under this section; or

5                   “(B) action of the appellate review proce-  
6           dures established under paragraph (5).

7           “(7) PRIVATE CAUSE OF ACTION.—Nothing in  
8           this section shall be construed to permit, authorize,  
9           or require a private cause of action to challenge the  
10          merits of a security clearance determination.”.

11          (c) ACCESS DETERMINATION DEFINED.—Section  
12          3001(a) of the Intelligence Reform and Terrorism Preven-  
13          tion Act of 2004 (50 U.S.C. 3341(a)) is amended by add-  
14          ing at the end the following:

15                   “(9) ACCESS DETERMINATION.—The term ‘ac-  
16          cess determination’ means the determination regard-  
17          ing whether an employee—

18                   “(A) is eligible for access to classified in-  
19          formation in accordance with Executive Order  
20          12968 (60 Fed. Reg. 40245; relating to access  
21          to classified information), or any successor  
22          thereto, and Executive Order 10865 (25 Fed.  
23          Reg. 1583; relating to safeguarding classified  
24          information with industry), or any successor  
25          thereto; and

1                   “(B) possesses a need to know under such  
2                   an Order.”.

3           (d) **EXISTING RIGHTS PRESERVED.**—Nothing in this  
4 section or the amendments made by this section shall be  
5 construed to preempt, preclude, or otherwise prevent an  
6 individual from exercising rights, remedies, or avenues of  
7 redress currently provided under any other law, regula-  
8 tion, or rule.

9           (e) **RULE OF CONSTRUCTION.**—Nothing in section  
10 3001 of the Intelligence Reform and Terrorism Prevention  
11 Act of 2004 (50 U.S.C. 3341), as amended by this title,  
12 shall be construed to require the repeal or replacement of  
13 agency appeal procedures implementing Executive Order  
14 12968 (60 Fed. Reg. 40245; relating to access to classi-  
15 fied information), or any successor thereto, and Executive  
16 Order 10865 (25 Fed. Reg. 1583; relating to safeguarding  
17 classified information with industry), or any successor  
18 thereto, that meet the requirements of paragraph (7) of  
19 section 3001(b) of such Act, as added by this section.

20 **SEC. 603. REVISIONS OF OTHER LAWS.**

21           (a) **INSPECTOR GENERAL ACT OF 1978.**—Section 8H  
22 of the Inspector General Act of 1978 (5 U.S.C. App.) is  
23 amended—

24                   (1) in subsection (b)—

25                           (A) by inserting “(1)” after “(b)”; and

1 (B) by adding at the end the following:

2 “(2) If the head of an establishment determines that  
3 a complaint or information transmitted under paragraph  
4 (1) would create a conflict of interest for the head of the  
5 establishment, the head of the establishment shall return  
6 the complaint or information to the Inspector General with  
7 that determination and the Inspector General shall make  
8 the transmission to the Director of National Intelligence  
9 and, if the establishment is within the Department of De-  
10 fense, to the Secretary of Defense. In such a case, the  
11 requirements of this section for the head of the establish-  
12 ment apply to each recipient of the Inspector General’s  
13 transmission.”;

14 (2) by redesignating subsection (h) as sub-  
15 section (i); and

16 (3) by inserting after subsection (g) the fol-  
17 lowing:

18 “(h) An individual who has submitted a complaint or  
19 information to an Inspector General under this section  
20 may notify any member of the Permanent Select Com-  
21 mittee on Intelligence of the House of Representatives or  
22 the Select Committee on Intelligence of the Senate, or a  
23 staff member of either such Committee, of the fact that  
24 such individual has made a submission to that particular

1 Inspector General, and of the date on which such submis-  
2 sion was made.”.

3 (b) CENTRAL INTELLIGENCE AGENCY.—Section  
4 17(d)(5) of the Central Intelligence Agency Act of 1949  
5 (50 U.S.C. 3517(d)(5)) is amended—

6 (1) in subparagraph (B)—

7 (A) by inserting “(i)” after “(B)”; and

8 (B) by adding at the end the following:

9 “(ii) If the Director determines that a complaint or  
10 information transmitted under paragraph (1) would create  
11 a conflict of interest for the Director, the Director shall  
12 return the complaint or information to the Inspector Gen-  
13 eral with that determination and the Inspector General  
14 shall make the transmission to the Director of National  
15 Intelligence. In such a case, the requirements of this sub-  
16 section for the Director of the Central Intelligence Agency  
17 apply to the Director of National Intelligence”; and

18 (2) by adding at the end the following:

19 “(H) An individual who has submitted a complaint  
20 or information to the Inspector General under this section  
21 may notify any member of the Permanent Select Com-  
22 mittee on Intelligence of the House of Representatives or  
23 the Select Committee on Intelligence of the Senate, or a  
24 staff member of either such Committee, of the fact that  
25 such individual has made a submission to the Inspector

1 General, and of the date on which such submission was  
2 made.”.

3 (c) NATIONAL SECURITY ACT OF 1947.—Section  
4 103H(k)(5) of the National Security Act of 1947 (50  
5 U.S.C. 3033(k)(5)) is amended by adding at the end the  
6 following:

7 “(I) An individual who has submitted a complaint or  
8 information to the Inspector General under this section  
9 may notify any member of either of the congressional in-  
10 telligence committees, or a staff member of either of such  
11 committees, of the fact that such individual has made a  
12 submission to the Inspector General, and of the date on  
13 which such submission was made.”.

14 **SEC. 604. POLICIES AND PROCEDURES; NONAPPLICABILITY**  
15 **TO CERTAIN TERMINATIONS.**

16 (a) COVERED INTELLIGENCE COMMUNITY ELEMENT  
17 DEFINED.—In this section, the term “covered intelligence  
18 community element”—

19 (1) means—

20 (A) the Central Intelligence Agency, the  
21 Defense Intelligence Agency, the National  
22 Geospatial-Intelligence Agency, the National Se-  
23 curity Agency, the Office of the Director of Na-  
24 tional Intelligence, and the National Reconnaissance  
25 Office; and

1           (B) any executive agency or unit thereof  
2           determined by the President under section  
3           2302(a)(2)(C)(ii) of title 5, United States Code,  
4           to have as its principal function the conduct of  
5           foreign intelligence or counterintelligence activi-  
6           ties; and

7           (2) does not include the Federal Bureau of In-  
8           vestigation.

9           (b) REGULATIONS.—In consultation with the Sec-  
10          retary of Defense, the Director of National Intelligence  
11          shall develop policies and procedures to ensure that a per-  
12          sonnel action shall not be taken against an employee of  
13          a covered intelligence community element as a reprisal for  
14          any disclosure of information described in 1104 of the Na-  
15          tional Security Act of 1947, as added by section 601 of  
16          this Act.

17          (c) REPORT ON THE STATUS OF IMPLEMENTATION  
18          OF REGULATIONS.—Not later than 2 years after the date  
19          of the enactment of this Act, the Director of National In-  
20          telligence shall submit a report on the status of the imple-  
21          mentation of the regulations promulgated under sub-  
22          section (b) to the congressional intelligence committees.

23          (d) NONAPPLICABILITY TO CERTAIN TERMI-  
24          NATIONS.—Section 1104 of the National Security Act of  
25          1947, as added by section 601 of this Act, and section

1 3001 of the Intelligence Reform and Terrorism Prevention  
2 Act of 2004 (50 U.S.C. 3341), as amended by section 602  
3 of this Act, shall not apply if—

4 (1) the affected employee is concurrently termi-  
5 nated under—

6 (A) section 1609 of title 10, United States  
7 Code;

8 (B) the authority of the Director of Na-  
9 tional Intelligence under section 102A(m) of the  
10 National Security Act of 1947 (50 U.S.C.  
11 3024(m)), if the Director determines that the  
12 termination is in the interest of the United  
13 States;

14 (C) the authority of the Director of the  
15 Central Intelligence Agency under section  
16 104A(e) of the National Security Act of 1947  
17 (50 U.S.C. 3036(e)), if the Director determines  
18 that the termination is in the interest of the  
19 United States; or

20 (D) section 7532 of title 5, United States  
21 Code, if the head of the agency determines that  
22 the termination is in the interest of the United  
23 States; and

24 (2) not later than 30 days after such termi-  
25 nation, the head of the agency that employed the af-

1        affected employee notifies the congressional intel-  
2        ligence committees of the termination.

3                               **TITLE VII—TECHNICAL**  
4                               **AMENDMENTS**

5   **SEC. 701. TECHNICAL AMENDMENTS TO THE CENTRAL IN-**  
6                               **TELLIGENCE AGENCY ACT OF 1949.**

7        Section 21 of the Central Intelligence Agency Act of  
8   1949 (50 U.S.C. 3521) is amended—

9                (1) in subsection (b)(1)(D), by striking “section  
10       (a)” and inserting “subsection (a)”; and

11               (2) in subsection (c)(2)(E), by striking “pro-  
12       vider.” and inserting “provider”.

13   **SEC. 702. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**  
14                               **CURITY ACT OF 1947 RELATING TO THE PAST**  
15                               **ELIMINATION OF CERTAIN POSITIONS.**

16        Section 101(a) of the National Security Act of 1947  
17   (50 U.S.C. 3021(a)) is amended—

18               (1) in paragraph (5), by striking the semicolon  
19       and inserting “; and”;

20               (2) by striking paragraphs (6) and (7);

21               (3) by redesignating paragraph (8) as para-  
22       graph (6); and

23               (4) in paragraph (6) (as so redesignated), by  
24       striking “the Chairman of the Munitions Board, and

1 the Chairman of the Research and Development  
2 Board,”.

3 **SEC. 703. TECHNICAL AMENDMENTS TO THE INTEL-**  
4 **LIGENCE AUTHORIZATION ACT FOR FISCAL**  
5 **YEAR 2013.**

6 (a) AMENDMENTS.—Section 506 of the Intelligence  
7 Authorization Act for Fiscal Year 2013 (Public Law 112–  
8 277; 126 Stat. 2478) is amended—

9 (1) by striking “Section 606(5)” and inserting  
10 “Paragraph (5) of section 605”; and

11 (2) by inserting “, as redesignated by section  
12 310(a)(4)(B) of this Act,” before “is amended”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 subsection (a) shall take effect as if included in the enact-  
15 ment of the Intelligence Authorization Act for Fiscal Year  
16 2013 (Public Law 112–277).

Passed the Senate June 11, 2014.

Attest:

*Secretary.*



113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**S. 1681**

**AN ACT**

To authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.