

## Union Calendar No. 343

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

# H. R. 4681

**[Report No. 113-463]**

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.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2014

Mr. ROGERS of Michigan introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

MAY 27, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 20, 2014]

# **A BILL**

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.

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 “In-*  
 5 *telligence Authorization Act for Fiscal Years 2014 and*  
 6 *2015”.*

7        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 8 *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.*

**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 identi-  
ties of employees submitting complaints to the Inspector General  
of the Intelligence Community.*

*Sec. 305. Functional managers for the intelligence community.*

*Sec. 306. Annual assessment of intelligence community performance by function.*

*Sec. 307. Software licensing.*

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

*Sec. 309. Auditability.*

*Sec. 310. Public Interest Declassification Board.*

*Sec. 311. Official representation items in support of the Coast Guard Attaché  
Program.*

*Sec. 312. Declassification review of certain items collected during the mission  
that killed Osama bin Laden on May 1, 2011.*

*Sec. 313. Merger of the Foreign Counterintelligence Program and the General De-  
fense Intelligence Program.*

*Subtitle B—Reporting*

- Sec. 321. Annual report on violations of law or executive order.*  
*Sec. 322. Submittal to Congress by heads of elements of intelligence community of plans for orderly shutdown in event of absence of appropriations.*  
*Sec. 323. Reports on chemical weapons in Syria.*  
*Sec. 324. Reports to the intelligence community on penetrations of networks and information systems of certain contractors.*  
*Sec. 325. Report on electronic waste.*  
*Sec. 326. Promoting STEM education to meet the future workforce needs of the intelligence community.*  
*Sec. 327. Assessment of security of domestic oil refineries and related rail transportation infrastructure.*  
*Sec. 328. Repeal or modification of certain reporting requirements.*

*TITLE IV—MATTERS RELATING TO ELEMENTS OF THE  
INTELLIGENCE COMMUNITY*

- Sec. 401. Gifts, devises, and bequests to the Central Intelligence Agency.*  
*Sec. 402. Inspector General of the National Security Agency.*

*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—TECHNICAL AMENDMENTS*

- Sec. 601. Technical amendments to the Central Intelligence Agency Act of 1949.*  
*Sec. 602. Technical amendments to the National Security Act of 1947 relating to the past elimination of certain positions.*  
*Sec. 603. 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 commit-*  
 5 *tees” means—*

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

1                   (B) the Permanent Select Committee on In-  
2                   telligence of the House of Representatives.

3                   (2) INTELLIGENCE COMMUNITY.—The term “in-  
4                   telligence community” has the meaning given that  
5                   term in section 3(4) of the National Security Act of  
6                   1947 (50 U.S.C. 3003(4)).

7                   **TITLE I—INTELLIGENCE**  
8                   **ACTIVITIES**

9                   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

10                  *Funds are hereby authorized to be appropriated for fis-*  
11                  *cal years 2014 and 2015 for the conduct of the intelligence*  
12                  *and intelligence-related activities of the following elements*  
13                  *of the United States Government:*

14                   (1) *The Office of the Director of National Intel-*  
15                   *ligence.*

16                   (2) *The Central Intelligence Agency.*

17                   (3) *The Department of Defense.*

18                   (4) *The Defense Intelligence Agency.*

19                   (5) *The National Security Agency.*

20                   (6) *The Department of the Army, the Depart-*  
21                   *ment of the Navy, and the Department of the Air*  
22                   *Force.*

23                   (7) *The Coast Guard.*

24                   (8) *The Department of State.*

25                   (9) *The Department of the Treasury.*

1           (10) *The Department of Energy.*

2           (11) *The Department of Justice.*

3           (12) *The Federal Bureau of Investigation.*

4           (13) *The Drug Enforcement Administration.*

5           (14) *The National Reconnaissance Office.*

6           (15) *The National Geospatial-Intelligence Agen-*  
7       *cy.*

8           (16) *The Department of Homeland Security.*

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

10       (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*  
11 *LEVELS.—*

12           (1) *FISCAL YEAR 2014.—The amounts author-*  
13 *ized to be appropriated under section 101 and, subject*  
14 *to section 103, the authorized personnel ceilings as of*  
15 *September 30, 2014, for the conduct of the intelligence*  
16 *activities of the elements listed in paragraphs (1)*  
17 *through (16) of section 101, are those specified in the*  
18 *classified Schedule of Authorizations for fiscal year*  
19 *2014 prepared to accompany the bill H.R. 4681 of the*  
20 *One Hundred Thirteenth Congress.*

21           (2) *FISCAL YEAR 2015.—The amounts author-*  
22 *ized to be appropriated under section 101 and, subject*  
23 *to section 103, the authorized personnel ceilings as of*  
24 *September 30, 2015, for the conduct of the intelligence*  
25 *activities of the elements listed in paragraphs (1)*

1 *through (16) of section 101, are those specified in the*  
2 *classified Schedule of Authorizations for fiscal year*  
3 *2015 prepared to accompany the bill H.R. 4681 of the*  
4 *One Hundred Thirteenth Congress.*

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

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

12 *(2) DISTRIBUTION BY THE PRESIDENT.—Subject*  
13 *to paragraph (3), the President shall provide for suit-*  
14 *able distribution of the classified Schedules of Author-*  
15 *izations, or of appropriate portions of the Schedules,*  
16 *within the executive branch.*

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

21 *(A) as provided in section 601(a) of the Im-*  
22 *plementing Recommendations of the 9/11 Com-*  
23 *mission Act of 2007 (50 U.S.C. 3306(a));*

24 *(B) to the extent necessary to implement the*  
25 *budget; or*

1                   (C) as otherwise required by law.

2   **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

3           (a) *AUTHORITY FOR INCREASES.*—The Director of Na-  
4   tional Intelligence may authorize employment of civilian  
5   personnel in excess of the number authorized for fiscal year  
6   2014 or 2015 by the classified Schedules of Authorizations  
7   referred to in section 102(a) if the Director of National In-  
8   telligence determines that such action is necessary to the  
9   performance of important intelligence functions, except that  
10  the number of personnel employed in excess of the number  
11  authorized under such section may not, for any element of  
12  the intelligence community, exceed 3 percent of the number  
13  of civilian personnel authorized under the Schedule for such  
14  element during the fiscal year covered by such Schedule.

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

21               (1) a student program, trainee program, or simi-  
22       lar program;

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



1           (3) *details, joint duty, or long term, full-time*  
2           *training.*

3           (c) *NOTICE TO CONGRESSIONAL INTELLIGENCE COM-*  
4           *MITTEES.—The Director of National Intelligence shall no-*  
5           *tify the congressional intelligence committees in writing at*  
6           *least 15 days prior to each exercise of an authority de-*  
7           *scribed in subsection (a).*

8           **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
9           **COUNT.**

10          (a) *AUTHORIZATION OF APPROPRIATIONS.—*

11           (1) *FISCAL YEAR 2014.—There is authorized to*  
12           *be appropriated for the Intelligence Community Man-*  
13           *agement Account of the Director of National Intel-*  
14           *ligence for fiscal year 2014 the sum of \$528,229,000.*  
15           *Within such amount, funds identified in the classified*  
16           *Schedule of Authorizations referred to in section*  
17           *102(a) for advanced research and development shall*  
18           *remain available until September 30, 2015.*

19           (2) *FISCAL YEAR 2015.—There is authorized to*  
20           *be appropriated for the Intelligence Community Man-*  
21           *agement Account of the Director of National Intel-*  
22           *ligence for fiscal year 2015 the sum of \$505,476,000.*  
23           *Within such amount, funds identified in the classified*  
24           *Schedule of Authorizations referred to in section*

1       102(a) for advanced research and development shall  
2       remain available until September 30, 2016.

3       (b) *AUTHORIZED PERSONNEL LEVELS.*—The elements  
4       within the Intelligence Community Management Account of  
5       the Director of National Intelligence are authorized 855 po-  
6       sitions as of September 30, 2014, and 777 positions as of  
7       September 30, 2015. Personnel serving in such elements  
8       may be permanent employees of the Office of the Director  
9       of National Intelligence or personnel detailed from other ele-  
10      ments of the United States Government.

11      (c) *CLASSIFIED AUTHORIZATIONS.*—

12           (1) *AUTHORIZATION OF APPROPRIATIONS.*—

13               (A) *FISCAL YEAR 2014.*—In addition to  
14               amounts authorized to be appropriated for the  
15               Intelligence Community Management Account by  
16               subsection (a), there are authorized to be appro-  
17               priated for the Community Management Account  
18               for fiscal year 2014 such additional amounts as  
19               are specified in the classified Schedule of Author-  
20               izations referred to in section 102(a). Such addi-  
21               tional amounts for advanced research and devel-  
22               opment shall remain available until September  
23               30, 2015.

24               (B) *FISCAL YEAR 2015.*—In addition to  
25               amounts authorized to be appropriated for the

1 *Intelligence Community Management Account by*  
2 *subsection (a), there are authorized to be appro-*  
3 *priated for the Community Management Account*  
4 *for fiscal year 2014 such additional amounts as*  
5 *are specified in the classified Schedule of Author-*  
6 *izations referred to in section 102(a). Such addi-*  
7 *tional amounts for advanced research and devel-*  
8 *opment shall remain available until September*  
9 *30, 2016.*

10 (2) *AUTHORIZATION OF PERSONNEL.—*

11 (A) *FISCAL YEAR 2014.—In addition to the*  
12 *personnel authorized by subsection (b) for ele-*  
13 *ments of the Intelligence Community Manage-*  
14 *ment Account as of September 30, 2014, there*  
15 *are authorized such additional personnel for the*  
16 *Community Management Account as of that date*  
17 *as are specified in the classified Schedule of Au-*  
18 *thorizations referred to in section 102(a).*

19 (B) *FISCAL YEAR 2015.—In addition to the*  
20 *personnel authorized by subsection (b) for ele-*  
21 *ments of the Intelligence Community Manage-*  
22 *ment Account as of September 30, 2015, there*  
23 *are authorized such additional personnel for the*  
24 *Community Management Account as of that date*

1           *as are specified in the classified Schedule of Au-*  
2           *thorizations referred to in section 102(a).*

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

7   **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

8           *There is authorized to be appropriated for the Central*  
9   *Intelligence Agency Retirement and Disability Fund*  
10   *\$514,000,000 for each of fiscal years 2014 and 2015.*

11                   **TITLE III—GENERAL**  
12                   **PROVISIONS**

13                   **Subtitle A—General Matters**

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

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

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

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

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

3 **SEC. 303. SPECIFIC AUTHORIZATION OF FUNDING FOR**  
4 **HIGH PERFORMANCE COMPUTING CENTER 2.**

5 *Funds appropriated for the construction of the High*  
6 *Performance Computing Center 2 (HPCC 2), as described*  
7 *in the table entitled Consolidated Cryptologic Program*  
8 *(CCP) in the classified annex to accompany the Consoli-*  
9 *dated and Further Continuing Appropriations Act, 2013*  
10 *(Public Law 113–6; 127 Stat. 198), in excess of the amount*  
11 *specified for such activity in the tables in the classified*  
12 *annex prepared to accompany the Intelligence Authoriza-*  
13 *tion Act for Fiscal Year 2013 (Public Law 112–277; 126*  
14 *Stat. 2468) shall be specifically authorized by Congress for*  
15 *the purposes of section 504 of the National Security Act*  
16 *of 1947 (50 U.S.C. 3094).*

17 **SEC. 304. CLARIFICATION OF EXEMPTION FROM FREEDOM**  
18 **OF INFORMATION ACT OF IDENTITIES OF EM-**  
19 **PLOYEES SUBMITTING COMPLAINTS TO THE**  
20 **INSPECTOR GENERAL OF THE INTELLIGENCE**  
21 **COMMUNITY.**

22 *Section 103H(g)(3)(A) of the National Security Act of*  
23 *1947 (50 U.S.C. 3033(g)(3)(A)) is amended by striking*  
24 *“undertaken;” and inserting “undertaken, and this provi-*  
25 *sion shall qualify as a withholding statute pursuant to sub-*

1 *section (b)(3) of section 552 of title 5, United States Code*  
2 *(commonly known as the ‘Freedom of Information Act’);”.*

3 **SEC. 305. FUNCTIONAL MANAGERS FOR THE INTELLIGENCE**  
4 **COMMUNITY.**

5 *(a) FUNCTIONAL MANAGERS AUTHORIZED.—Title I of*  
6 *the National Security Act of 1947 (50 U.S.C. 3021 et seq.)*  
7 *is amended by inserting after section 103I the following new*  
8 *section:*

9 **“SEC. 103J. FUNCTIONAL MANAGERS FOR THE INTEL-**  
10 **LIGENCE COMMUNITY.**

11 *“(a) FUNCTIONAL MANAGERS AUTHORIZED.—The Di-*  
12 *rector of National Intelligence may establish within the in-*  
13 *telligence community one or more positions of manager of*  
14 *an intelligence function. Any position so established may*  
15 *be known as the ‘Functional Manager’ of the intelligence*  
16 *function concerned.*

17 *“(b) PERSONNEL.—The Director shall designate indi-*  
18 *viduals to serve as manager of intelligence functions estab-*  
19 *lished under subsection (a) from among officers and em-*  
20 *ployees of elements of the intelligence community.*

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

24 *“(1) To act as principal advisor to the Director*  
25 *on the intelligence function.*



1 *ardless of the element of the intelligence community*  
2 *that carried out such capabilities, programs, and ac-*  
3 *tivities.*

4 *“(2) A description of the investment and alloca-*  
5 *tion of resources for such intelligence function, includ-*  
6 *ing an analysis of the allocation of resources within*  
7 *the context of the National Intelligence Strategy, pri-*  
8 *orities for recipients of resources, and areas of risk.*

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

11 *“(4) An identification of any issues related to*  
12 *the application of technical interoperability standards*  
13 *in the capabilities, programs, and activities of such*  
14 *intelligence function.*

15 *“(5) An identification of the operational overlap*  
16 *or need for de-confliction, if any, within such intel-*  
17 *ligence function.*

18 *“(6) A description of any efforts to integrate*  
19 *such intelligence function with other intelligence dis-*  
20 *ciplines as part of an integrated intelligence enter-*  
21 *prise.*

22 *“(7) A description of any efforts to establish con-*  
23 *sistency in tradecraft and training within such intel-*  
24 *ligence function.*



1           “(8) *A description and assessment of develop-*  
2           *ments in technology that bear on the future of such*  
3           *intelligence function.*

4           “(9) *Such other matters relating to such intel-*  
5           *ligence function as the Director may specify for pur-*  
6           *poses of this section.*

7           “(c) *DEFINITIONS.—In this section:*

8           “(1) *The term ‘covered intelligence functions’*  
9           *means each intelligence function for which a Func-*  
10           *tional Manager has been established under section*  
11           *103J during the year covered by a report under this*  
12           *section.*

13           “(2) *The term ‘Functional Manager’ means the*  
14           *manager of an intelligence function established under*  
15           *section 103J.”.*

16           “(b) *TABLE OF CONTENTS AMENDMENT.—The table of*  
17           *contents in the first section of the National Security Act*  
18           *of 1947 is amended by inserting after the item relating to*  
19           *section 506I the following new item:*

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

20           **SEC. 307. SOFTWARE LICENSING.**

21           “(a) *IN GENERAL.—Title I of the National Security Act*  
22           *of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting*  
23           *after section 108 the following new section:*

1 **“SEC. 109. SOFTWARE LICENSING.**

2       “(a) *REQUIREMENT FOR INVENTORIES OF SOFTWARE*  
3 *LICENSES.—The chief information officer of each element*  
4 *of the intelligence community, in consultation with the*  
5 *Chief Information Officer of the Intelligence Community,*  
6 *shall biennially—*

7               “(1) *conduct an inventory of all existing soft-*  
8 *ware licenses of such element, including utilized and*  
9 *unutilized licenses;*

10              “(2) *assess the actions that could be carried out*  
11 *by such element to achieve the greatest possible econo-*  
12 *mies of scale and associated cost savings in software*  
13 *procurement and usage; and*

14              “(3) *submit to the Chief Information Officer of*  
15 *the Intelligence Community each inventory required*  
16 *by paragraph (1) and each assessment required by*  
17 *paragraph (2).*

18       “(b) *INVENTORIES BY THE CHIEF INFORMATION OFFI-*  
19 *CER OF THE INTELLIGENCE COMMUNITY.—The Chief Infor-*  
20 *mation Officer of the Intelligence Community, based on the*  
21 *inventories and assessments required by subsection (a),*  
22 *shall biennially—*

23              “(1) *compile an inventory of all existing soft-*  
24 *ware licenses of the intelligence community, including*  
25 *utilized and unutilized licenses; and*

1           “(2) assess the actions that could be carried out  
2           by the intelligence community to achieve the greatest  
3           possible economies of scale and associated cost savings  
4           in software procurement and usage.

5           “(c) *REPORTS TO CONGRESS.*—*The Chief Information*  
6 *Officer of the Intelligence Community shall submit to the*  
7 *congressional intelligence committees a copy of each inven-*  
8 *tory compiled under subsection (b)(1).”*

9           **(b) INITIAL INVENTORY.**—

10           **(1) INTELLIGENCE COMMUNITY ELEMENTS.**—

11           **(A) DATE.**—*Not later than 120 days after*  
12 *the date of the enactment of this Act, the chief*  
13 *information officer of each element of the intel-*  
14 *ligence community shall complete the initial in-*  
15 *ventory, assessment, and submission required*  
16 *under section 109(a) of the National Security*  
17 *Act of 1947, as added by subsection (a) of this*  
18 *section.*

19           **(B) BASIS.**—*The initial inventory con-*  
20 *ducted for each element of the intelligence com-*  
21 *munity under section 109(a)(1) of the National*  
22 *Security Act of 1947, as added by subsection (a)*  
23 *of this section, shall be based on the inventory of*  
24 *software licenses conducted pursuant to section*  
25 *305 of the Intelligence Authorization Act for Fis-*

1           *cal Year 2013 (Public Law 112–277; 126 Stat.*  
2           *2472) for such element.*

3           (2) *CHIEF INFORMATION OFFICER OF THE IN-*  
4           *TELLIGENCE COMMUNITY.—Not later than 180 days*  
5           *after the date of the enactment of this Act, the Chief*  
6           *Information Officer of the Intelligence Community*  
7           *shall complete the initial compilation and assessment*  
8           *required under section 109(b) of the National Secu-*  
9           *rity Act of 1947, as added by subsection (a).*

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

13                 (1) *by striking the second item relating to section*  
14                 *104 (relating to Annual national security strategy re-*  
15                 *port); and*

16                 (2) *by inserting after the item relating to section*  
17                 *108 the following new item:*

*“Sec. 109. Software licensing.”.*

18         **SEC. 308. PLANS TO RESPOND TO UNAUTHORIZED PUBLIC**  
19                 **DISCLOSURES OF COVERT ACTIONS.**

20                 *Section 503 of the National Security Act of 1947 (50*  
21                 *U.S.C. 3093) is amended by adding at the end the following*  
22                 *new subsection:*

23                 *“(h) For each type of activity undertaken as part of*  
24                 *a covert action, the President shall establish in writing a*

1 *plan to respond to the unauthorized public disclosure of that*  
2 *type of activity.”.*

3 **SEC. 309. AUDITABILITY.**

4 *(a) IN GENERAL.—Title V of the National Security*  
5 *Act of 1947 (50 U.S.C. 3091 et seq.) is amended by adding*  
6 *at the end the following new section:*

7 **“SEC. 509. AUDITABILITY OF CERTAIN ELEMENTS OF THE**  
8 **INTELLIGENCE COMMUNITY.**

9 *“(a) REQUIREMENT FOR ANNUAL AUDITS.—The head*  
10 *of each covered entity shall ensure that there is a full finan-*  
11 *cial audit of such covered entity each year beginning with*  
12 *fiscal year 2014. Such audits may be conducted by an inter-*  
13 *nal or external independent accounting or auditing organi-*  
14 *zation.*

15 *“(b) REQUIREMENT FOR UNQUALIFIED OPINION.—Be-*  
16 *ginning as early as practicable, but in no event later than*  
17 *the audit required under subsection (a) for fiscal year 2016,*  
18 *the head of each covered entity shall take all reasonable steps*  
19 *necessary to ensure that each audit required under sub-*  
20 *section (a) contains an unqualified opinion on the financial*  
21 *statements of such covered entity for the fiscal year covered*  
22 *by such audit.*

23 *“(c) REPORTS TO CONGRESS.—The chief financial of-*  
24 *ficer of each covered entity shall provide to the congressional*  
25 *intelligence committees an annual audit report from an ac-*

1 *counting or auditing organization on each audit of the cov-*  
2 *ered entity conducted pursuant to subsection (a).*

3 “(d) *COVERED ENTITY DEFINED.*—*In this section, the*  
4 *term ‘covered entity’ means the Office of the Director of Na-*  
5 *tional Intelligence, the Central Intelligence Agency, the De-*  
6 *fense Intelligence Agency, the National Security Agency, the*  
7 *National Reconnaissance Office, and the National*  
8 *Geospatial-Intelligence Agency.”*

9 (b) *TABLE OF CONTENTS AMENDMENT.*—*The table of*  
10 *contents in the first section of the National Security Act*  
11 *of 1947 is amended by inserting after the item relating to*  
12 *section 508 the following new item:*

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

13 **SEC. 310. PUBLIC INTEREST DECLASSIFICATION BOARD.**

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

17 **SEC. 311. OFFICIAL REPRESENTATION ITEMS IN SUPPORT**  
18 **OF THE COAST GUARD ATTACHÉ PROGRAM.**

19 *Notwithstanding any other limitation on the amount*  
20 *of funds that may be used for official representation items,*  
21 *the Secretary of Homeland Security may use funds made*  
22 *available to the Secretary through the National Intelligence*  
23 *Program for necessary expenses for intelligence analysis*  
24 *and operations coordination activities for official represen-*

1 *tation items in support of the Coast Guard Attaché Pro-*  
2 *gram.*

3 **SEC. 312. DECLASSIFICATION REVIEW OF CERTAIN ITEMS**  
4 **COLLECTED DURING THE MISSION THAT**  
5 **KILLED OSAMA BIN LADEN ON MAY 1, 2011.**

6 *Not later than 120 days after the date of the enactment*  
7 *of this Act, the Director of National Intelligence shall—*

8 *(1) in the manner described in the classified*  
9 *annex to this Act—*

10 *(A) complete a declassification review of*  
11 *documents collected in Abbottabad, Pakistan,*  
12 *during the mission that killed Osama bin Laden*  
13 *on May 1, 2011; and*

14 *(B) make publicly available any informa-*  
15 *tion declassified as a result of the declassification*  
16 *review required under paragraph (1); and*

17 *(2) report to the congressional intelligence com-*  
18 *mittees—*

19 *(A) the results of the declassification review*  
20 *required under paragraph (1); and*

21 *(B) a justification for not declassifying any*  
22 *information required to be included in such de-*  
23 *classification review that remains classified.*

1 **SEC. 313. MERGER OF THE FOREIGN COUNTERINTEL-**  
2 **LIGENCE PROGRAM AND THE GENERAL DE-**  
3 **FENSE INTELLIGENCE PROGRAM.**

4 *Notwithstanding any other provision of law, the Direc-*  
5 *tor of National Intelligence shall carry out the merger of*  
6 *the Foreign Counterintelligence Program into the General*  
7 *Defense Intelligence Program as directed in the classified*  
8 *annex to this Act. The merger shall go into effect no earlier*  
9 *than 30 days after written notification of the merger is pro-*  
10 *vided to the congressional intelligence committees.*

11 ***Subtitle B—Reporting***

12 **SEC. 321. ANNUAL REPORT ON VIOLATIONS OF LAW OR EX-**  
13 **ECUTIVE ORDER.**

14 *(a) IN GENERAL.—Title V of the National Security*  
15 *Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section*  
16 *309, is further amended by adding at the end the following:*  
17 **“SEC. 510. ANNUAL REPORT ON VIOLATIONS OF LAW OR EX-**  
18 **ECUTIVE ORDER.**

19 *“(a) ANNUAL REPORTS REQUIRED.—The Director of*  
20 *National Intelligence shall annually submit to the congres-*  
21 *sional intelligence committees a report on violations of law*  
22 *or executive order by personnel of an element of the intel-*  
23 *ligence community that were identified during the previous*  
24 *calendar year.*

25 *“(b) ELEMENTS.—Each report required under sub-*  
26 *section (a) shall include a description of, and any action*



1 *taken in response to, any violation of law or executive order*  
 2 *(including Executive Order 12333 (50 U.S.C. 3001 note))*  
 3 *by personnel of an element of the intelligence community*  
 4 *in the course of such employment that, during the previous*  
 5 *calendar year, was determined by the director, head, general*  
 6 *counsel, or inspector general of any element of the intel-*  
 7 *ligence community to have occurred.”.*

8       **(b) INITIAL REPORT.**—*The first report required under*  
 9 *section 510 of the National Security Act of 1947, as added*  
 10 *by subsection (a), shall be submitted not later than one year*  
 11 *after the date of the enactment of this Act.*

12       **(c) TABLE OF CONTENTS AMENDMENT.**—*The table of*  
 13 *sections in the first section of the National Security Act*  
 14 *of 1947, as amended by section 309 of this Act, is further*  
 15 *amended by adding after the section relating to section 509,*  
 16 *as added by such section 309, the following new item:*

“*Sec. 510. Annual report on violations of law or executive order.*”.

17 **SEC. 322. SUBMITTAL TO CONGRESS BY HEADS OF ELE-**  
 18 **MENTS OF INTELLIGENCE COMMUNITY OF**  
 19 **PLANS FOR ORDERLY SHUTDOWN IN EVENT**  
 20 **OF ABSENCE OF APPROPRIATIONS.**

21       **(a) IN GENERAL.**—*Whenever the head of an applicable*  
 22 *agency submits a plan to the Director of the Office of Man-*  
 23 *agement and Budget in accordance with section 124 of Of-*  
 24 *fice of Management and Budget Circular A–11, pertaining*  
 25 *to agency operations in the absence of appropriations, or*

1 *any successor circular of the Office that requires the head*  
2 *of an applicable agency to submit to the Director a plan*  
3 *for an orderly shutdown in the event of the absence of ap-*  
4 *propriations, such head shall submit a copy of such plan*  
5 *to the following:*

6           (1) *The congressional intelligence committees.*

7           (2) *The Subcommittee on Defense of the Com-*  
8 *mittee on Appropriations of the Senate.*

9           (3) *The Subcommittee on Defense of the Com-*  
10 *mittee on Appropriations of the House of Representa-*  
11 *tives.*

12           (4) *In the case of a plan for an element of the*  
13 *intelligence community that is within the Department*  
14 *of Defense, to—*

15                   (A) *the Committee on Armed Services of the*  
16 *Senate; and*

17                   (B) *the Committee on Armed Services of the*  
18 *House of Representatives.*

19           (b) *HEAD OF AN APPLICABLE AGENCY DEFINED.—In*  
20 *this section, the term “head of an applicable agency” in-*  
21 *cludes the following:*

22           (1) *The Director of National Intelligence.*

23           (2) *The Director of the Central Intelligence Agen-*  
24 *cy.*

1           (3) *Each head of each element of the intelligence*  
2           *community that is within the Department of Defense.*

3 **SEC. 323. REPORTS ON CHEMICAL WEAPONS IN SYRIA.**

4           (a) *IN GENERAL.*—*Not later than 30 days after the*  
5 *date of the enactment of this Act, the Director of National*  
6 *Intelligence shall submit to Congress a report on the Syrian*  
7 *chemical weapons program.*

8           (b) *ELEMENTS.*—*The report required under subsection*  
9 *(a) shall include the following elements:*

10           (1) *A comprehensive assessment of chemical*  
11 *weapon stockpiles in Syria, including names, types,*  
12 *and quantities of chemical weapons agents, types of*  
13 *munitions, and location and form of storage, produc-*  
14 *tion, and research and development facilities.*

15           (2) *A listing of key personnel associated with the*  
16 *Syrian chemical weapons program.*

17           (3) *An assessment of undeclared chemical weap-*  
18 *ons stockpiles, munitions, and facilities.*

19           (4) *An assessment of how these stockpiles, precu-*  
20 *sors, and delivery systems were obtained.*

21           (5) *A description of key intelligence gaps related*  
22 *to the Syrian chemical weapons program.*

23           (6) *An assessment of any denial and deception*  
24 *efforts on the part of the Syrian regime related to its*  
25 *chemical weapons program.*

1           (c) *PROGRESS REPORTS.*—Every 90 days until the  
2 date that is 18 months after the date of the enactment of  
3 this Act, the Director of National Intelligence shall submit  
4 to Congress a progress report providing any material up-  
5 dates to the report required under subsection (a).

6 **SEC. 324. REPORTS TO THE INTELLIGENCE COMMUNITY ON**  
7                           **PENETRATIONS OF NETWORKS AND INFOR-**  
8                           **MATION SYSTEMS OF CERTAIN CONTRAC-**  
9                           **TORS.**

10           (a) *PROCEDURES FOR REPORTING PENETRATIONS.*—  
11 The Director of National Intelligence shall establish proce-  
12 dures that require each cleared intelligence contractor to re-  
13 port to an element of the intelligence community designated  
14 by the Director for purposes of such procedures when a net-  
15 work or information system of such contractor that meets  
16 the criteria established pursuant to subsection (b) is success-  
17 fully penetrated.

18           (b) *NETWORKS AND INFORMATION SYSTEMS SUBJECT*  
19 *TO REPORTING.*—The Director of National Intelligence  
20 shall, in consultation with appropriate officials, establish  
21 criteria for covered networks to be subject to the procedures  
22 for reporting system penetrations under subsection (a).

23           (c) *PROCEDURE REQUIREMENTS.*—

24                   (1) *RAPID REPORTING.*—The procedures estab-  
25 lished pursuant to subsection (a) shall require each

1        *cleared intelligence contractor to rapidly report to an*  
2        *element of the intelligence community designated pur-*  
3        *suant to subsection (a) of each successful penetration*  
4        *of the network or information systems of such con-*  
5        *tractor that meet the criteria established pursuant to*  
6        *subsection (b). Each such report shall include the fol-*  
7        *lowing:*

8                *(A) A description of the technique or meth-*  
9                *od used in such penetration.*

10               *(B) A sample of the malicious software, if*  
11               *discovered and isolated by the contractor, in-*  
12               *volved in such penetration.*

13               *(C) A summary of information created by*  
14               *or for such element in connection with any pro-*  
15               *gram of such element that has been potentially*  
16               *compromised due to such penetration.*

17               *(2) ACCESS TO EQUIPMENT AND INFORMATION*  
18               *BY INTELLIGENCE COMMUNITY PERSONNEL.—The pro-*  
19               *cedures established pursuant to subsection (a) shall—*

20               *(A) include mechanisms for intelligence*  
21               *community personnel to, upon request, obtain*  
22               *access to equipment or information of a cleared*  
23               *intelligence contractor necessary to conduct fo-*  
24               *rensic analysis in addition to any analysis con-*  
25               *ducted by such contractor;*

1           (B) provide that a cleared intelligence con-  
2 tractor is only required to provide access to  
3 equipment or information as described in sub-  
4 paragraph (A) to determine whether information  
5 created by or for an element of the intelligence  
6 community in connection with any intelligence  
7 community program was successfully exfiltrated  
8 from a network or information system of such  
9 contractor and, if so, what information was  
10 exfiltrated; and

11           (C) provide for the reasonable protection of  
12 trade secrets, commercial or financial informa-  
13 tion, and information that can be used to iden-  
14 tify a specific person (other than the name of the  
15 suspected perpetrator of the penetration).

16           (3) *LIMITATION ON DISSEMINATION OF CERTAIN*  
17 *INFORMATION.*—The procedures established pursuant  
18 to subsection (a) shall prohibit the dissemination out-  
19 side the intelligence community of information ob-  
20 tained or derived through such procedures that is not  
21 created by or for the intelligence community except—

22           (A) with the approval of the contractor pro-  
23 viding such information;

24           (B) to the congressional intelligence com-  
25 mittees or the Subcommittees on Defense of the

1            *Committees on Appropriations of the House of*  
2            *Representatives and the Senate for such commit-*  
3            *tees and such Subcommittees to perform over-*  
4            *sight; or*

5                    *(C) to law enforcement agencies to inves-*  
6            *tigate a penetration reported under this section.*

7            *(d) ISSUANCE OF PROCEDURES AND ESTABLISHMENT*  
8 *OF CRITERIA.—*

9                    *(1) IN GENERAL.—Not later than 90 days after*  
10          *the date of the enactment of this Act, the Director of*  
11          *National Intelligence shall establish the procedures re-*  
12          *quired under subsection (a) and the criteria required*  
13          *under subsection (b).*

14                   *(2) APPLICABILITY DATE.—The requirements of*  
15          *this section shall apply on the date on which the Di-*  
16          *rector of National Intelligence establishes the proce-*  
17          *dures required under this section.*

18            *(e) COORDINATION WITH THE SECRETARY OF DE-*  
19 *FENSE TO PREVENT DUPLICATE REPORTING.—Not later*  
20 *than 180 days after the date of the enactment of this Act,*  
21 *the Director of National Intelligence and the Secretary of*  
22 *Defense shall establish procedures to permit a contractor*  
23 *that is a cleared intelligence contractor and a cleared de-*  
24 *fense contractor under section 941 of the National Defense*  
25 *Authorization Act for Fiscal Year 2013 (Public Law 112—*

1 239; 10 U.S.C. 2224 note) to submit a single report that  
2 satisfies the requirements of this section and such section  
3 941 for an incident of penetration of network or informa-  
4 tion system.

5 (f) *DEFINITIONS.*—*In this section:*

6 (1) *CLEARED INTELLIGENCE CONTRACTOR.*—*The*  
7 *term “cleared intelligence contractor” means a pri-*  
8 *vate entity granted clearance by the Director of Na-*  
9 *tional Intelligence or the head of an element of the in-*  
10 *telligence community to access, receive, or store classi-*  
11 *fied information for the purpose of bidding for a con-*  
12 *tract or conducting activities in support of any pro-*  
13 *gram of an element of the intelligence community.*

14 (2) *COVERED NETWORK.*—*The term “covered net-*  
15 *work” means a network or information system of a*  
16 *cleared intelligence contractor that contains or proc-*  
17 *esses information created by or for an element of the*  
18 *intelligence community with respect to which such*  
19 *contractor is required to apply enhanced protection.*

20 (g) *SAVINGS CLAUSES.*—*Nothing in this section shall*  
21 *be construed to alter or limit any otherwise authorized ac-*  
22 *cess by government personnel to networks or information*  
23 *systems owned or operated by a contractor that processes*  
24 *or stores government data.*



1 **SEC. 325. REPORT ON ELECTRONIC WASTE.**

2       (a) *REPORT.*—Not later than 90 days after the date  
3 of the enactment of this Act, the Director of National Intel-  
4 ligence shall submit to the congressional intelligence com-  
5 mittees a report on the extent to which the intelligence com-  
6 munity has implemented the recommendations of the In-  
7 spector General of the Intelligence Community contained in  
8 the report entitled “Study of Intelligence Community Elec-  
9 tronic Waste Disposal Practices” issued in May 2013. Such  
10 report shall include an assessment of the extent to which  
11 the policies, standards, and guidelines of the intelligence  
12 community governing the proper disposal of electronic  
13 waste are applicable to covered commercial electronic waste  
14 that may contain classified information.

15       (b) *FORM.*—The report required under subsection (a)  
16 shall be submitted in unclassified form, but may include  
17 a classified annex.

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

19           (1) *COVERED COMMERCIAL ELECTRONIC*  
20 *WASTE.*—The term “covered commercial electronic  
21 waste” means electronic waste of a commercial entity  
22 that contracts with an element of the intelligence com-  
23 munity.

24           (2) *ELECTRONIC WASTE.*—The term “electronic  
25 waste” includes any obsolete, broken, or irreparable  
26 electronic device, including a television, copier, fac-

1 *simile machine, tablet, telephone, computer, computer*  
2 *monitor, laptop, printer, scanner, and associated elec-*  
3 *trical wiring.*

4 **SEC. 326. PROMOTING STEM EDUCATION TO MEET THE FU-**  
5 **TURE WORKFORCE NEEDS OF THE INTEL-**  
6 **LIGENCE COMMUNITY.**

7 *(a) REPORT.—Not later than 180 days after the date*  
8 *of the enactment of this Act, the Director of National Intel-*  
9 *ligence shall submit to the Secretary of Education and the*  
10 *congressional intelligence committees a report describing the*  
11 *anticipated hiring needs of the intelligence community in*  
12 *the fields of science, technology, engineering, and mathe-*  
13 *matics, including cybersecurity and computer literacy. The*  
14 *report shall—*

15 *(1) describe the extent to which competitions,*  
16 *challenges, or internships at elements of the intel-*  
17 *ligence community that do not involve access to clas-*  
18 *sified information may be utilized to promote edu-*  
19 *cation in the fields of science, technology, engineering,*  
20 *and mathematics, including cybersecurity and com-*  
21 *puter literacy, within high schools or institutions of*  
22 *higher education in the United States;*

23 *(2) include cost estimates for carrying out such*  
24 *competitions, challenges, or internships; and*

1           (3) *include strategies for conducting expedited se-*  
2           *curity clearance investigations and adjudications for*  
3           *students at institutions of higher education for pur-*  
4           *poses of offering internships at elements of the intel-*  
5           *ligence community.*

6           (b) *CONSIDERATION OF EXISTING PROGRAMS.—In de-*  
7           *veloping the report under subsection (a), the Director shall*  
8           *take into consideration existing programs of the intelligence*  
9           *community, including the education programs of the Na-*  
10          *tional Security Agency and the Information Assurance*  
11          *Scholarship Program of the Department of Defense, as ap-*  
12          *propriate.*

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

14               (1) *HIGH SCHOOL.—The term “high school”*  
15               *mean a school that awards a secondary school di-*  
16               *ploma.*

17               (2) *INSTITUTION OF HIGHER EDUCATION.—The*  
18               *term “institution of higher education” has the mean-*  
19               *ing given the term in section 101(a) of the Higher*  
20               *Education Act of 1965 (20 U.S.C. 1001(a)).*

21               (3) *SECONDARY SCHOOL.—The term “secondary*  
22               *school” has the meaning given the term in section*  
23               *9101 of the Elementary and Secondary Education*  
24               *Act of 1965 (20 U.S.C. 7801).*

1 **SEC. 327. ASSESSMENT OF SECURITY OF DOMESTIC OIL RE-**  
2 **FINERIES AND RELATED RAIL TRANSPOR-**  
3 **TATION INFRASTRUCTURE.**

4 (a) *ASSESSMENT.*—*The Under Secretary of Homeland*  
5 *Security for Intelligence and Analysis shall conduct an in-*  
6 *telligence assessment of the security of domestic oil refineries*  
7 *and related rail transportation infrastructure.*

8 (b) *SUBMISSION.*—*Not later than 180 days after the*  
9 *date of the enactment of this Act, the Under Secretary of*  
10 *Homeland Security for Intelligence and Analysis shall sub-*  
11 *mit to the congressional intelligence committees—*

12 (1) *the results of the assessment required under*  
13 *subsection (a); and*

14 (2) *any recommendations with respect to intel-*  
15 *ligence sharing or intelligence collection to improve*  
16 *the security of domestic oil refineries and related rail*  
17 *transportation infrastructure to protect the commu-*  
18 *nities surrounding such refineries or such infrastruc-*  
19 *ture from potential harm that the Under Secretary*  
20 *considers appropriate.*

21 **SEC. 328. REPEAL OR MODIFICATION OF CERTAIN REPORT-**  
22 **ING REQUIREMENTS.**

23 (a) *REPEAL OF REPORTING REQUIREMENTS.*—

24 (1) *THREAT OF ATTACK ON THE UNITED STATES*  
25 *USING WEAPONS OF MASS DESTRUCTION.*—*Section*

1        *114 of the National Security Act of 1947 (50 U.S.C.*  
2        *3050) is amended by striking subsection (b).*

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

12        (b) *MODIFICATION OF REPORTING REQUIREMENTS.*—

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

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

23            *“(1) a description of such advisory committee,*  
24        *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 created  
4           by the Director of National Intelligence, the reasons  
5           for a determination by the Director under section  
6           4(b)(3) of the Federal Advisory Committee Act (5  
7           U.S.C. App.) that an advisory committee cannot com-  
8           ply with the requirements of such Act.”.

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

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

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

24          (4) ACTIVITIES OF PRIVACY AND CIVIL LIBERTIES  
25          OFFICERS.—Section 1062(f)(1) of the Intelligence Re-

1        *form and Terrorism Prevention Act of 2004 (42*  
2        *U.S.C. 2000ee-1(f)(1)) is amended in the matter pre-*  
3        *ceding subparagraph (A) by striking “quarterly” and*  
4        *inserting “semiannually”.*

5        *(c) CONFORMING AMENDMENTS.—The National Secu-*  
6        *rity Act of 1947 (50 U.S.C. 3001 et seq.) is amended—*

7                *(1) in the table of contents in the first section,*  
8        *by striking the item relating to section 114 and in-*  
9        *serting the following new item:*

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

10                *(2) in section 114 (50 U.S.C. 3050)—*

11                        *(A) by amending the heading to read as fol-*  
12        *lows: “ANNUAL REPORT ON HIRING AND RETEN-*  
13        *TION OF MINORITY EMPLOYEES”;*

14                        *(B) by striking “(a) ANNUAL REPORT ON*  
15        *HIRING AND RETENTION OF MINORITY EMPLOY-*  
16        *EES.—”;*

17                        *(C) by redesignating paragraphs (1)*  
18        *through (5) as subsections (a) through (e), re-*  
19        *spectively;*

20                        *(D) in subsection (b) (as so redesignated)—*

21                                *(i) by redesignating subparagraphs (A)*  
22        *through (C) as paragraphs (1) through (3),*  
23        *respectively; and*

24                                *(ii) in paragraph (2) (as so redesign-*  
25        *ated)—*

1                   (I) by redesignating clauses (i)  
2                   and (ii) as subparagraphs (A) and  
3                   (B), respectively; and

4                   (II) in the matter preceding sub-  
5                   paragraph (A) (as so redesignated), by  
6                   striking “clauses (i) and (ii)” and in-  
7                   serting “subparagraphs (A) and (B)”;

8                   (E) in subsection (d) (as redesignated by  
9                   subparagraph (C) of this paragraph), by striking  
10                  “subsection” and inserting “section”; and

11                  (F) in subsection (e) (as redesignated by  
12                  subparagraph (C) of this paragraph)—

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

16                   (ii) by striking “subsection,” and in-  
17                   serting “section”; and

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

19                   (A) in subsection (a)—

20                   (i) by striking “(1) The date” and in-  
21                   serting “The date”;

22                   (ii) by striking “subsection (c)(1)(A)”  
23                   and inserting “subsection (c)(1)”;

24                   (iii) by striking paragraph (2); and



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

17 **TITLE IV—MATTERS RELATING**  
 18 **TO ELEMENTS OF THE INTEL-**  
 19 **LIGENCE COMMUNITY**

20 **SEC. 401. GIFTS, DEVISES, AND BEQUESTS TO THE CENTRAL**  
 21 **INTELLIGENCE AGENCY.**

22           Section 12 of the Central Intelligence Agency Act of  
 23 1949 (50 U.S.C. 3512) is amended—

- 24                   (1) by striking the section heading and inserting  
 25                   “GIFTS, DEVISES, AND BEQUESTS”;

1           (2) *in subsection (a)(2)—*

2                   (A) *by inserting “by the Director as a gift*  
3                   *to the Agency” after “accepted”; and*

4                   (B) *by striking “this section” and inserting*  
5                   *“this subsection”;*

6           (3) *in subsection (b), by striking “this section,”*  
7           *and inserting “subsection (a),”;*

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

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

12           (6) *by redesignating subsection (f) as subsection*  
13           *(g); and*

14           (7) *by inserting after subsection (e) the following:*

15           “*(f)(1) The Director may engage in fundraising in an*  
16           *official capacity for the benefit of nonprofit organizations*  
17           *that provide support to surviving family members of de-*  
18           *ceased Agency employees or that otherwise provide support*  
19           *for the welfare, education, or recreation of Agency employ-*  
20           *ees, former Agency employees, or their family members.*”

21           “*(2) In this subsection, the term ‘fundraising’ means*  
22           *the raising of funds through the active participation in the*  
23           *promotion, production, or presentation of an event designed*  
24           *to raise funds and does not include the direct solicitation*  
25           *of money by any other means.’”.*”

1 **SEC. 402. INSPECTOR GENERAL OF THE NATIONAL SECU-**  
2 **RITY AGENCY.**

3 (a) *ELEVATION OF INSPECTOR GENERAL STATUS.*—  
4 *The Inspector General Act of 1978 (5 U.S.C. App.) is*  
5 *amended—*

6 (1) *in section 8G(a)(2), by striking “the Na-*  
7 *tional Security Agency,”; and*

8 (2) *in section 12—*

9 (A) *in paragraph (1), by inserting “the Na-*  
10 *tional Security Agency,” after “the Federal*  
11 *Emergency Management Agency,”; and*

12 (B) *in paragraph (2), by inserting “the Na-*  
13 *tional Security Agency,” after “the National*  
14 *Aeronautics and Space Administration,”.*

15 (b) *DATE OF APPOINTMENT.*—*Not later than 90 days*  
16 *after the date of the enactment of this Act, the President*  
17 *shall nominate a person for appointment, by and with the*  
18 *advice and consent of the Senate, as Inspector General of*  
19 *the National Security Agency under section 3(a) of the In-*  
20 *spector General Act of 1978 (5 U.S.C. App.) consistent with*  
21 *the amendments made by subsection (a).*

22 (c) *TRANSITION RULE.*—*An individual serving as In-*  
23 *spector General of the National Security Agency on the date*  
24 *of the enactment of this Act pursuant to an appointment*  
25 *made under section 8G of the Inspector General Act of 1978*  
26 *(5 U.S.C. App.)—*

1           (1) *may continue so serving until the President*  
2           *makes an appointment under section 3(a) of such Act*  
3           *with respect to the National Security Agency con-*  
4           *sistent with the amendments made by subsection (a);*  
5           *and*

6           (2) *shall, while serving under paragraph (1), re-*  
7           *main subject to the provisions of section 8G of such*  
8           *Act that, immediately before the date of the enactment*  
9           *of this Act, applied with respect to the Inspector Gen-*  
10          *eral of the National Security Agency and suffer no re-*  
11          *duction in pay.*

12          (d) *SPECIAL PROVISIONS CONCERNING THE NATIONAL*  
13          *SECURITY AGENCY.—The Inspector General Act of 1978 (5*  
14          *U.S.C. App.) is amended by inserting after section 8J the*  
15          *following new section:*

16          **“SEC. 8K. SPECIAL PROVISIONS CONCERNING THE NA-**  
17                  **TIONAL SECURITY AGENCY.**

18          “(a) *GENERAL COUNSEL TO THE INSPECTOR GEN-*  
19          *ERAL.—*

20                  “(1) *IN GENERAL.—There is a General Counsel*  
21                  *to the Inspector General of the National Security*  
22                  *Agency, who shall be appointed by the Inspector Gen-*  
23                  *eral of the National Security Agency.*

1           “(2) *DUTIES.*—*The General Counsel to the In-*  
2           *pector General of the National Security Agency*  
3           *shall—*

4                   “(A) *serve as the chief legal officer of the Of-*  
5                   *fice of the Inspector General of the National Se-*  
6                   *curity Agency;*

7                   “(B) *provide legal services only to the In-*  
8                   *pector General of the National Security Agency;*

9                   “(C) *prescribe professional rules of ethics*  
10                  *and responsibilities for employees and officers of,*  
11                  *and contractors to, the National Security Agen-*  
12                  *cy;*

13                  “(D) *perform such functions as the Inspec-*  
14                  *tor General may prescribe; and*

15                  “(E) *serve at the discretion of the Inspector*  
16                  *General.*

17           “(3) *OFFICE OF THE GENERAL COUNSEL.*—*There*  
18           *is an Office of the General Counsel to the Inspector*  
19           *General of the National Security Agency. The Inspec-*  
20           *tor General may appoint to the Office to serve as staff*  
21           *of the General Counsel such legal counsel as the In-*  
22           *pector General considers appropriate.*

23           “(b) *TESTIMONY.*—

24                   “(1) *AUTHORITY TO COMPEL.*—*The Inspector*  
25                   *General of the National Security Agency is authorized*

1       to require by subpoena the attendance and testimony  
2       of former employees of the National Security Agency  
3       or contractors, former contractors, or former detailees  
4       to the National Security Agency as necessary in the  
5       performance of functions assigned to the Inspector  
6       General by this Act.

7               “(2) *REFUSAL TO OBEY.*—A subpoena issued  
8       under this subsection, in the case of contumacy or re-  
9       fusal to obey, shall be enforceable by order of any ap-  
10      propriate United States district court.

11              “(3) *NOTIFICATION.*—The Inspector General  
12      shall notify the Attorney General 7 days before  
13      issuing any subpoena under this section.

14              “(c) *PROHIBITIONS ON INVESTIGATIONS FOR NA-*  
15      *TIONAL SECURITY REASONS.*—

16              “(1) *EVALUATIONS OF PROHIBITIONS.*—Not later  
17      than 7 days after the date on which the Inspector  
18      General of the National Security Agency receives no-  
19      tice or a statement under section 8G(d)(2)(C) of the  
20      reasons the Secretary of Defense is prohibiting the In-  
21      spector General from initiating, carrying out, or com-  
22      pleting any audit or investigation, the Inspector Gen-  
23      eral shall submit to the Permanent Select Committee  
24      on Intelligence and the Committee on Armed Services  
25      of the House of Representatives and the Select Com-

1 *mittee on Intelligence and the Committee on Armed*  
 2 *Services of the Senate an evaluation of such notice or*  
 3 *such statement.*

4 “(2) *INCLUSION IN SEMI-ANNUAL REPORT.—The*  
 5 *Inspector General shall include in the semiannual re-*  
 6 *port prepared by the Inspector General in accordance*  
 7 *with section 5(a) a description of the instances in*  
 8 *which the Secretary of Defense prohibited the Inspec-*  
 9 *tor General from initiating, carrying out, or com-*  
 10 *pleting any audit or investigation during the period*  
 11 *covered by such report.”.*

12 ***TITLE V—SECURITY CLEARANCE***  
 13 ***REFORM***

14 ***SEC. 501. CONTINUOUS EVALUATION AND SHARING OF DE-***  
 15 ***ROGATORY INFORMATION REGARDING PER-***  
 16 ***SONNEL WITH ACCESS TO CLASSIFIED INFOR-***  
 17 ***MATION.***

18 *Section 102A(j) of the National Security Act of 1947*  
 19 *(50 U.S.C. 3024(j)) is amended—*

20 *(1) in the heading, by striking “SENSITIVE COM-*  
 21 *PARTMENTED INFORMATION” and inserting “CLASSI-*  
 22 *FIED INFORMATION”;*

23 *(2) in paragraph (3), by striking “; and” and*  
 24 *inserting a semicolon;*

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

3           (4) by adding at the end the following new para-  
4           graphs:

5           “(5) ensure that the background of each employee  
6           or officer of an element of the intelligence community,  
7           each contractor to an element of the intelligence com-  
8           munity, and each individual employee of such a con-  
9           tractor who has been determined to be eligible for ac-  
10          cess to classified information is monitored on a con-  
11          tinual basis under standards developed by the Direc-  
12          tor, including with respect to the frequency of evalua-  
13          tion, during the period of eligibility of such employee  
14          or officer of an element of the intelligence community,  
15          such contractor, or such individual employee to such  
16          a contractor to determine whether such employee or  
17          officer of an element of the intelligence community,  
18          such contractor, and such individual employee of such  
19          a contractor continues to meet the requirements for  
20          eligibility for access to classified information; and

21          “(6) develop procedures to require information  
22          sharing between elements of the intelligence commu-  
23          nity concerning potentially derogatory security infor-  
24          mation regarding an employee or officer of an ele-  
25          ment of the intelligence community, a contractor to



1       *an element of the intelligence community, or an indi-*  
2       *vidual employee of such a contractor that may impact*  
3       *the eligibility of such employee or officer of an ele-*  
4       *ment of the intelligence community, such contractor,*  
5       *or such individual employee of such a contractor for*  
6       *a security clearance.”.*

7       **SEC. 502. REQUIREMENTS FOR INTELLIGENCE COMMUNITY**  
8                                   **CONTRACTORS.**

9       *(a) REQUIREMENTS.—Section 102A of the National*  
10      *Security Act of 1947 (50 U.S.C. 3024) is amended by add-*  
11      *ing at the end the following new subsection:*

12           *“(x) REQUIREMENTS FOR INTELLIGENCE COMMUNITY*  
13      *CONTRACTORS.—The Director of National Intelligence, in*  
14      *consultation with the head of each department of the Fed-*  
15      *eral Government that contains an element of the intelligence*  
16      *community and the Director of the Central Intelligence*  
17      *Agency, shall—*

18                   *“(1) ensure that—*

19                           *“(A) any contractor to an element of the in-*  
20                           *telligence community with access to a classified*  
21                           *network or classified information develops and*  
22                           *operates a security plan that is consistent with*  
23                           *standards established by the Director of National*  
24                           *Intelligence for intelligence community networks;*  
25                           *and*

1           “(B) each contract awarded by an element  
2           of the intelligence community includes provisions  
3           requiring the contractor comply with such plan  
4           and such standards;

5           “(2) conduct periodic assessments of each secu-  
6           rity plan required under paragraph (1)(A) to ensure  
7           such security plan complies with the requirements of  
8           such paragraph; and

9           “(3) ensure that the insider threat detection ca-  
10          pabilities and insider threat policies of the intel-  
11          ligence community apply to facilities of contractors  
12          with access to a classified network.”.

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

16       **SEC. 503. TECHNOLOGY IMPROVEMENTS TO SECURITY**  
17                               **CLEARANCE PROCESSING.**

18          (a) *IN GENERAL.*—The Director of National Intel-  
19          ligence, in consultation with the Secretary of Defense and  
20          the Director of the Office of Personnel Management, shall  
21          conduct an analysis of the relative costs and benefits of po-  
22          tential improvements to the process for investigating per-  
23          sons who are proposed for access to classified information  
24          and adjudicating whether such persons satisfy the criteria  
25          for obtaining and retaining access to such information.

1           (b) *CONTENTS OF ANALYSIS.*—*In conducting the anal-*  
2 *ysis required by subsection (a), the Director of National In-*  
3 *telligence shall evaluate the costs and benefits associated*  
4 *with—*

5           (1) *the elimination of manual processes in secu-*  
6 *rity clearance investigations and adjudications, if*  
7 *possible, and automating and integrating the elements*  
8 *of the investigation process, including—*

9                   (A) *the clearance application process;*

10                   (B) *case management;*

11                   (C) *adjudication management;*

12                   (D) *investigation methods for the collection,*  
13 *analysis, storage, retrieval, and transfer of data*  
14 *and records; and*

15                   (E) *records management for access and eli-*  
16 *gibility determinations;*

17           (2) *the elimination or reduction, if possible, of*  
18 *the use of databases and information sources that*  
19 *cannot be accessed and processed automatically elec-*  
20 *tronically, or modification of such databases and in-*  
21 *formation sources, to enable electronic access and*  
22 *processing;*

23           (3) *the use of government-developed and commer-*  
24 *cial technology for continuous monitoring and evalua-*  
25 *tion of government and commercial data sources that*

1        *can identify and flag information pertinent to adju-*  
2        *ication guidelines and eligibility determinations;*

3            *(4) the standardization of forms used for routine*  
4        *reporting required of cleared personnel (such as trav-*  
5        *el, foreign contacts, and financial disclosures) and use*  
6        *of continuous monitoring technology to access data-*  
7        *bases containing such reportable information to inde-*  
8        *pendently obtain and analyze reportable data and*  
9        *events;*

10           *(5) the establishment of an authoritative central*  
11        *repository of personnel security information that is*  
12        *accessible electronically at multiple levels of classifica-*  
13        *tion and eliminates technical barriers to rapid access*  
14        *to information necessary for eligibility determinations*  
15        *and reciprocal recognition thereof;*

16           *(6) using digitally processed fingerprints, as a*  
17        *substitute for ink or paper prints, to reduce error*  
18        *rates and improve portability of data;*

19           *(7) expanding the use of technology to improve*  
20        *an applicant's ability to discover the status of a*  
21        *pending security clearance application or reinvestiga-*  
22        *tion; and*

23           *(8) using government and publicly available*  
24        *commercial data sources, including social media, that*  
25        *provide independent information pertinent to adju-*

1        *dication guidelines to improve quality and timeliness,*  
2        *and reduce costs, of investigations and reinvestiga-*  
3        *tions.*

4        *(c) REPORT TO CONGRESS.—Not later than 6 months*  
5        *after the date of the enactment of this Act, the Director of*  
6        *National Intelligence shall submit to the appropriate com-*  
7        *mittees of Congress a report on the analysis required by*  
8        *subsection (a).*

9        **SEC. 504. REPORT ON RECIPROCITY OF SECURITY CLEAR-**  
10        **ANCES.**

11        *The head of the entity selected pursuant to section*  
12        *3001(b) of the Intelligence Reform and Terrorism Preven-*  
13        *tion Act of 2004 (50 U.S.C. 3341(b)) shall submit to the*  
14        *appropriate committees of Congress a report each year*  
15        *through 2017 that describes for the preceding year—*

16                *(1) the periods of time required by authorized*  
17                *adjudicative agencies for accepting background inves-*  
18                *tigations and determinations completed by an author-*  
19                *ized investigative entity or authorized adjudicative*  
20                *agency;*

21                *(2) the total number of cases in which a back-*  
22                *ground investigation or determination completed by*  
23                *an authorized investigative entity or authorized adju-*  
24                *dicative agency is accepted by another agency;*

1           (3) *the total number of cases in which a back-*  
2           *ground investigation or determination completed by*  
3           *an authorized investigative entity or authorized adju-*  
4           *dicative agency is not accepted by another agency;*  
5           *and*

6           (4) *such other information or recommendations*  
7           *as the head of the entity selected pursuant to such sec-*  
8           *tion 3001(b) considers appropriate.*

9   **SEC. 505. IMPROVING THE PERIODIC REINVESTIGATION**  
10                                   **PROCESS.**

11           (a) *IN GENERAL.*—*Not later than 180 days after the*  
12           *date of the enactment of this Act, and annually thereafter*  
13           *until December 31, 2017, the Director of National Intel-*  
14           *ligence, in consultation with the Secretary of Defense and*  
15           *the Director of the Office of Personnel Management, shall*  
16           *transmit to the appropriate committees of Congress a stra-*  
17           *tegic plan for updating the process for periodic reinvestiga-*  
18           *tions consistent with a continuous evaluation program.*

19           (b) *CONTENTS.*—*The plan required by subsection (a)*  
20           *shall include—*

21                           (1) *an analysis of the costs and benefits associ-*  
22                           *ated with conducting periodic reinvestigations;*

23                           (2) *an analysis of the costs and benefits associ-*  
24                           *ated with replacing some or all periodic reinvestiga-*  
25                           *tions with a program of continuous evaluation;*

1           (3) *a determination of how many risk-based and*  
 2 *ad hoc periodic reinvestigations are necessary on an*  
 3 *annual basis for each component of the Federal Gov-*  
 4 *ernment with employees with security clearances;*

5           (4) *an analysis of the potential benefits of ex-*  
 6 *panding the Government’s use of continuous evalua-*  
 7 *tion tools as a means of improving the effectiveness*  
 8 *and efficiency of procedures for confirming the eligi-*  
 9 *bility of personnel for continued access to classified*  
 10 *information; and*

11           (5) *an analysis of how many personnel with out-*  
 12 *of-scope background investigations are employed by,*  
 13 *or contracted or detailed to, each element of the intel-*  
 14 *ligence community.*

15           (c) *PERIODIC REINVESTIGATIONS DEFINED.—In this*  
 16 *section, the term “periodic reinvestigations” has the mean-*  
 17 *ing given that term in section 3001(a) of the Intelligence*  
 18 *Reform and Terrorism Prevention Act of 2004 (50 U.S.C.*  
 19 *3341(a)).*

20 **SEC. 506. APPROPRIATE COMMITTEES OF CONGRESS DE-**  
 21 **FINED.**

22           *In this title, the term “appropriate committees of Con-*  
 23 *gress” means—*

24           (1) *the congressional intelligence committees;*

1           (2) *the Committee on Armed Services and the*  
2           *Committee on Homeland Security and Governmental*  
3           *Affairs of the Senate; and*

4           (3) *the Committee on Armed Services and the*  
5           *Committee on Homeland Security of the House of*  
6           *Representatives.*

7                           **TITLE VI—TECHNICAL**  
8                           **AMENDMENTS**

9   **SEC. 601. TECHNICAL AMENDMENTS TO THE CENTRAL IN-**  
10                           **TELLIGENCE AGENCY ACT OF 1949.**

11           *Section 21 of the Central Intelligence Agency Act of*  
12           *1949 (50 U.S.C. 3521) is amended—*

13           (1) *in subsection (b)(1)(D), by striking “section*  
14           *(a)” and inserting “subsection (a)”;* and

15           (2) *in subsection (c)(2)(E), by striking “pro-*  
16           *vider.” and inserting “provider”.*

17   **SEC. 602. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**  
18                           **CURITY ACT OF 1947 RELATING TO THE PAST**  
19                           **ELIMINATION OF CERTAIN POSITIONS.**

20           *Section 101(a) of the National Security Act of 1947*  
21           *(50 U.S.C. 3021(a)) is amended—*

22           (1) *in paragraph (5), by striking the semicolon*  
23           *and inserting “; and”;*

24           (2) *by striking paragraphs (6) and (7);*



1           (3) *by redesignating paragraph (8) as para-*  
2 *graph (6); and*

3           (4) *in paragraph (6) (as so redesignated), by*  
4 *striking “the Chairman of the Munitions Board, and*  
5 *the Chairman of the Research and Development*  
6 *Board,”.*

7 **SEC. 603. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**

8                           **AUTHORIZATION ACT FOR FISCAL YEAR 2013.**

9           (a) *AMENDMENTS.*—*Section 506 of the Intelligence Au-*  
10 *thorization Act for Fiscal Year 2013 (Public Law 112–277;*  
11 *126 Stat. 2478) is amended—*

12                   (1) *by striking “Section 606(5)” and inserting*  
13 *“Paragraph (5) of section 605”; and*

14                   (2) *by inserting “, as redesignated by section*  
15 *310(a)(4)(B) of this Act,” before “is amended”.*

16           (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
17 *section (a) shall take effect as if included in the enactment*  
18 *of the Intelligence Authorization Act for Fiscal Year 2013*  
19 *(Public Law 112–277).*

Union Calendar No. 343

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

**H. R. 4681**

[Report No. 113-463]

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## **A BILL**

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.

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MAY 27, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed