

PUBLIC LAW 113-126—JULY 7, 2014

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 2014

Public Law 113–126
113th Congress

An Act

July 7, 2014
[S. 1681]

Intelligence
Authorization
Act for Fiscal
Year 2014.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2014”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

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

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

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

Sec. 302. Restriction on conduct of intelligence activities.

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

Sec. 304. Clarification of exemption from Freedom of Information Act of identities 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. Reports of fraud, waste, and abuse.

Sec. 311. Public Interest Declassification Board.

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

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

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

Subtitle B—Reporting

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

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—National Security Agency

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

Subtitle B—National Reconnaissance Office

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

Subtitle C—Central Intelligence Agency

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

TITLE V—SECURITY CLEARANCE REFORM

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

TITLE VI—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

- Sec. 601. Protection of intelligence community whistleblowers.
- Sec. 602. Review of security clearance or access determinations.
- Sec. 603. Revisions of other laws.
- Sec. 604. Policies and procedures; nonapplicability to certain terminations.

TITLE VII—TECHNICAL AMENDMENTS

- Sec. 701. Technical amendments to the Central Intelligence Agency Act of 1949.
- Sec. 702. Technical amendments to the National Security Act of 1947 relating to the past elimination of certain positions.
- Sec. 703. Technical amendments to the Intelligence Authorization Act for Fiscal Year 2013.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate;

and

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

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

50 USC 3003
note.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2014, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill S. 1681 of the One Hundred Thirtieth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

President.

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

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

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

(B) to the extent necessary to implement the budget;

or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) **AUTHORITY FOR INCREASES.**—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2014 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

Determination.

(b) **TREATMENT OF CERTAIN PERSONNEL.**—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

Guidelines.

- (1) a student program, trainee program, or similar program;
- (2) a reserve corps or as a reemployed annuitant; or
- (3) details, joint duty, or long term, full-time training.

(c) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

Deadline.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2014 the sum of \$528,229,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2015.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 855 positions as of September 30, 2014. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2014 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2015.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2014, there are authorized such additional personnel for the

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

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2014 the sum of \$514,000,000.

SEC. 202. CIARDS AND FERS SPECIAL RETIREMENT CREDIT FOR SERVICE ON DETAIL TO ANOTHER AGENCY.

(a) **IN GENERAL.**—Section 203(b) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “service in the Agency performed” and inserting “service performed by an Agency employee”; and

(2) in paragraph (1), by striking “Agency activities” and inserting “intelligence activities”.

(b) **APPLICATION.**—The amendment made by subsection (a) shall be applied to retired or deceased officers of the Central Intelligence Agency who were designated at any time under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013) prior to the date of the enactment of this Act.

50 USC 2013
note.

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

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

Funds appropriated for the construction of the High Performance Computing Center 2 (HPCC 2), as described in the table entitled Consolidated Cryptologic Program (CCP) in the classified annex to accompany the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 198), in excess of the amount specified for such activity in the tables in the classified annex prepared to accompany the Intelligence

Authorization Act for Fiscal Year 2013 (Public Law 112–277; 126 Stat. 2468) shall be specifically authorized by Congress for the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

SEC. 304. CLARIFICATION OF EXEMPTION FROM FREEDOM OF INFORMATION ACT OF IDENTITIES OF EMPLOYEES SUBMITTING COMPLAINTS TO THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

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

SEC. 305. FUNCTIONAL MANAGERS FOR THE INTELLIGENCE COMMUNITY.

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

“SEC. 103J. FUNCTIONAL MANAGERS FOR THE INTELLIGENCE COMMUNITY.

50 USC 3034a.

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

“(b) **PERSONNEL.**—The Director shall designate individuals to serve as manager of intelligence functions established under subsection (a) from among officers and employees of elements of the intelligence community.

“(c) **DUTIES.**—Each manager of an intelligence function established under subsection (a) shall have the duties as follows:

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

“(2) To carry out such other responsibilities with respect to the intelligence function as the Director may specify for purposes of this section.”.

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

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

SEC. 306. ANNUAL ASSESSMENT OF INTELLIGENCE COMMUNITY PERFORMANCE BY FUNCTION.

(a) **ANNUAL ASSESSMENTS REQUIRED.**—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 506I the following new section:

“SEC. 506J. ANNUAL ASSESSMENT OF INTELLIGENCE COMMUNITY PERFORMANCE BY FUNCTION.

50 USC 3105a.

“(a) **IN GENERAL.**—Not later than April 1, 2016, and each year thereafter, the Director of National Intelligence shall, in consultation with the Functional Managers, submit to the congressional

Deadlines.
Consultation.
Reports.

intelligence committees a report on covered intelligence functions during the preceding year.

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

“(1) An identification of the capabilities, programs, and activities of such intelligence function, regardless of the element of the intelligence community that carried out such capabilities, programs, and activities.

“(2) A description of the investment and allocation of resources for such intelligence function, including an analysis of the allocation of resources within the context of the National Intelligence Strategy, priorities for recipients of resources, and areas of risk.

“(3) A description and assessment of the performance of such intelligence function.

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

“(5) An identification of the operational overlap or need for de-confliction, if any, within such intelligence function.

“(6) A description of any efforts to integrate such intelligence function with other intelligence disciplines as part of an integrated intelligence enterprise.

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

“(8) A description and assessment of developments in technology that bear on the future of such intelligence function.

“(9) Such other matters relating to such intelligence function as the Director may specify for purposes of this section.

“(c) DEFINITIONS.—In this section:

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

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

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

“Sec. 506J. Annual assessment of intelligence community performance by function.”.

SEC. 307. SOFTWARE LICENSING.

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

“SEC. 109. SOFTWARE LICENSING.

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

“(1) conduct an inventory of all existing software licenses of such element, including utilized and unutilized licenses;

50 USC 3044.

Consultation.
Deadline.

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

Assessment.

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

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

Deadline.

“(1) compile an inventory of all existing software licenses of the intelligence community, including utilized and unutilized licenses; and

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

Assessment.

“(c) REPORTS TO CONGRESS.—The Chief Information Officer of the Intelligence Community shall submit to the congressional intelligence committees a copy of each inventory compiled under subsection (b)(1).”

Records.

(b) INITIAL INVENTORY.—

(1) INTELLIGENCE COMMUNITY ELEMENTS.—

(A) DATE.—Not later than 120 days after the date of the enactment of this Act, the chief information officer of each element of the intelligence community shall complete the initial inventory, assessment, and submission required under section 109(a) of the National Security Act of 1947, as added by subsection (a) of this section.

(B) BASIS.—The initial inventory conducted for each element of the intelligence community under section 109(a)(1) of the National Security Act of 1947, as added by subsection (a) of this section, shall be based on the inventory of software licenses conducted pursuant to section 305 of the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112–277; 126 Stat. 2472) for such element.

(2) CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Intelligence Community shall complete the initial compilation and assessment required under section 109(b) of the National Security Act of 1947, as added by subsection (a).

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

(1) by striking the second item relating to section 104 (relating to Annual national security strategy report); and

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

Deadlines.
50 USC 3044
note.

“Sec. 109. Software licensing.”

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

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

President.
Plan.

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

SEC. 309. AUDITABILITY.

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

50 USC 3108.

“SEC. 509. AUDITABILITY OF CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY.

“(a) REQUIREMENT FOR ANNUAL AUDITS.—The head of each covered entity shall ensure that there is a full financial audit of such covered entity each year beginning with fiscal year 2014. Such audits may be conducted by an internal or external independent accounting or auditing organization.

“(b) REQUIREMENT FOR UNQUALIFIED OPINION.—Beginning as early as practicable, but in no event later than the audit required under subsection (a) for fiscal year 2016, the head of each covered entity shall take all reasonable steps necessary to ensure that each audit required under subsection (a) contains an unqualified opinion on the financial statements of such covered entity for the fiscal year covered by such audit.

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

“(d) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency.”.

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

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

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

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

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

(2) by inserting after subparagraph (A) the following:

“(B) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General of the Intelligence Community.”; and

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

(A) by striking “Act or section 17” and inserting “Act, section 17”; and

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

SEC. 311. PUBLIC INTEREST DECLASSIFICATION BOARD.

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

SEC. 312. OFFICIAL REPRESENTATION ITEMS IN SUPPORT OF THE COAST GUARD ATTACHÉ PROGRAM. 14 USC 150 note.

Notwithstanding any other limitation on the amount of funds that may be used for official representation items, the Secretary of Homeland Security may use funds made available to the Secretary through the National Intelligence Program for necessary expenses for intelligence analysis and operations coordination activities for official representation items in support of the Coast Guard Attaché Program.

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

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall— Deadline.

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

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

(B) make publicly available any information declassified as a result of the declassification review required under paragraph (1); and Public information.

(2) report to the congressional intelligence committees— Reports.

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

(B) a justification for not declassifying any information required to be included in such declassification review that remains classified.

SEC. 314. MERGER OF THE FOREIGN COUNTERINTELLIGENCE PROGRAM AND THE GENERAL DEFENSE INTELLIGENCE PROGRAM. 50 USC 3023 note.

Notwithstanding any other provision of law, the Director of National Intelligence shall carry out the merger of the Foreign Counterintelligence Program into the General Defense Intelligence Program as directed in the classified annex to this Act. The merger shall go into effect no earlier than 30 days after written notification of the merger is provided to the congressional intelligence committees. Effective date. Notification.

Subtitle B—Reporting

SEC. 321. SIGNIFICANT INTERPRETATIONS OF LAW CONCERNING INTELLIGENCE ACTIVITIES.

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

50 USC 3109. **“SEC. 510. SIGNIFICANT INTERPRETATIONS OF LAW CONCERNING INTELLIGENCE ACTIVITIES.**

Deadline. “(a) NOTIFICATION.—Except as provided in subsection (c) and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the General Counsel of each element of the intelligence community shall notify the congressional intelligence committees, in writing, of any significant legal interpretation of the United States Constitution or Federal law affecting intelligence activities conducted by such element by not later than 30 days after the date of the commencement of any intelligence activity pursuant to such interpretation.

 “(b) CONTENT.—Each notification under subsection (a) shall provide a summary of the significant legal interpretation and the intelligence activity or activities conducted pursuant to such interpretation.

 “(c) EXCEPTIONS.—A notification under subsection (a) shall not be required for a significant legal interpretation if—

 “(1) notice of the significant legal interpretation was previously provided to the congressional intelligence committees under subsection (a); or

 “(2) the significant legal interpretation was made before the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2014.

President.
Determination.

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

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

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

28 USC 521 note. **SEC. 322. REVIEW FOR OFFICIAL PUBLICATION OF OPINIONS OF THE OFFICE OF LEGAL COUNSEL OF THE DEPARTMENT OF JUSTICE CONCERNING INTELLIGENCE ACTIVITIES.**

Deadline. (a) PROCESS FOR REVIEW FOR OFFICIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall, in coordination with the Director of National Intelligence, establish a process for the regular review for official publication of significant opinions of the Office of Legal Counsel of the Department of Justice that have been provided to an element of the intelligence community.

 (b) FACTORS.—The process of review of opinions established under subsection (a) shall include consideration of the following:

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

 (2) The likelihood that similar questions addressed in an opinion may arise in the future.

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

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

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

(c) PRESUMPTION.—The process of review established under subsection (a) shall apply a presumption that significant opinions of the Office of Legal Counsel should be published when practicable, consistent with national security and other confidentiality considerations. Applicability.

(d) CONSTRUCTION.—Nothing in this section shall require the official publication of any opinion of the Office of Legal Counsel, including publication under any circumstance as follows:

(1) When publication would reveal classified or other sensitive information relating to national security.

(2) When publication could reasonably be anticipated to interfere with Federal law enforcement efforts or is prohibited by law.

(3) When publication would conflict with preserving internal Executive branch deliberative processes or protecting other information properly subject to privilege.

(e) REQUIREMENT TO PROVIDE CLASSIFIED OPINIONS TO CONGRESS.—

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

(2) EXCEPTION FOR COVERT ACTION.—If the President determines that it is essential to limit access to a covert action finding under section 503(c)(2) of the National Security Act of 1947 (50 U.S.C. 3093(c)(2)), the President may limit access to information concerning such finding that would otherwise be provided or made available under this subsection to those members of Congress who have been granted access to such finding under such section 503(c)(2). President.
Determination.

(f) JUDICIAL REVIEW.—The determination whether an opinion of the Office of Legal Counsel is appropriate for official publication under the process of review established under subsection (a) is discretionary and is not subject to judicial review.

SEC. 323. SUBMITTAL TO CONGRESS BY HEADS OF ELEMENTS OF INTELLIGENCE COMMUNITY OF PLANS FOR ORDERLY SHUTDOWN IN EVENT OF ABSENCE OF APPROPRIATIONS. 50 USC 3311.

(a) IN GENERAL.—Whenever the head of an applicable agency submits a plan to the Director of the Office of Management and Budget in accordance with section 124 of Office of Management and Budget Circular A–11, pertaining to agency operations in the absence of appropriations, or any successor circular of the Office that requires the head of an applicable agency to submit to the Director a plan for an orderly shutdown in the event of the absence of appropriations, such head shall submit a copy of such plan to the following: Records.

(1) The congressional intelligence committees.

(2) The Subcommittee on Defense of the Committee on Appropriations of the Senate.

(3) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

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

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

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

(b) **HEAD OF AN APPLICABLE AGENCY DEFINED.**—In this section, the term “head of an applicable agency” includes the following:

(1) The Director of National Intelligence.

(2) The Director of the Central Intelligence Agency.

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

SEC. 324. REPORTS ON CHEMICAL WEAPONS IN SYRIA.

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

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

(1) A comprehensive assessment of chemical weapon stockpiles in Syria, including names, types, and quantities of chemical weapons agents, types of munitions, and location and form of storage, production, and research and development facilities.

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

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

(4) An assessment of how these stockpiles, precursors, and delivery systems were obtained.

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

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

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

50 USC 3330.

SEC. 325. REPORTS TO THE INTELLIGENCE COMMUNITY ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) **PROCEDURES FOR REPORTING PENETRATIONS.**—The Director of National Intelligence shall establish procedures that require each cleared intelligence contractor to report to an element of the intelligence community designated by the Director for purposes of such procedures when a network or information system of such contractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

Consultation.
Criteria.

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

(c) **PROCEDURE REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The procedures established pursuant to subsection (a) shall require each cleared intelligence contractor to rapidly report to an element of the intelligence community designated pursuant to subsection (a) of each successful penetration of the network or information systems of such contractor that meet the criteria established pursuant to subsection (b). Each such report shall include the following:

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

(B) A sample of the malicious software, if discovered and isolated by the contractor, involved in such penetration.

(C) A summary of information created by or for such element in connection with any program of such element that has been potentially compromised due to such penetration.

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

(A) include mechanisms for intelligence community personnel to, upon request, obtain access to equipment or information of a cleared intelligence contractor necessary to conduct forensic analysis in addition to any analysis conducted by such contractor;

(B) provide that a cleared intelligence contractor is only required to provide access to equipment or information as described in subparagraph (A) to determine whether information created by or for an element of the intelligence community in connection with any intelligence community program was successfully exfiltrated from a network or information system of such contractor and, if so, what information was exfiltrated; and

(C) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person (other than the name of the suspected perpetrator of the penetration).

(3) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The procedures established pursuant to subsection (a) shall prohibit the dissemination outside the intelligence community of information obtained or derived through such procedures that is not created by or for the intelligence community except—

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

(B) to the congressional intelligence committees or the Subcommittees on Defense of the Committees on Appropriations of the House of Representatives and the Senate for such committees and such Subcommittees to perform oversight; or

(C) to law enforcement agencies to investigate a penetration reported under this section.

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

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

(2) **APPLICABILITY DATE.**—The requirements of this section shall apply on the date on which the Director of National Intelligence establishes the procedures required under this section.

Procedures.

(e) **COORDINATION WITH THE SECRETARY OF DEFENSE TO PREVENT DUPLICATE REPORTING.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall establish procedures to permit a contractor that is a cleared intelligence contractor and a cleared defense contractor under section 941 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2224 note) to submit a single report that satisfies the requirements of this section and such section 941 for an incident of penetration of network or information system.

(f) **DEFINITIONS.**—In this section:

(1) **CLEARED INTELLIGENCE CONTRACTOR.**—The term “cleared intelligence contractor” means a private entity granted clearance by the Director of National Intelligence or the head of an element of the intelligence community to access, receive, or store classified information for the purpose of bidding for a contract or conducting activities in support of any program of an element of the intelligence community.

(2) **COVERED NETWORK.**—The term “covered network” means a network or information system of a cleared intelligence contractor that contains or processes information created by or for an element of the intelligence community with respect to which such contractor is required to apply enhanced protection.

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

SEC. 326. REPORT ON ELECTRONIC WASTE.

Assessment.

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the extent to which the intelligence community has implemented the recommendations of the Inspector General of the Intelligence Community contained in the report entitled “Study of Intelligence Community Electronic Waste Disposal Practices” issued in May 2013. Such report shall include an assessment of the extent to which the policies, standards, and guidelines of the intelligence community governing the proper disposal of electronic waste are applicable to covered commercial electronic waste that may contain classified information.

(b) **DEFINITIONS.**—In this section:

(1) **COVERED COMMERCIAL ELECTRONIC WASTE.**—The term “covered commercial electronic waste” means electronic waste of a commercial entity that contracts with an element of the intelligence community.

(2) **ELECTRONIC WASTE.**—The term “electronic waste” includes any obsolete, broken, or irreparable electronic device, including a television, copier, facsimile machine, tablet, telephone, computer, computer monitor, laptop, printer, scanner, and associated electrical wiring.

SEC. 327. PROMOTING STEM EDUCATION TO MEET THE FUTURE WORKFORCE NEEDS OF THE INTELLIGENCE COMMUNITY.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Secretary of Education and the congressional intelligence committees a report describing the anticipated hiring needs of the intelligence community in the fields of science, technology, engineering, and mathematics, including cybersecurity and computer literacy. The report shall—

(1) describe the extent to which competitions, challenges, or internships at elements of the intelligence community that do not involve access to classified information may be utilized to promote education in the fields of science, technology, engineering, and mathematics, including cybersecurity and computer literacy, within high schools or institutions of higher education in the United States;

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

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

(b) **CONSIDERATION OF EXISTING PROGRAMS.**—In developing the report under subsection (a), the Director shall take into consideration existing programs of the intelligence community, including the education programs of the National Security Agency and the Information Assurance Scholarship Program of the Department of Defense, as appropriate.

(c) **DEFINITIONS.**—In this section:

(1) **HIGH SCHOOL.**—The term “high school” mean a school that awards a secondary school diploma.

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

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

SEC. 328. REPEAL OF THE TERMINATION OF NOTIFICATION REQUIREMENTS REGARDING THE AUTHORIZED DISCLOSURE OF NATIONAL INTELLIGENCE.

50 USC 3349.

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

SEC. 329. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

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

(1) **THREAT OF ATTACK ON THE UNITED STATES USING WEAPONS OF MASS DESTRUCTION.**—Section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended by striking subsection (b).

(2) **TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.**—Section 2(5)(E) of the Senate resolution advising and consenting to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe

(CFE) of November 19, 1990, adopted at Vienna May 31, 1996 (Treaty Doc. 105–5) (commonly referred to as the “CFE Flank Document”), 105th Congress, agreed to May 14, 1997, is repealed.

(b) MODIFICATION OF REPORTING REQUIREMENTS.—

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

“(b) NOTIFICATION OF ESTABLISHMENT OF ADVISORY COMMITTEE.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each notify the congressional intelligence committees each time each such Director creates an advisory committee. Each notification shall include—

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

“(2) a list of members of such advisory committee; and

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

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

“(4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.”.

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

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

(c) CONFORMING AMENDMENTS.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) in the table of contents in the first section, by striking the item relating to section 114 and inserting the following new item:

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

(2) in section 114 (50 U.S.C. 3050)—

(A) by amending the heading to read as follows: “ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES”;

(B) by striking “(a) ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.—”;

(C) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively;

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

Reports.

- (i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and
- (ii) in paragraph (2) (as so redesignated)—
 - (I) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and
 - (II) in the matter preceding subparagraph (A) (as so redesignated), by striking “clauses (i) and (ii)” and inserting “subparagraphs (A) and (B)”;
- (E) in subsection (d) (as redesignated by subparagraph (C) of this paragraph), by striking “subsection” and inserting “section”; and
- (F) in subsection (e) (as redesignated by subparagraph (C) of this paragraph)—
 - (i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and
 - (ii) by striking “subsection,” and inserting “section”; and
- (3) in section 507 (50 U.S.C. 3106)—
 - (A) in subsection (a)—
 - (i) by striking “(1) The date” and inserting “The date”;
 - (ii) by striking “subsection (c)(1)(A)” and inserting “subsection (c)(1)”;
 - (iii) by striking paragraph (2); and
 - (iv) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively;
 - (B) in subsection (c)(1)—
 - (i) by striking “(A) Except” and inserting “Except”;
 - and
 - (ii) by striking subparagraph (B); and
- (C) in subsection (d)(1)—
 - (i) in subparagraph (A)—
 - (I) by striking “subsection (a)(1)” and inserting “subsection (a)”;
 - (II) by inserting “and” after “March 1;”;
 - (ii) by striking subparagraph (B); and
 - (iii) by redesignating subparagraph (C) as subparagraph (B).

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—National Security Agency

SEC. 401. APPOINTMENT OF THE DIRECTOR OF THE NATIONAL SECURITY AGENCY.

(a) **DIRECTOR OF THE NATIONAL SECURITY AGENCY.**—Section 2 of the National Security Agency Act of 1959 (50 U.S.C. 3602) is amended—

- (1) by inserting “(b)” before “There”; and
- (2) by inserting before subsection (b), as so designated by paragraph (1), the following:
“(a)(1) There is a Director of the National Security Agency.

Appointment.
President.

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

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

50 USC 3602
note.

(b) POSITION OF IMPORTANCE AND RESPONSIBILITY.—

(1) IN GENERAL.—The President may designate the Director of the National Security Agency as a position of importance and responsibility under section 601 of title 10, United States Code.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 402. APPOINTMENT OF THE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2), by striking “the National Security Agency,”; and

(2) in section 12—

(A) in paragraph (1), by striking “or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;” and inserting “the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Director of the National Security Agency;”; and

(B) in paragraph (2), by striking “or the Commissions established under section 15301 of title 40, United States Code,” and inserting “the Commissions established under section 15301 of title 40, United States Code, the National Security Agency.”.

5 USC app. 8G
note.

SEC. 403. EFFECTIVE DATE AND APPLICABILITY.

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

(1) in the case of section 401—

(A) the date of the first nomination by the President of an individual to serve as the Director of the National Security Agency that occurs on or after October 1, 2014; or

(B) the date of the cessation of the performance of the duties of the Director of the National Security Agency by the individual performing such duties on October 1, 2014; and

(2) in the case of section 402—

(A) the date of the first nomination by the President of an individual to serve as the Inspector General of the National Security Agency that occurs on or after October 1, 2014; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the National Security Agency by the individual performing such duties on October 1, 2014.

President.

(b) EXCEPTION FOR INITIAL NOMINATIONS.—Notwithstanding paragraph (1)(A) or (2)(A) of subsection (a), an individual serving as the Director of the National Security Agency or the Inspector

General of the National Security Agency on the date that the President first nominates an individual for such position on or after October 1, 2014, may continue to perform in that position after such date of nomination and until the individual appointed to the position, by and with the advice and consent of the Senate, assumes the duties of the position.

(c) **INCUMBENT INSPECTOR GENERAL.**—The individual serving as Inspector General of the National Security Agency on the date of the enactment of this Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

Subtitle B—National Reconnaissance Office

SEC. 411. APPOINTMENT OF THE DIRECTOR OF THE NATIONAL RECONNAISSANCE OFFICE.

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

“SEC. 106A. DIRECTOR OF THE NATIONAL RECONNAISSANCE OFFICE. 50 USC 3041a.

“(a) **IN GENERAL.**—There is a Director of the National Reconnaissance Office.

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

“(c) **FUNCTIONS AND DUTIES.**—The Director of the National Reconnaissance Office shall be the head of the National Reconnaissance Office and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.”.

(b) **POSITION OF IMPORTANCE AND RESPONSIBILITY.**—

(1) **IN GENERAL.**—The President may designate the Director of the National Reconnaissance Office as a position of importance and responsibility under section 601 of title 10, United States Code.

(2) **EFFECTIVE DATE.**—Paragraph (1) shall take effect on the date of the enactment of this Act.

(c) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by inserting after the item relating to section 106 the following:

“Sec. 106A. Director of the National Reconnaissance Office.”.

SEC. 412. APPOINTMENT OF THE INSPECTOR GENERAL OF THE NATIONAL RECONNAISSANCE OFFICE.

The Inspector General Act of 1978 (5 U.S.C. App.)—

(1) in section 8G(a)(2), as amended by section 402, is further amended by striking “the National Reconnaissance Office;” and 5 USC app.

(2) in section 12, as amended by section 402, is further amended— 5 USC app.

(A) in paragraph (1), by inserting “or the Director of the National Reconnaissance Office;” before “as the case may be;” and

(B) in paragraph (2), by inserting “or the National Reconnaissance Office,” before “as the case may be;”.

5 USC app. 8G
note.

SEC. 413. EFFECTIVE DATE AND APPLICABILITY.

(a) **IN GENERAL.**—The amendments made by sections 411 and 412 shall take effect on October 1, 2014, and shall apply upon the earlier of—

(1) in the case of section 411—

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

(B) the date of the cessation of the performance of the duties of the Director of the National Reconnaissance Office by the individual performing such duties on October 1, 2014; and

(2) in the case of section 412—

(A) the date of the first nomination by the President of an individual to serve as the Inspector General of the National Reconnaissance Office that occurs on or after October 1, 2014; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the National Reconnaissance Office by the individual performing such duties on October 1, 2014.

President.

(b) **EXCEPTION FOR INITIAL NOMINATIONS.**—Notwithstanding paragraph (1)(A) or (2)(A) of subsection (a), an individual serving as the Director of the National Reconnaissance Office or the Inspector General of the National Reconnaissance Office on the date that the President first nominates an individual for such position on or after October 1, 2014, may continue to perform in that position after such date of nomination and until the individual appointed to the position, by and with the advice and consent of the Senate, assumes the duties of the position.

(c) **INCUMBENT INSPECTOR GENERAL.**—The individual serving as Inspector General of the National Reconnaissance Office on the date of the enactment of this Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

Subtitle C—Central Intelligence Agency

SEC. 421. GIFTS, DEVISES, AND BEQUESTS.

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

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

(2) in subsection (a)(2)—

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

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

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

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

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

(6) by redesignating subsection (f) as subsection (g); and

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

“(f)(1) The Director may engage in fundraising in an official capacity for the benefit of nonprofit organizations that provide support to surviving family members of deceased Agency employees or that otherwise provide support for the welfare, education, or recreation of Agency employees, former Agency employees, or their family members.

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

Definition.

TITLE V—SECURITY CLEARANCE REFORM

SEC. 501. CONTINUOUS EVALUATION AND SHARING OF DEROGATORY INFORMATION REGARDING PERSONNEL WITH ACCESS TO CLASSIFIED INFORMATION.

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

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

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

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

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

“(5) ensure that the background of each employee or officer of an element of the intelligence community, each contractor to an element of the intelligence community, and each individual employee of such a contractor who has been determined to be eligible for access to classified information is monitored on a continual basis under standards developed by the Director, including with respect to the frequency of evaluation, during the period of eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee to such a contractor to determine whether such employee or officer of an element of the intelligence community, such contractor, and such individual employee of such a contractor continues to meet the requirements for eligibility for access to classified information; and

“(6) develop procedures to require information sharing between elements of the intelligence community concerning potentially derogatory security information regarding an employee or officer of an element of the intelligence community, a contractor to an element of the intelligence community, or an individual employee of such a contractor that may impact the eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee of such a contractor for a security clearance.”.

SEC. 502. REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.

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

“(x) **REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.**—The Director of National Intelligence, in consultation with the head of each department of the Federal Government that contains an element of the intelligence community and the Director of the Central Intelligence Agency, shall—

“(1) ensure that—

“(A) any contractor to an element of the intelligence community with access to a classified network or classified information develops and operates a security plan that is consistent with standards established by the Director of National Intelligence for intelligence community networks; and

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

“(2) conduct periodic assessments of each security plan required under paragraph (1)(A) to ensure such security plan complies with the requirements of such paragraph; and

“(3) ensure that the insider threat detection capabilities and insider threat policies of the intelligence community apply to facilities of contractors with access to a classified network.”.

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

50 USC 3024
note.

SEC. 503. TECHNOLOGY IMPROVEMENTS TO SECURITY CLEARANCE PROCESSING.

Consultation.
Analysis.

(a) **IN GENERAL.**—The Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Office of Personnel Management, shall conduct an analysis of the relative costs and benefits of potential improvements to the process for investigating persons who are proposed for access to classified information and adjudicating whether such persons satisfy the criteria for obtaining and retaining access to such information.

Evaluation.

(b) **CONTENTS OF ANALYSIS.**—In conducting the analysis required by subsection (a), the Director of National Intelligence shall evaluate the costs and benefits associated with—

(1) the elimination of manual processes in security clearance investigations and adjudications, if possible, and automating and integrating the elements of the investigation process, including—

(A) the clearance application process;

(B) case management;

(C) adjudication management;

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

(E) records management for access and eligibility determinations;

(2) the elimination or reduction, if possible, of the use of databases and information sources that cannot be accessed and processed automatically electronically, or modification of

such databases and information sources, to enable electronic access and processing;

(3) the use of government-developed and commercial technology for continuous monitoring and evaluation of government and commercial data sources that can identify and flag information pertinent to adjudication guidelines and eligibility determinations;

(4) the standardization of forms used for routine reporting required of cleared personnel (such as travel, foreign contacts, and financial disclosures) and use of continuous monitoring technology to access databases containing such reportable information to independently obtain and analyze reportable data and events;

(5) the establishment of an authoritative central repository of personnel security information that is accessible electronically at multiple levels of classification and eliminates technical barriers to rapid access to information necessary for eligibility determinations and reciprocal recognition thereof;

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

(7) expanding the use of technology to improve an applicant's ability to discover the status of a pending security clearance application or reinvestigation; and

(8) using government and publicly available commercial data sources, including social media, that provide independent information pertinent to adjudication guidelines to improve quality and timeliness, and reduce costs, of investigations and reinvestigations.

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

SEC. 504. REPORT ON RECIPROCITY OF SECURITY CLEARANCES.

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

(1) the periods of time required by authorized adjudicative agencies for accepting background investigations and determinations completed by an authorized investigative entity or authorized adjudicative agency;

(2) the total number of cases in which a background investigation or determination completed by an authorized investigative entity or authorized adjudicative agency is accepted by another agency;

(3) the total number of cases in which a background investigation or determination completed by an authorized investigative entity or authorized adjudicative agency is not accepted by another agency; and

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

Deadlines.
Consultation.
Strategic plan.

SEC. 505. IMPROVING THE PERIODIC REINVESTIGATION PROCESS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until December 31, 2017, the Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Office of Personnel Management, shall transmit to the appropriate committees of Congress a strategic plan for updating the process for periodic reinvestigations consistent with a continuous evaluation program.

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

(1) an analysis of the costs and benefits associated with conducting periodic reinvestigations;

(2) an analysis of the costs and benefits associated with replacing some or all periodic reinvestigations with a program of continuous evaluation;

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

(4) an analysis of the potential benefits of expanding the Government’s use of continuous evaluation tools as a means of improving the effectiveness and efficiency of procedures for confirming the eligibility of personnel for continued access to classified information; and

(5) an analysis of how many personnel with out-of-scope background investigations are employed by, or contracted or detailed to, each element of the intelligence community.

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

SEC. 506. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

In this title, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

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

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

**TITLE VI—INTELLIGENCE COMMUNITY
WHISTLEBLOWER PROTECTIONS**

SEC. 601. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) **IN GENERAL.**—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

50 USC 3234.

“SEC. 1104. PROHIBITED PERSONNEL PRACTICES IN THE INTELLIGENCE COMMUNITY.

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

“(1) **AGENCY.**—The term ‘agency’ means an executive department or independent establishment, as defined under

sections 101 and 104 of title 5, United States Code, that contains an intelligence community element, except the Federal Bureau of Investigation.

“(2) COVERED INTELLIGENCE COMMUNITY ELEMENT.—The term ‘covered intelligence community element’—

“(A) means—

“(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counter-intelligence activities; and

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

“(3) PERSONNEL ACTION.—The term ‘personnel action’ means, with respect to an employee in a position in a covered intelligence community element (other than a position excepted from the competitive service due to its confidential, policy-determining, policymaking, or policy-advocating character)—

“(A) an appointment;

“(B) a promotion;

“(C) a disciplinary or corrective action;

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

“(E) a demotion, suspension, or termination;

“(F) a reinstatement or restoration;

“(G) a performance evaluation;

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

“(I) a decision concerning education or training if such education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation; or

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

“(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of a covered intelligence community element as a reprisal for a lawful disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, the head of the employing agency (or an employee designated by the head of that agency for such purpose), the appropriate inspector general of the employing agency, a congressional intelligence committee, or a member of a congressional intelligence committee, which the employee reasonably believes evidences—

“(1) a violation of any Federal law, rule, or regulation;

or

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

President.

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

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

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

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

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

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

SEC. 602. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) GENERAL RESPONSIBILITY.—

(1) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(b)) is amended—

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

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

(C) in paragraph (6), by striking the period at the end and inserting “; and”; and

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

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

“(A) developing policies and procedures that permit, to the extent practicable, individuals to appeal a determination to suspend or revoke a security clearance or access to classified information and to retain their government employment status while such challenge is pending; and

“(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the ability to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency or a designee of the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.”.

(2) REQUIRED ELEMENTS OF POLICIES AND PROCEDURES.—

The policies and procedures for appeal developed under paragraph (7) of section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, as added by subsection (a), shall provide for the Inspector General of the Intelligence Community, or the inspector general of the employing agency, to conduct fact-finding and report to the agency head or the designee of the agency head within 180 days unless the employee and the agency agree to an extension or the investigating inspector general determines in writing that a greater

Deadline.
Procedures.Reports.
Deadline.
Extension.
50 USC 3341
note.

period of time is required. To the fullest extent possible, such fact-finding shall include an opportunity for the employee to present relevant evidence such as witness testimony.

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

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

“(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee’s security clearance or access determination in retaliation for—

“(A) any lawful disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

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

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

“(B) any lawful disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

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

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

“(C) any lawful disclosure that complies with—

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

“(ii) subparagraphs (A), (D), and (H) of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

“(iii) subparagraphs (A), (D), and (I) of section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)); and

“(D) if the actions do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

“(i) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

“(ii) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i); or

“(iii) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an

audit, inspection, or investigation conducted by the Inspector General.

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

“(3) DISCLOSURES.—

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

“(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

“(ii) the disclosure revealed information that had been previously disclosed;

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

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

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

“(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

“(4) AGENCY ADJUDICATION.—

“(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by subsection (b)(7), except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

“(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1), the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000.

“(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if a disclosure described in paragraph

Deadline.
Time period.

(1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency’s assessment of the particular threat to the national security interests of the United States in the instant matter.

“(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

“(A) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination in accordance with the procedures established under subparagraph (B).

Deadline.

“(B) POLICIES AND PROCEDURES.—The Director of National Intelligence, in consultation with the Attorney General and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (A).

Consultation.

“(C) CONGRESSIONAL NOTIFICATION.—Consistent with the protection of sources and methods, at the time the Director of National Intelligence issues an order regarding an appeal pursuant to the policies and procedures established by this paragraph, the Director of National Intelligence shall notify the congressional intelligence committees.

“(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

“(A) agency action under this section; or

“(B) action of the appellate review procedures established under paragraph (5).

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

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)) is amended by adding at the end the following:

“(9) ACCESS DETERMINATION.—The term ‘access determination’ means the determination regarding whether an employee—

“(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto; and

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

(d) EXISTING RIGHTS PRESERVED.—Nothing in this section or the amendments made by this section shall be construed to preempt, preclude, or otherwise prevent an individual from exercising rights, remedies, or avenues of redress currently provided under any other law, regulation, or rule.

50 USC 3341
note.

(e) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341), as amended by this title, shall be construed to require

50 USC 3341
note.

the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of paragraph (7) of section 3001(b) of such Act, as added by this section.

SEC. 603. REVISIONS OF OTHER LAWS.

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

(1) in subsection (b)—

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

(B) by adding at the end the following:

Determination.

“(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence and, if the establishment is within the Department of Defense, to the Secretary of Defense. In such a case, the requirements of this section for the head of the establishment apply to each recipient of the Inspector General’s transmission.”;

Applicability.

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

“(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.”.

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

(1) in subparagraph (B)—

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

(B) by adding at the end the following:

Determination.

“(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director of the Central Intelligence Agency apply to the Director of National Intelligence”; and

Applicability.

(2) by adding at the end the following:

“(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.”.

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

“(I) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of either of the congressional intelligence committees, or a staff member of either of such committees, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.”.

SEC. 604. POLICIES AND PROCEDURES; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

50 USC 3234
note.

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

(1) means—

(A) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

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

(2) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—In consultation with the Secretary of Defense, the Director of National Intelligence shall develop policies and procedures to ensure that a personnel action shall not be taken against an employee of a covered intelligence community element as a reprisal for any disclosure of information described in 1104 of the National Security Act of 1947, as added by section 601 of this Act.

Consultation.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional intelligence committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 1104 of the National Security Act of 1947, as added by section 601 of this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341), as amended by section 602 of this Act, shall not apply if—

(1) the affected employee is concurrently terminated under—

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

(B) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 3024(m)), if the Director determines that the termination is in the interest of the United States;

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

Deadline.
Notification.

(D) section 7532 of title 5, United States Code, if the head of the agency determines that the termination is in the interest of the United States; and
(2) not later than 30 days after such termination, the head of the agency that employed the affected employee notifies the congressional intelligence committees of the termination.

TITLE VII—TECHNICAL AMENDMENTS

SEC. 701. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

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

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

(2) in subsection (c)(2)(E), by striking “provider.” and inserting “provider”.

SEC. 702. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947 RELATING TO THE PAST ELIMINATION OF CERTAIN POSITIONS.

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

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

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

(3) by redesignating paragraph (8) as paragraph (6); and

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

SEC. 703. TECHNICAL AMENDMENTS TO THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013.

50 USC 3126.

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

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

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

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112–277). 50 USC 3126 note.

Approved July 7, 2014.

LEGISLATIVE HISTORY—S. 1681:

SENATE REPORTS: No. 113–120 (Select Comm. on Intelligence).

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June 11, considered and passed Senate.

June 24, considered and passed House.

