

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

H. R. 4681

To authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. FEINSTEIN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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 2015”.

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.

Sec. 3. Budgetary effects.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

2

- Sec. 102. Classified Schedule of Authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL 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. National intelligence strategy.
- Sec. 304. Software licensing.
- Sec. 305. Reporting of certain employment activities by former intelligence officers and employees.
- Sec. 306. Inclusion of Predominantly Black Institutions in intelligence officer training program.
- Sec. 307. Management and oversight of financial intelligence.
- Sec. 308. Analysis of private sector policies and procedures for countering insider threats.
- Sec. 309. Procedures for the retention of incidentally acquired communications.
- Sec. 310. Clarification of limitation of review to retaliatory security clearance or access determinations.
- Sec. 311. Feasibility study on consolidating classified databases of cyber threat indicators and malware samples.
- Sec. 312. Sense of Congress on cybersecurity threat and cybercrime cooperation with Ukraine.
- Sec. 313. Replacement of locally employed staff serving at United States diplomatic facilities in the Russian Federation.
- Sec. 314. Inclusion of Sensitive Compartmented Information Facilities in United States diplomatic facilities in the Russian Federation and adjacent countries.

Subtitle B—Reporting

- Sec. 321. Report on declassification process.
- Sec. 322. Report on intelligence community efficient spending targets.
- Sec. 323. Annual report on violations of law or executive order.
- Sec. 324. Annual report on intelligence activities of the Department of Homeland Security.
- Sec. 325. Report on political prison camps in North Korea.
- Sec. 326. Assessment of security of domestic oil refineries and related rail transportation infrastructure.
- Sec. 327. Enhanced contractor level assessments for the intelligence community.
- Sec. 328. Assessment of the efficacy of memoranda of understanding to facilitate intelligence-sharing.
- Sec. 329. Report on foreign man-made electromagnetic pulse weapons.
- Sec. 330. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda and its affiliated or associated groups.
- Sec. 331. Feasibility study on retraining veterans in cybersecurity.

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 **SEC. 3. BUDGETARY EFFECTS.**

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

1 **TITLE I—INTELLIGENCE**
2 **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2015 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the United States Government:

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

10 (2) The Central Intelligence Agency.

11 (3) The Department of Defense.

12 (4) The Defense Intelligence Agency.

13 (5) The National Security Agency.

14 (6) The Department of the Army, the Depart-
15 ment of the Navy, and the Department of the Air
16 Force.

17 (7) The Coast Guard.

18 (8) The Department of State.

19 (9) The Department of the Treasury.

20 (10) The Department of Energy.

21 (11) The Department of Justice.

22 (12) The Federal Bureau of Investigation.

23 (13) The Drug Enforcement Administration.

24 (14) The National Reconnaissance Office.

1 (15) The National Geospatial-Intelligence Agen-
2 cy.

3 (16) The Department of Homeland Security.

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

5 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
6 LEVELS.—The amounts authorized to be appropriated
7 under section 101 and, subject to section 103, the author-
8 ized personnel ceilings as of September 30, 2015, for the
9 conduct of the intelligence activities of the elements listed
10 in paragraphs (1) through (16) of section 101, are those
11 specified in the classified Schedule of Authorizations pre-
12 pared to accompany the bill H.R. 4681 of the One Hun-
13 dred Thirteenth Congress.

14 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
15 THORIZATIONS.—

16 (1) AVAILABILITY.—The classified Schedule of
17 Authorizations referred to in subsection (a) shall be
18 made available to the Committee on Appropriations
19 of the Senate, the Committee on Appropriations of
20 the House of Representatives, and to the President.

21 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
22 ject to paragraph (3), the President shall provide for
23 suitable distribution of the classified Schedule of Au-
24 thorizations, or of appropriate portions of the Sched-
25 ule, within the executive branch.

1 (3) LIMITS ON DISCLOSURE.—The President
2 shall not publicly disclose the classified Schedule of
3 Authorizations or any portion of such Schedule ex-
4 cept—

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

8 (B) to the extent necessary to implement
9 the budget; or

10 (C) as otherwise required by law.

11 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

12 (a) AUTHORITY FOR INCREASES.—The Director of
13 National Intelligence may authorize employment of civil-
14 ian personnel in excess of the number authorized for fiscal
15 year 2015 by the classified Schedule of Authorizations re-
16 ferred to in section 102(a) if the Director of National In-
17 telligence determines that such action is necessary to the
18 performance of important intelligence functions, except
19 that the number of personnel employed in excess of the
20 number authorized under such section may not, for any
21 element of the intelligence community, exceed 3 percent
22 of the number of civilian personnel authorized under such
23 Schedule for such element.

24 (b) TREATMENT OF CERTAIN PERSONNEL.—The Di-
25 rector of National Intelligence shall establish guidelines

1 that govern, for each element of the intelligence commu-
2 nity, the treatment under the personnel levels authorized
3 under section 102(a), including any exemption from such
4 personnel levels, of employment or assignment in—

5 (1) a student program, trainee program, or
6 similar program;

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

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

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

16 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
17 **COUNT.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated for the Intelligence Commu-
20 nity Management Account of the Director of National In-
21 telligence for fiscal year 2015 the sum of \$~~510,573,000~~^{507,400,000}.
22 Within such amount, funds identified in the classified
23 Schedule of Authorizations referred to in section 102(a)
24 for advanced research and development shall remain avail-
25 able until September 30, 2016.

1 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
2 ments within the Intelligence Community Management
3 Account of the Director of National Intelligence are au-
4 thorized ⁷⁹⁴~~777~~ positions as of September 30, 2015. Per-
5 sonnel serving in such elements may be permanent em-
6 ployees of the Office of the Director of National Intel-
7 ligence or personnel detailed from other elements of the
8 United States Government.

9 (c) CLASSIFIED AUTHORIZATIONS.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—In
11 addition to amounts authorized to be appropriated
12 for the Intelligence Community Management Ac-
13 count by subsection (a), there are authorized to be
14 appropriated for the Community Management Ac-
15 count for fiscal year 2015 such additional amounts
16 as are specified in the classified Schedule of Author-
17 izations referred to in section 102(a). Such addi-
18 tional amounts for advanced research and develop-
19 ment shall remain available until September 30,
20 2016.

21 (2) AUTHORIZATION OF PERSONNEL.—In addi-
22 tion to the personnel authorized by subsection (b)
23 for elements of the Intelligence Community Manage-
24 ment Account as of September 30, 2015, there are
25 authorized such additional personnel for the Com-

1 munity Management Account as of that date as are
2 specified in the classified Schedule of Authorizations
3 referred to in section 102(a).

4 **TITLE II—CENTRAL INTEL-**
5 **LIGENCE AGENCY RETIRE-**
6 **MENT AND DISABILITY SYS-**
7 **TEM**

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for the Cen-
10 tral Intelligence Agency Retirement and Disability Fund
11 for fiscal year 2015 the sum of \$514,000,000.

12 **TITLE III—GENERAL**
13 **PROVISIONS**

14 **Subtitle A—General Matters**

15 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
16 **BENEFITS AUTHORIZED BY LAW.**

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

22 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
23 **ACTIVITIES.**

24 The authorization of appropriations by this Act shall
25 not be deemed to constitute authority for the conduct of

1 any intelligence activity which is not otherwise authorized
2 by the Constitution or the laws of the United States.

3 **SEC. 303. NATIONAL INTELLIGENCE STRATEGY.**

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

7 **“SEC. 108A. NATIONAL INTELLIGENCE STRATEGY.**

8 “(a) IN GENERAL.—Beginning in 2017, and once
9 every 4 years thereafter, the Director of National Intel-
10 ligence shall develop a comprehensive national intelligence
11 strategy to meet national security objectives for the fol-
12 lowing 4-year period, or a longer period, if appropriate.

13 “(b) REQUIREMENTS.—Each national intelligence
14 strategy required by subsection (a) shall—

15 “(1) delineate a national intelligence strategy
16 consistent with—

17 “(A) the most recent national security
18 strategy report submitted pursuant to section
19 108;

20 “(B) the strategic plans of other relevant
21 departments and agencies of the United States;
22 and

23 “(C) other relevant national-level plans;

24 “(2) address matters related to national and
25 military intelligence, including counterintelligence;

1 “(3) identify the major national security mis-
2 sions that the intelligence community is currently
3 pursuing and will pursue in the future to meet the
4 anticipated security environment;

5 “(4) describe how the intelligence community
6 will utilize personnel, technology, partnerships, and
7 other capabilities to pursue the major national secu-
8 rity missions identified in paragraph (3);

9 “(5) assess current, emerging, and future
10 threats to the intelligence community, including
11 threats from foreign intelligence and security serv-
12 ices and insider threats;

13 “(6) outline the organizational roles and mis-
14 sions of the elements of the intelligence community
15 as part of an integrated enterprise to meet customer
16 demands for intelligence products, services, and sup-
17 port;

18 “(7) identify sources of strategic, institutional,
19 programmatic, fiscal, and technological risk; and

20 “(8) analyze factors that may affect the intel-
21 ligence community’s performance in pursuing the
22 major national security missions identified in para-
23 graph (3) during the following 10-year period.

24 “(c) SUBMISSION TO CONGRESS.—The Director of
25 National Intelligence shall submit to the congressional in-

1 telligence committees a report on each national intel-
2 ligence strategy required by subsection (a) not later than
3 45 days after the date of the completion of such strat-
4 egy.”.

5 (b) TABLE OF CONTENTS AMENDMENTS.—The table
6 of contents in the first section of the National Security
7 Act of 1947 is amended by inserting after the item relat-
8 ing to section 108 the following new item:

“Sec. 108A. National intelligence strategy.”.

9 **SEC. 304. SOFTWARE LICENSING.**

10 Section 109 of the National Security Act of 1947 (50
11 U.S.C. 3044) is amended—

12 (1) in subsection (a)(2), by striking “usage;
13 and” and inserting “usage, including—

14 “(A) increasing the centralization of the
15 management of software licenses;

16 “(B) increasing the regular tracking and
17 maintaining of comprehensive inventories of
18 software licenses using automated discovery and
19 inventory tools and metrics;

20 “(C) analyzing software license data to in-
21 form investment decisions; and

22 “(D) providing appropriate personnel with
23 sufficient software licenses management train-
24 ing; and”;

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “; and”
2 and inserting a semicolon;

3 (B) in paragraph (2), by striking “usage.”
4 and inserting “usage, including—

5 “(A) increasing the centralization of the
6 management of software licenses;

7 “(B) increasing the regular tracking and
8 maintaining of comprehensive inventories of
9 software licenses using automated discovery and
10 inventory tools and metrics;

11 “(C) analyzing software license data to in-
12 form investment decisions; and

13 “(D) providing appropriate personnel with
14 sufficient software licenses management train-
15 ing; and”;

16 (C) by adding at the end the following new
17 paragraph:

18 “(3) based on the assessment required under
19 paragraph (2), make such recommendations with re-
20 spect to software procurement and usage to the Di-
21 rector of National Intelligence as the Chief Informa-
22 tion Officer considers appropriate.”;

23 (3) by adding at the end the following new sub-
24 section:

1 “(d) IMPLEMENTATION OF RECOMMENDATIONS.—
2 Not later than 180 days after the date on which the Direc-
3 tor of National Intelligence receives recommendations
4 from the Chief Information Officer of the Intelligence
5 Community in accordance with subsection (b)(3), the Di-
6 rector of National Intelligence shall, to the extent prac-
7 ticable, issue guidelines for the intelligence community on
8 software procurement and usage based on such rec-
9 ommendations.”.

10 **SEC. 305. REPORTING OF CERTAIN EMPLOYMENT ACTIVI-**
11 **TIES BY FORMER INTELLIGENCE OFFICERS**
12 **AND EMPLOYEES.**

13 (a) RESTRICTION.—Title III of the National Security
14 Act of 1947 (50 U.S.C. 3071 et seq.) is amended by in-
15 serting after section 303 the following new section:

16 **“SEC. 304. REPORTING OF CERTAIN EMPLOYMENT ACTIVI-**
17 **TIES BY FORMER INTELLIGENCE OFFICERS**
18 **AND EMPLOYEES.**

19 “(a) IN GENERAL.—The head of each element of the
20 intelligence community shall issue regulations requiring
21 each employee of such element occupying a covered posi-
22 tion to sign a written agreement requiring the regular re-
23 porting of covered employment to the head of such ele-
24 ment.

1 “(b) AGREEMENT ELEMENTS.—The regulations re-
2 quired under subsection (a) shall provide that an agree-
3 ment contain provisions requiring each employee occu-
4 pying a covered position to, during the two-year period be-
5 ginning on the date on which such employee ceases to oc-
6 cupy such covered position—

7 “(1) report covered employment to the head of
8 the element of the intelligence community that em-
9 ployed such employee in such covered position upon
10 accepting such covered employment; and

11 “(2) annually (or more frequently if the head of
12 such element considers it appropriate) report cov-
13 ered employment to the head of such element.

14 “(c) DEFINITIONS.—In this section:

15 “(1) COVERED EMPLOYMENT.—The term ‘cov-
16 ered employment’ means direct employment by, rep-
17 resentation of, or the provision of advice relating to
18 national security to the government of a foreign
19 country or any person whose activities are directly or
20 indirectly supervised, directed, controlled, financed,
21 or subsidized, in whole or in major part, by any gov-
22 ernment of a foreign country.

23 “(2) COVERED POSITION.—The term ‘covered
24 position’ means a position within an element of the
25 intelligence community that, based on the level of

1 access of a person occupying such position to infor-
2 mation regarding sensitive intelligence sources or
3 methods or other exceptionally sensitive matters, the
4 head of such element determines should be subject
5 to the requirements of this section.

6 “(3) GOVERNMENT OF A FOREIGN COUNTRY.—
7 The term ‘government of a foreign country’ has the
8 meaning given the term in section 1(c) of the For-
9 eign Agents Registration Act of 1938 (22 U.S.C.
10 611(c)).”

11 (b) REGULATIONS AND CERTIFICATION.—

12 (1) REGULATIONS.—Not later than 90 days
13 after the date of the enactment of this Act, the head
14 of each element of the intelligence community shall
15 issue the regulations required under section 304 of
16 the National Security Act of 1947, as added by sub-
17 section (a) of this section.

18 (2) CERTIFICATION.—Not later than 180 days
19 after the date of the enactment of this Act, the Di-
20 rector of National Intelligence shall submit to the
21 congressional intelligence committees—

22 (A) a certification that each head of an
23 element of the intelligence community has pre-
24 scribed the regulations required under section

1 304 of the National Security Act of 1947, as
2 added by subsection (a) of this section; or

3 (B) if the Director is unable to submit the
4 certification described under subparagraph (A),
5 an explanation as to why the Director is unable
6 to submit such certification, including a des-
7 ignation of which heads of an element of the in-
8 telligence community have prescribed the regu-
9 lations required under such section 304 and
10 which have not.

11 (c) TABLE OF CONTENTS AMENDMENTS.—The table
12 of contents in the first section of the National Security
13 Act of 1947 is amended—

14 (1) by striking the second item relating to sec-
15 tion 302 (Under Secretaries and Assistant Secre-
16 taries) and the items relating to sections 304, 305,
17 and 306; and

18 (2) by inserting after the item relating to sec-
19 tion 303 the following new item:

“Sec. 304. Reporting of certain employment activities by former intelligence of-
ficers and employees.”.

20 **SEC. 306. INCLUSION OF PREDOMINANTLY BLACK INSTITU-**
21 **TIONS IN INTELLIGENCE OFFICER TRAINING**
22 **PROGRAM.**

23 Section 1024 of the National Security Act of 1947
24 (50 U.S.C. 3224) is amended—

1 (1) in subsection (c)(1), by inserting “and Pre-
2 dominantly Black Institutions” after “universities”;
3 and

4 (2) in subsection (g)—

5 (A) by redesignating paragraph (4) as
6 paragraph (5); and

7 (B) by inserting after paragraph (3) the
8 following new paragraph:

9 “(4) PREDOMINANTLY BLACK INSTITUTION.—
10 The term ‘Predominantly Black Institution’ has the
11 meaning given the term in section 318 of the Higher
12 education Act of 1965 (20 U.S.C. 1059e).”.

13 **SEC. 307. MANAGEMENT AND OVERSIGHT OF FINANCIAL IN-**
14 **TELLIGENCE.**

15 (a) REQUIREMENT FOR PLAN.—Not later than 90
16 days after the date of the enactment of this Act, the Direc-
17 tor of National Intelligence shall prepare a plan for man-
18 agement of the elements of the intelligence community
19 that carry out financial intelligence activities.

20 (b) CONTENTS OF PLAN.—The plan required by sub-
21 section (a) shall establish a governance framework, proce-
22 dures for sharing and harmonizing the acquisition and use
23 of financial analytic tools, standards for quality of analytic
24 products, procedures for oversight and evaluation of re-
25 source allocations associated with the joint development

1 of information sharing efforts and tools, and an education
2 and training model for elements of the intelligence commu-
3 nity that carry out financial intelligence activities.

4 (c) BRIEFING TO CONGRESS.—Not later than 180
5 days after the date of the enactment of this Act, the Direc-
6 tor of National Intelligence shall brief the congressional
7 intelligence committees on the actions the Director pro-
8 poses to implement the plan required by subsection (a).

9 **SEC. 308. ANALYSIS OF PRIVATE SECTOR POLICIES AND**
10 **PROCEDURES FOR COUNTERING INSIDER**
11 **THREATS.**

12 (a) ANALYSIS.—Not later than 180 days after the
13 date of the enactment of this Act, the Director of National
14 Intelligence, in consultation with the National Counter-
15 intelligence Executive, shall submit to the congressional
16 intelligence committees an analysis of private sector poli-
17 cies and procedures for countering insider threats.

18 (b) CONTENT.—The analysis required by subsection
19 (a) shall include—

20 (1) a review of whether and how the intelligence
21 community could utilize private sector hiring and
22 human resources best practices to screen, vet, and
23 validate the credentials, capabilities, and character
24 of applicants for positions involving trusted access to
25 sensitive information;

1 (2) an analysis of private sector policies for
2 holding supervisors and subordinates accountable for
3 violations of established security protocols and
4 whether the intelligence community should adopt
5 similar policies for positions of trusted access to sen-
6 sitive information;

7 (3) an assessment of the feasibility and advis-
8 ability of applying mandatory leave policies, similar
9 to those endorsed by the Federal Deposit Insurance
10 Corporation and the Securities and Exchange Com-
11 mission to identify fraud in the financial services in-
12 dustry, to certain positions within the intelligence
13 community; and

14 (4) recommendations for how the intelligence
15 community could utilize private sector risk indices,
16 such as credit risk scores, to make determinations
17 about employee access to sensitive information.

18 **SEC. 309. PROCEDURES FOR THE RETENTION OF INCIDENT-**
19 **TALLY ACQUIRED COMMUNICATIONS.**

20 (a) **DEFINITIONS.**—In this section:

21 (1) **COVERED COMMUNICATION.**—The term
22 “covered communication” means any nonpublic tele-
23 phone or electronic communication acquired without
24 the consent of a person who is a party to the com-

1 munication, including communications in electronic
2 storage.

3 (2) HEAD OF AN ELEMENT OF THE INTEL-
4 LIGENCE COMMUNITY.—The term “head of an ele-
5 ment of the intelligence community” means, as ap-
6 propriate—

7 (A) the head of an element of the intel-
8 ligence community; or

9 (B) the head of the department or agency
10 containing such element.

11 (3) UNITED STATES PERSON.—The term
12 “United States person” has the meaning given that
13 term in section 101 of the Foreign Intelligence Sur-
14 veillance Act of 1978 (50 U.S.C. 1801).

15 (b) PROCEDURES FOR COVERED COMMUNICA-
16 TIONS.—

17 (1) REQUIREMENT TO ADOPT.—Not later than
18 2 years after the date of the enactment of this Act
19 each head of an element of the intelligence commu-
20 nity shall adopt procedures approved by the Attor-
21 ney General for such element that ensure compliance
22 with the requirements of paragraph (3).

23 (2) COORDINATION AND APPROVAL.—The pro-
24 cedures required by paragraph (1) shall be—

1 (A) prepared in coordination with the Di-
2 rector of National Intelligence; and

3 (B) approved by the Attorney General
4 prior to issuance.

5 (3) PROCEDURES.—

6 (A) APPLICATION.—The procedures re-
7 quired by paragraph (1) shall apply to any in-
8 telligence collection activity not otherwise au-
9 thorized by court order (including an order or
10 certification issued by a court established under
11 subsection (a) or (b) of section 103 of the For-
12 eign Intelligence Surveillance Act of 1978 (50
13 U.S.C. 1803)), subpoena, or similar legal proc-
14 ess that is reasonably anticipated to result in
15 the acquisition of a covered communication to
16 or from a United States person and shall per-
17 mit the acquisition, retention, and dissemina-
18 tion of covered communications subject to the
19 limitation in subparagraph (B).

20 (B) LIMITATION ON RETENTION.—A cov-
21 ered communication shall not be retained in ex-
22 cess of 5 years, unless—

23 (i) the communication has been af-
24 firmatively determined, in whole or in part,
25 to constitute foreign intelligence or coun-

1 terintelligence or is necessary to under-
2 stand or assess foreign intelligence or
3 counterintelligence;

4 (ii) the communication is reasonably
5 believed to constitute evidence of a crime
6 and is retained by a law enforcement agen-
7 cy;

8 (iii) the communication is enciphered
9 or reasonably believed to have a secret
10 meaning;

11 (iv) all parties to the communication
12 are reasonably believed to be non-United
13 States persons;

14 (v) retention is necessary to protect
15 against an imminent threat to human life,
16 in which case both the nature of the threat
17 and the information to be retained shall be
18 reported to the congressional intelligence
19 committees not later than 30 days after
20 the date such retention is extended under
21 this clause;

22 (vi) retention is necessary for tech-
23 nical assurance or compliance purposes, in-
24 cluding a court order or discovery obliga-
25 tion, in which case access to information

1 retained for technical assurance or compli-
2 ance purposes shall be reported to the con-
3 gressional intelligence committees on an
4 annual basis; or

5 (vii) retention for a period in excess of
6 5 years is approved by the head of the ele-
7 ment of the intelligence community respon-
8 sible for such retention, based on a deter-
9 mination that retention is necessary to
10 protect the national security of the United
11 States, in which case the head of such ele-
12 ment shall provide to the congressional in-
13 telligence committees a written certifi-
14 cation describing—

15 (I) the reasons extended reten-
16 tion is necessary to protect the na-
17 tional security of the United States;

18 (II) the duration for which the
19 head of the element is authorizing re-
20 tention;

21 (III) the particular information
22 to be retained; and

23 (IV) the measures the element of
24 the intelligence community is taking
25 to protect the privacy interests of

1 United States persons or persons lo-
2 cated inside the United States.

3 **SEC. 310. CLARIFICATION OF LIMITATION OF REVIEW TO**
4 **RETALIATORY SECURITY CLEARANCE OR AC-**
5 **CESS DETERMINATIONS.**

6 Section 3001(b)(7) of the Intelligence Reform and
7 Terrorism Prevention Act of 2004 (50 U.S.C. 3341(b)(7))
8 is amended—

9 (1) in the matter preceding subparagraph (A),
10 by striking “2014—” and inserting “2014, and con-
11 sistent with subsection (j)—”;

12 (2) in subparagraph (A), by striking “to appeal
13 a determination to suspend or revoke a security
14 clearance or access to classified information” and in-
15 sserting “alleging reprisal for having made a pro-
16 tected disclosure (provided the individual does not
17 disclose classified information or other information
18 contrary to law) to appeal any action affecting an
19 employee’s access to classified information”; and

20 (3) in subparagraph (B), by striking “informa-
21 tion,” inserting “information following a protected
22 disclosure,”.

1 **SEC. 311. FEASIBILITY STUDY ON CONSOLIDATING CLASSI-**
2 **FIED DATABASES OF CYBER THREAT INDICA-**
3 **TORS AND MALWARE SAMPLES.**

4 (a) **IN GENERAL.**—Not later than 180 days after the
5 date of the enactment of this Act, the Director of National
6 Intelligence, in consultation with the Secretary of Home-
7 land Security, the Director of the National Security Agen-
8 cy, the Director of the Central Intelligence Agency, and
9 the Director of the Federal Bureau of Investigation, shall
10 conduct a feasibility study on consolidating classified data-
11 bases of cyber threat indicators and malware samples in
12 the intelligence community.

13 (b) **ELEMENTS.**—The feasibility study required by
14 subsection (a) shall include the following:

15 (1) An inventory of classified databases of cyber
16 threat indicators and malware samples in the intel-
17 ligence community.

18 (2) An assessment of actions that could be car-
19 ried out to consolidate such databases to achieve the
20 greatest possible information sharing within the in-
21 telligence community and cost savings for the Fed-
22 eral Government.

23 (3) An assessment of any impediments to such
24 consolidation.

1 (4) An assessment of whether the Intelligence
2 Community Information Technology Enterprise can
3 support such consolidation.

4 (c) REPORT TO CONGRESS.—Not later than 30 days
5 after the date on which the Director of National Intel-
6 ligence completes the feasibility study required by sub-
7 section (a), the Director shall submit to the congressional
8 intelligence committees a written report that summarizes
9 the feasibility study, including the information required
10 under subsection (b).

11 **SEC. 312. SENSE OF CONGRESS ON CYBERSECURITY**
12 **THREAT AND CYBERCRIME COOPERATION**
13 **WITH UKRAINE.**

14 It is the sense of Congress that—

15 (1) cooperation between the intelligence and law
16 enforcement agencies of the United States and
17 Ukraine should be increased to improve cybersecu-
18 rity policies between these two countries;

19 (2) the United States should pursue improved
20 extradition procedures among the Governments of
21 the United States, Ukraine, and other countries
22 from which cybercriminals target United States citi-
23 zens and entities;

24 (3) the President should—

1 (Δ) initiate a round of formal United
2 States-Ukraine bilateral talks on cybersecurity
3 threat and cybercrime cooperation, with addi-
4 tional multilateral talks that include other law
5 enforcement partners such as Europol and
6 Interpol; and

7 (B) work to obtain a commitment from the
8 Government of Ukraine to end cybercrime di-
9 rected at persons outside Ukraine and to work
10 with the United States and other allies to deter
11 and convict known cybercriminals;

12 (4) the President should establish a capacity
13 building program with the Government of Ukraine,
14 which could include—

15 (A) a joint effort to improve cyber capacity
16 building, including intelligence and law enforce-
17 ment services in Ukraine;

18 (B) sending United States law enforcement
19 agents to aid law enforcement agencies in
20 Ukraine in investigating cybercrimes; and

21 (C) agreements to improve communications
22 networks to enhance law enforcement coopera-
23 tion, such as a hotline directly connecting law
24 enforcement agencies in the United States and
25 Ukraine; and

1 (5) the President should establish and maintain
2 an intelligence and law enforcement cooperation
3 scorecard with metrics designed to measure the
4 number of instances that intelligence and law en-
5 forcement agencies in the United States request as-
6 sistance from intelligence and law enforcement agen-
7 cies in Ukraine and the number and type of re-
8 sponses received to such requests.

9 **SEC. 313. REPLACEMENT OF LOCALLY EMPLOYED STAFF**
10 **SERVING AT UNITED STATES DIPLOMATIC**
11 **FACILITIES IN THE RUSSIAN FEDERATION.**

12 (a) **EMPLOYMENT REQUIREMENT.**—

13 (1) **IN GENERAL.**—The Secretary of State shall
14 ensure that, not later than one year after the date
15 of the enactment of this Act, every supervisory posi-
16 tion at a United States diplomatic facility in the
17 Russian Federation shall be occupied by a citizen of
18 the United States who has passed, and shall be sub-
19 ject to, a thorough background check.

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

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

7 (b) PLAN FOR REDUCED USE OF LOCALLY EM-
8 PLOYED STAFF.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary of State, in
10 coordination with other appropriate government agencies,
11 shall submit to the appropriate congressional committees
12 a plan to further reduce the reliance on locally employed
13 staff in United States diplomatic facilities in the Russian
14 Federation. The plan shall, at a minimum, include cost
15 estimates, timelines, and numbers of employees to be re-
16 placed.

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

- 20 (1) the congressional intelligence committees;
- 21 (2) the Committee on Armed Services, the
22 Committee on Foreign Relations, and the Committee
23 on Appropriations of the Senate; and

1 (3) the Committee on Armed Services, the
2 Committee on Foreign Affairs, and the Committee
3 on Appropriations of the House of Representatives.

4 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
5 tion shall be construed to infringe on the power of the
6 President, by and with the advice and consent of the Sen-
7 ate, to appoint ambassadors, other public ministers, and
8 consuls.”

9 **SEC. 314. INCLUSION OF SENSITIVE COMPARTMENTED IN-**
10 **FORMATION FACILITIES IN UNITED STATES**
11 **DIPLOMATIC FACILITIES IN THE RUSSIAN**
12 **FEDERATION AND ADJACENT COUNTRIES.**

13 (a) **SENSITIVE COMPARTMENTED INFORMATION FA-**
14 **CILITY REQUIREMENT.**—Each United States diplomatic
15 facility that, after the date of the enactment of this Act,
16 is constructed in, or undergoes a construction upgrade in,
17 the Russian Federation, any country that shares a land
18 border with the Russian Federation, or any country that
19 is a former member of the Soviet Union shall be con-
20 structed to include a Sensitive Compartmented Informa-
21 tion Facility.

22 (b) **NATIONAL SECURITY WAIVER.**—The Secretary of
23 State may waive the requirement under subsection (a) if
24 the Secretary determines that such waiver is in the na-
25 tional security interest of the United States and submits

1 a written justification to the appropriate congressional
2 committees not later than 180 days before exercising such
3 waiver.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congress-
6 sional committees” means—

7 (1) the congressional intelligence committees;

8 (2) the Committee on Armed Services, the
9 Committee on Foreign Relations, and the Committee
10 on Appropriations of the Senate; and

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

14 **Subtitle B—Reporting**

15 **SEC. 321. REPORT ON DECLASSIFICATION PROCESS.**

16 Not later than December 31, 2016, the Director of
17 National Intelligence shall submit to Congress a report de-
18 scribing—

19 (1) proposals to improve the declassification
20 process throughout the intelligence community; and

21 (2) steps the intelligence community could take,
22 or legislation that may be necessary, to enable the
23 National Declassification Center to better accom-
24 plish the missions assigned to the Center by Execu-
25 tive Order No. 13526 (75 Fed. Reg. 707).

1 **SEC. 322. REPORT ON INTELLIGENCE COMMUNITY EFFI-**
2 **CIENT SPENDING TARGETS.**

3 (a) **IN GENERAL.**—Not later than April 1, 2016, and
4 April 1, 2017, the Director of National Intelligence shall
5 submit to the congressional intelligence committees a re-
6 port on the status and effectiveness of efforts to reduce
7 administrative costs for the intelligence community during
8 the preceding year.

9 (b) **ELEMENTS.**—Each report under subsection (a)
10 shall include for each element of the intelligence commu-
11 nity the following:

12 (1) A description of the status and effectiveness
13 of efforts to devise alternatives to government travel
14 and promote efficient travel spending, such as tele-
15 conferencing and video conferencing.

16 (2) A description of the status and effectiveness
17 of efforts to limit costs related to hosting and at-
18 tending conferences.

19 (3) A description of the status and effectiveness
20 of efforts to assess information technology inven-
21 tories and usage, and establish controls, to reduce
22 costs related to underutilized information technology
23 equipment, software, or services.

24 (4) A description of the status and effectiveness
25 of efforts to limit the publication and printing of
26 hard copy documents.

1 (5) A description of the status and effectiveness
2 of efforts to improve the performance of Federal
3 fleet motor vehicles and limit executive transpor-
4 tation.

5 (6) A description of the status and effectiveness
6 of efforts to limit the purchase of extraneous pro-
7 motional items, such as plaques, clothing, and com-
8 memorative items.

9 (7) A description of the status and effectiveness
10 of efforts to consolidate and streamline workforce
11 training programs to focus on the highest priority
12 workforce and mission needs.

13 (8) Such other matters relating to efforts to re-
14 duce intelligence community administrative costs as
15 the Director may specify for purposes of this section.

16 **SEC. 323. ANNUAL REPORT ON VIOLATIONS OF LAW OR EX-**
17 **ECUTIVE ORDER.**

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

21 **“SEC. 511. ANNUAL REPORT ON VIOLATIONS OF LAW OR EX-**
22 **ECUTIVE ORDER.**

23 “(a) ANNUAL REPORTS REQUIRED.—The Director of
24 National Intelligence shall annually submit to the congres-
25 sional intelligence committees a report on violations of law

1 or executive order relating to intelligence activities by per-
2 sonnel of an element of the intelligence community that
3 were identified during the previous calendar year.

4 “(b) ELEMENTS.—Each report submitted under sub-
5 section (a) shall, consistent with the need to preserve on-
6 going criminal investigations, include a description of, and
7 any action taken in response to, any violation of law or
8 executive order (including Executive Order No. 12333 (50
9 U.S.C. 3001 note)) relating to intelligence activities com-
10 mitted by personnel of an element of the intelligence com-
11 munity in the course of the employment of such personnel
12 that, during the previous calendar year, was—

13 “(1) determined by the director, head, or gen-
14 eral counsel of any element of the intelligence com-
15 munity to have occurred;

16 “(2) referred to the Department of Justice for
17 possible criminal prosecution; or

18 “(3) substantiated by the inspector general of
19 any element of the intelligence community.”.

20 (b) INITIAL REPORT.—The first report required
21 under section 511 of the National Security Act of 1947,
22 as added by subsection (a), shall be submitted not later
23 than one year after the date of the enactment of this Act.

24 (c) GUIDELINES.—Not later than 180 days after the
25 date of the enactment of this Act, the Director of National

1 Intelligence, in consultation with the head of each element
2 of the intelligence community, shall—

3 (1) issue guidelines to carry out section 511 of
4 the National Security Act of 1947, as added by sub-
5 section (a); and

6 (2) submit such guidelines to the congressional
7 intelligence committees.

8 (d) TABLE OF CONTENTS AMENDMENT.—The table
9 of sections in the first section of the National Security
10 Act of 1947 is amended by adding after the item relating
11 to section 510 the following new item:

“Sec. 511. Annual report on violations of law or executive order.”.

12 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion or the amendments made by this section shall be con-
14 strued to alter any requirement existing on the date of
15 the enactment of this Act to submit a report under any
16 provision of law.

17 **SEC. 324. ANNUAL REPORT ON INTELLIGENCE ACTIVITIES**
18 **OF THE DEPARTMENT OF HOMELAND SECU-**
19 **RITY.**

20 (a) IN GENERAL.—For each fiscal year and along
21 with the budget materials submitted in support of the
22 budget of the Department of Homeland Security pursuant
23 to section 1105(a) of title 31, United States Code, the
24 Under Secretary for Intelligence and Analysis of the De-
25 partment shall submit to the congressional intelligence

1 committees a report for such fiscal year on each intel-
2 ligence activity of each intelligence component of the De-
3 partment, as designated by the Under Secretary, that in-
4 cludes the following:

5 (1) The amount of funding requested for each
6 such intelligence activity.

7 (2) The number of full-time employees funded
8 to perform each such intelligence activity.

9 (3) The number of full-time contractor employ-
10 ees (or the equivalent of full-time in the case of
11 part-time contractor employees) funded to perform
12 or in support of each such intelligence activity.

13 (4) A determination as to whether each such in-
14 telligence activity is predominantly in support of na-
15 tional intelligence or departmental missions.

16 (5) The total number of analysts of the Intel-
17 ligence Enterprise of the Department that per-
18 form—

19 (A) strategic analysis; or

20 (B) operational analysis.

21 (b) FEASIBILITY AND ADVISABILITY REPORT.—Not
22 later than 120 days after the date of the enactment of
23 this Act, the Secretary of Homeland Security, acting
24 through the Under Secretary for Intelligence and Analysis,

1 shall submit to the congressional intelligence committees
2 a report that—

3 (1) examines the feasibility and advisability of
4 including the budget request for all intelligence ac-
5 tivities of each intelligence component of the Depart-
6 ment that predominantly support departmental mis-
7 sions, as designated by the Under Secretary for In-
8 telligence and Analysis, in the Homeland Security
9 Intelligence Program; and

10 (2) includes a plan to enhance the coordination
11 of department-wide intelligence activities to achieve
12 greater efficiencies in the performance of the De-
13 partment of Homeland Security intelligence func-
14 tions.

15 (c) INTELLIGENCE COMPONENT OF THE DEPART-
16 MENT.—In this section, the term “intelligence component
17 of the Department” has the meaning given that term in
18 section 2 of the Homeland Security Act of 2002 (6 U.S.C.
19 101).

20 **SEC. 325. REPORT ON POLITICAL PRISON CAMPS IN NORTH**
21 **KOREA.**

22 (a) IN GENERAL.—The Director of National Intel-
23 ligence, in consultation with the Secretary of State, shall
24 submit to the congressional intelligence committees, the
25 Committee on Foreign Relations of the Senate, and the

1 Committee on Foreign Affairs of the House of Representa-
2 tives a report on political prison camps in North Korea.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall—

5 (1) describe the actions the United States is
6 taking to support implementation of the rec-
7 ommendations of the United Nations Commission of
8 Inquiry on Human Rights in the Democratic Peo-
9 ple's Republic of Korea, including the eventual es-
10 tablishment of a tribunal to hold individuals ac-
11 countable for abuses; and

12 (2) include, with respect to each political prison
13 camp in North Korea to the extent information is
14 available—

15 (A) the estimated prisoner population of
16 each such camp;

17 (B) the geographical coordinates of each
18 such camp;

19 (C) the reasons for confinement of the
20 prisoners at each such camp;

21 (D) a description of the primary industries
22 and products made at each such camp, and the
23 end users of any goods produced in such camp;

24 (E) information regarding involvement of
25 any non-North Korean entity or individual in-

1 involved in the operations of each such camp, in-
2 cluding as an end user or source of any good
3 or products used in, or produced by, in such
4 camp;

5 (F) information identifying individuals and
6 agencies responsible for conditions in each such
7 camp at all levels of the Government of North
8 Korea;

9 (G) a description of the conditions under
10 which prisoners are confined, with respect to
11 the adequacy of food, shelter, medical care,
12 working conditions, and reports of ill-treatment
13 of prisoners, at each such camp; and

14 (H) unclassified imagery, including sat-
15 ellite imagery, of each such camp.

16 (e) FORM.—The report required by subsection (a)
17 shall be submitted in an unclassified form and may include
18 a classified annex if necessary.

19 **SEC. 326. ASSESSMENT OF SECURITY OF DOMESTIC OIL RE-**
20 **FINERIES AND RELATED RAIL TRANSPOR-**
21 **TATION INFRASTRUCTURE.**

22 (a) ASSESSMENT.—The Under Secretary of Home-
23 land Security for Intelligence and Analysis shall conduct
24 an intelligence assessment of the security of domestic oil
25 refineries and related rail transportation infrastructure.

1 (b) SUBMISSION.—Not later than 180 days after the
2 date of the enactment of this Act, the Under Secretary
3 of Homeland Security for Intelligence and Analysis shall
4 submit to the congressional intelligence committees—

5 (1) the results of the assessment required under
6 subsection (a); and

7 (2) any recommendations with respect to intel-
8 ligence sharing or intelligence collection to improve
9 the security of domestic oil refineries and related rail
10 transportation infrastructure to protect the commu-
11 nities surrounding such refineries or such infrastruc-
12 ture from potential harm that the Under Secretary
13 considers appropriate.

14 **SEC. 327. ENHANCED CONTRACTOR LEVEL ASSESSMENTS**
15 **FOR THE INTELLIGENCE COMMUNITY.**

16 Section 506B(e) of the National Security Act of 1947
17 (50 U.S.C. 3098(e)) is amended—

18 (1) in paragraph (11), by striking “or con-
19 tracted”;

20 (2) by redesignating paragraph (12) as para-
21 graph (13); and

22 (3) by inserting after paragraph (11) the fol-
23 lowing:

24 “(12) The best estimate of the number of intel-
25 ligence collectors and analysts contracted by each

1 element of the intelligence community and a descrip-
 2 tion of the functions performed by such contrac-
 3 tors.”.

4 **SEC. 328. ASSESSMENT OF THE EFFICACY OF MEMORANDA**
 5 **OF UNDERSTANDING TO FACILITATE INTEL-**
 6 **LIGENCE-SHARING.**

7 Not later than 90 days after the date of the enact-
 8 ment of this Act, the Under Secretary of Homeland Secu-
 9 rity for Intelligence and Analysis, in consultation with the
 10 Director of the Federal Bureau of Investigation and the
 11 Program Manager of the Information Sharing Environ-
 12 ment, shall submit to the congressional intelligence com-
 13 mittees, the Committee on Homeland Security and Gov-
 14 ernmental Affairs of the Senate, ~~and~~ the Committee on
 15 Homeland Security of the House of Representatives an as-
 16 sessment of the efficacy of the memoranda of under-
 17 standing signed between Federal, State, local, tribal, and
 18 territorial agencies to facilitate intelligence-sharing within
 19 and separate from the Joint Terrorism Task Force. Such
 20 assessment shall include—

21 (1) any language within such memoranda of un-
 22 derstanding that prohibited or may be construed to
 23 prohibit intelligence-sharing between Federal, State,
 24 local, tribal, and territorial agencies; and

*the Committee
 on the Judiciary
 of the Senate,
 and the
 Committee on
 the Judiciary
 of the House
 of Representatives*

1 rector of National Intelligence shall submit to the
2 appropriate committees of Congress a comprehensive
3 report on the United States counterterrorism strat-
4 egy to disrupt, dismantle, and defeat al-Qaeda and
5 its affiliated or associated groups.

6 (2) COORDINATION.—The report required by
7 paragraph (1) shall be prepared in coordination with
8 the Secretary of State, the Secretary of the Treas-
9 ury, the Attorney General, and the Secretary of De-
10 fense, and the head of any other department or
11 agency of the United States Government that has
12 responsibility for activities directed at combating al-
13 Qaeda and its affiliated or associated groups.

14 (3) ELEMENTS.—The report required by para-
15 graph (1) shall include the following:

16 (A) A definition of—

17 (i) al-Qaeda core, including a list of
18 which known individuals constitute al-
19 Qaeda core;

20 (ii) an affiliated group of al-Qaeda,
21 including a list of which known groups
22 constitute an affiliate group of al-Qaeda;

23 (iii) an associated group of al-Qaeda,
24 including a list of which known groups

1 constitute an associated group of al-Qaeda;
2 and

3 (iv) a group aligned with al-Qaeda, in-
4 cluding a description of what actions a
5 group takes or statements it makes that
6 qualify it as a group aligned with al-Qaeda.

7 (B) A list of any other group, including
8 the organization that calls itself the Islamic
9 State (also known as “ISIS” or “ISIL”), that
10 adheres to the core mission of al-Qaeda, or who
11 espouses the same violent jihad ideology as al-
12 Qaeda.

13 (C) An assessment of the relationship be-
14 tween al-Qaeda core and the groups referred to
15 in subparagraph (B).

16 (D) An assessment of the strengthening or
17 weakening of al-Qaeda and the groups referred
18 to in subparagraph (B) from January 1, 2010,
19 to the present, including a description of the
20 metrics that are used to assess strengthening or
21 weakening and an assessment of the relative in-
22 crease or decrease in violent attacks attributed
23 to such entities.

24 (E) An assessment of whether or not an
25 individual can be a member of al-Qaeda core if

1 such individual is not located in Afghanistan or
2 Pakistan.

3 (F) An assessment of whether or not an
4 individual can be a member of al-Qaeda core as
5 well as a member of a group referred to in sub-
6 paragraph (B).

7 (G) A definition of defeat of core al-Qaeda.

8 (H) An assessment of the extent or coordi-
9 nation, command, and control between core al-
10 Qaeda and the groups referred to in subpara-
11 graph (B), specifically addressing each such
12 group.

13 (I) An assessment of the effectiveness of
14 counterterrorism operations against core al-
15 Qaeda and the groups referred to in subpara-
16 graph (B), and whether such operations have
17 had a sustained impact on the capabilities and
18 effectiveness of core al-Qaeda and such groups.

19 (4) FORM.—The report required by paragraph
20 (1) shall be submitted in unclassified form, but may
21 include a classified annex.

22 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-
23 FINED.—In this section, the term “appropriate commit-
24 tees of Congress” means—

25 (1) the congressional intelligence committees;

