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.

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the

5 “Intelligence Authorization Act for Fiscal Year 2014”.
(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—BUDGET AND PERSONNEL AUTHORIZATIONS

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 INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Matters

Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Open FOIA protections.
Sec. 304. Functional managers.
Sec. 305. Auditability.
Sec. 306. Software licensing.
Sec. 307. Public Interest Declassification Board.
Sec. 308. Reports of fraud, waste, and abuse.

Subtitle B—Targeted Lethal Force Oversight

Sec. 311. Targeted lethal force oversight reform.
Sec. 312. Unclassified annual report on the use of targeted lethal force outside the United States.

Subtitle C—Reporting

Sec. 321. Opinions of the Office of Legal Counsel concerning intelligence activities.
Sec. 322. Submittal to Congress by heads of elements of intelligence community of plans for orderly shutdown in event of absence of appropriations.
Sec. 323. Reports on chemical weapons in Syria.
Sec. 324. Reports to the intelligence community on penetrations of networks and information systems of certain contractors.
Sec. 325. 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.

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.

TITLE V—SECURITY CLEARANCE REFORM

Sec. 501. Appropriate committees of Congress defined.
Sec. 502. Technology improvements to security clearance processing.
Sec. 503. Enhanced reciprocity of security clearances.
Sec. 504. Report on reciprocity of security clearances.
Sec. 505. Improving the periodic reinvestigation process.

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. Regulations; reporting requirements; nonapplicability to certain terminations.

TITLE VII—OTHER MATTERS

Sec. 701. Repeal of the termination of notification requirements regarding the authorized disclosure of national intelligence.
Sec. 702. Gifts, devises, and bequests.
Sec. 703. Budgetary effects.

1 SEC. 2. DEFINITIONS.

2 In this Act:

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

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

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

6 (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)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

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.


(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.


(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.


SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and 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. ______ of the One Hundred Thirteenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) IN GENERAL.—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 Au-
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);

(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 the employment of civilian personnel in excess of the number of positions for fiscal year 2014 authorized 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 section for such element.
(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—

(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.

e) Notice to Congressional Intelligence Committees.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a).

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 $568,736,000. 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 Manage-
ment 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 DISABILITY 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 Retirement Act (50 U.S.C. 2013(b)) is amended by striking “For purposes of this Act,” and all that follows through the end and inserting “For purposes of this chapter, qualifying service is service performed by an Agency employee in carrying out duties that are determined by the Director—

“(1) to be in support of intelligence activities abroad hazardous to life or health; or
“(2) to be so specialized because of security requirements as to be clearly distinguishable from normal government employment.”.

(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(b) or 302(a) of the Central Intelligence Retirement Act (50 U.S.C. 2013(b) and 2152(a)) prior to the date of the enactment of this Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Matters

SEC. 301. 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. 302. 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. 303. OPEN FOIA PROTECTIONS.

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 provi-
sion shall qualify as a withholding statute pursuant to sub-
section (b)(3) of section 552 of title 5, United States Code
(commonly known as the ‘Freedom of Information Act’);”.

SEC. 304. FUNCTIONAL MANAGERS.

(a) IN GENERAL.—The President shall designate of-
ficers or employees of the United States to serve as func-
tional managers for signals intelligence, human intel-
ligence, geospatial intelligence, and such other intelligence
disciplines as the President determines necessary. Unless
the President directs otherwise—

(1) the Director of the National Security Agen-
cy shall be designated the functional manager for
signals intelligence;

(2) the Director of the Central Intelligence
Agency shall be designated the functional manager
for human intelligence; and

(3) the Director of the National Geospatial-In-
telligence Agency shall be designated the functional
manager for geospatial intelligence.
(b) DUTIES.—Each functional manager designated under subsection (a) shall act as the principal adviser to the Director of National Intelligence and the Secretary of Defense for their respective intelligence function.

(c) ANNUAL REPORTS TO CONGRESS.—Each year, on a date not later than 2 weeks after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code, each functional manager shall report to the congressional intelligence committees and congressional armed services committees concerning the performance of the function. In addition to such other information as the functional manager elects to include in a report, each report shall—

1. identify all programs, projects, and activities that fall within the intelligence discipline for which the functional manager is responsible;

2. identify any issues related to the application of technical and interoperability standards in such programs, projects, and activities;

3. identify any concerns the functional manager has regarding the allocation of resources among such programs, projects, and activities within the intelligence discipline for which the functional manager is responsible;
(4) assess the sufficiency of resources included in the President’s budget request for the next fiscal year to meet requirements within the intelligence discipline for which the functional manager is responsible;

(5) identify the operational overlap and need for de-confliction within the intelligence discipline for which the functional manager is responsible; and

(6) identify any concerns the functional manager has related to compliance within the intelligence discipline for which the functional manager is responsible.

(d) CONGRESSIONAL ARMED SERVICES COMMITTEES DEFINED.—In this section, the term “congressional armed services committees” means—

(1) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 305. AUDITABILITY.

(a) REQUIREMENT FOR ANNUAL AUDITS.—Each covered entity shall undergo a full financial audit each year beginning with each covered entity’s fiscal year 2014 fi-
nancial statements. Such audits may be conducted by an internal or external independent accounting or auditing organization.

(b) REQUIREMENT FOR UNQUALIFIED OPINION.— Not later than the audit required by subsection (a) of fiscal year 2016 financial statements, each covered entity shall obtain an audit with an unqualified opinion on its financial statements for each fiscal year.

c) 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.

d) REPORTS TO CONGRESS.—The chief financial executive 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).

SEC. 306. SOFTWARE LICENSING.

(a) REQUIREMENT FOR INVENTORIES OF SOFTWARE LICENSES.—

(1) INVENTORIES BY ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Not later than 120 days after the date of the enactment of this Act, and once
every 2 years thereafter, the chief information officer of each element of the intelligence community, in consultation with the Chief Information Officer of the Intelligence Community, shall—

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

(B) 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

(C) submit to the Chief Information Officer of the Intelligence Community each inventory required by subparagraph (A) and each assessment required by subparagraph (B).

(2) Initial Inventory.—The initial inventory conducted for each element of the intelligence community under paragraph (1)(A) 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.

(b) Inventories by the Chief Information Officer of the Intelligence Community.—Not later than 180 days after the enactment of this Act, and once
every 2 years thereafter, the Chief Information Officer of
the Intelligence Community shall, based on the inventories
and assessments required by subsection (a)—

(1) compile an inventory of all existing software
licenses of the intelligence community, including uti-
lized 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 sav-
ings in software procurement and usage.

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

SEC. 307. PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 710(b) of the Public Interest Declassification
is amended by striking “2014.” and inserting “2018.”.

SEC. 308. 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 fol-
lowing:
“(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)).”.

Subtitle B—Targeted Lethal Force Oversight

Sec. 311. Targeted Lethal Force Oversight Reform.

(a) Definitions.—In this section:

(1) Director.—The term “Director” means the Director of National Intelligence.

(2) United States person.—The term “United States person” means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20)
of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))).

(b) ALTERNATIVE ANALYSIS.—

(1) NOTIFICATION OF DIRECTOR.—Upon a determination by the head of an element of the intelligence community that a particular, known United States person is knowingly engaged in acts of international terrorism against the United States, such that the United States Government is considering the legality or the use of targeted lethal force against that United States person, the head of the element shall, as soon as practicable, notify the Director of the determination.

(2) INDEPENDENT ALTERNATIVE ANALYSIS.—

(A) REQUIREMENT FOR ALTERNATIVE ANALYSIS.—Not later than 15 days after the date the Director receives a notification under paragraph (1), the Director shall complete an independent alternative analysis (commonly referred to as “red-team analysis”) of the information relied on to support the determination made under paragraph (1).

(B) INDEPENDENT LEADERSHIP.—In completing the independent alternative analysis required by subparagraph (A), the Director shall
ensure that the individual appointed to lead such alternative analysis does not report to the head of the element of the intelligence community who made the determination under paragraph (1).

(3) Notification of the Inspector General of the Intelligence Community.—As soon as practicable, the Director shall notify the Inspector General of the Intelligence Community of the receipt of a notification under paragraph (1).

(4) Notification to Congress.—As soon as practicable, the Director shall notify the congressional intelligence committees, in writing, of the receipt of a notification under paragraph (1), including the identity of the United States person, and the results of the independent alternative analysis performed under paragraph (2), including any written product containing the alternative analysis, or if no product has been created, a summary of such analysis.

(5) Construction with Other Law.—Nothing in this section shall be construed to impede the ability of the United States Government to conduct any operation consistent with otherwise applicable law.
(c) Inspector General of the Intelligence Community Review.—On an annual basis the Inspector General of the Intelligence Community shall—

(1) conduct a review of any notifications received under subsection (b)(3) with respect to the element of the intelligence community’s compliance with all appropriate policies and procedures related to consideration of the use of targeted lethal force against a particular, known United States person; and

(2) submit to the Director and the congressional intelligence committees a report on the findings of such review.

(d) Construction.—Nothing in this section may be construed to authorize the use of targeted lethal force against a United States person.

SEC. 312. UNCLASSIFIED ANNUAL REPORT ON THE USE OF TARGETED LETHAL FORCE OUTSIDE THE UNITED STATES.

(a) Requirement for Annual Report.—For each year, the President shall prepare and make public an annual report that sets forth the following:

(1) The total number of combatants killed or injured during the preceding year by the use of tar-
geted lethal force outside the United States by remotely piloted aircraft.

(2) The total number of noncombatant civilians killed or injured during the preceding year by such use of targeted lethal force outside the United States.

(b) Targeted Lethal Force Defined.—In this section, the term “targeted lethal force” means the act of directing lethal force at a particular person or group with the specific intent of killing those persons.

(c) Exception.—A report required by subsection (a) shall not include—

(1) any use of targeted lethal force in Afghanistan prior to the end of combat operations by the United States; or

(2) any use of targeted lethal force in a foreign country described by a future declaration of war or authorization for the use of military force.

**Subtitle C—Reporting**

SEC. 321. OPINIONS OF THE OFFICE OF LEGAL COUNSEL CONCERNING INTELLIGENCE ACTIVITIES.

(a) Annual Submission.—

(1) Requirement to provide list of opinions to Congress.—Except as provided in subsections (b) and (c), not later than 180 days after
the date of the enactment of this Act and annually thereafter, the Attorney General, in coordination with the Director of National Intelligence, shall provide to the congressional intelligence committees a listing of every opinion of the Office of Legal Counsel of the Department of Justice that has been provided to an element of the intelligence community.

(2) CONTENT.—Each listing submitted under paragraph (1) shall include—

(A) as much detail as possible about the subject of each opinion;

(B) the date the opinion was issued;

(C) a listing of each recipient agency;

(D) whether the opinion has been made available to Congress or a specific committee of Congress, including the identity of each such committee; and

(E) for any opinion that has not been made available to Congress or a specific committee of Congress, the basis for such withholding.

(b) 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 is subject to disclosure under subsection (a) to those members of Congress who have been granted access to the relevant finding under such section 503(c)(2).

(c) Exception for Information Subject to Executive Privilege.—If the President determines that a particular listing subject to disclosure under subsection (a) is subject to an executive privilege that protects against such disclosure, the Attorney General shall not be required to disclose such opinion or listing if the Attorney General notifies the congressional intelligence committees, in writing, of the legal justification for such assertion of executive privilege prior to the date by which the opinion or listing is required to be disclosed.

SEC. 322. Submittal to Congress by Heads of Elements of Intelligence Community of Plans for Orderly Shutdown in Event of Absence of Appropriations.

(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:

(1) The congressional intelligence committees.

(2) The Committee on Armed Services of the Senate.

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

(4) The Committee on Armed Services of the House of Representatives.

(5) The Subcommittee on Defense of the Committee on Appropriations 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. 323. 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 the appropriate congressional committees 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 Director of National Intelligence makes the certification described in subsection (d) or 18 months after the date of the enactment of this Act, whichever is earlier, the Di-
rector of National Intelligence shall submit to the appro-
priate congressional committees a progress report pro-
viding any material updates to the report required under
subsection (a).

(d) CERTIFICATION.—The certification described in
this subsection is a certification by the Director of Na-
tional Intelligence to the appropriate congressional com-
mittees that the Syrian regime has completely and
verifiably destroyed all components of its chemical weap-
ons program.

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

(1) the Select Committee on Intelligence, the
Committee on Armed Services, the Committee on
Foreign Relations, and the Committee on Appropria-
tions of the Senate; and

(2) the Permanent Select Committee on Intel-
ligence, the Committee on Armed Services, the Com-
mittee on Foreign Affairs, and the Committee on
Appropriations of the House of Representatives.
SEC. 324. 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.

(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 informa-
tion 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.

(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 with the approval of the contractor providing such information.

(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—

(A) the Director of National Intelligence shall establish the procedures required under subsection (a); and
(B) the senior official designated under subsection (b)(1) shall establish the criteria required under such subsection.

(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.

(c) 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 (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 bid-
ding 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.

SEC. 325. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) REPEAL OF CERTAIN REPORTING REQUIREMENTS.—

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

(A) REPEAL.—Section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended to read as follows:

“SEC. 114. ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.

“(a) REQUIREMENT FOR REPORT.—The Director of National Intelligence shall, on an annual basis, submit to Congress a report on the employment of covered persons
within each element of the intelligence community for the preceding fiscal year.

“(b) CONTENT.—Each such report shall include disaggregated data by category of covered person from each element of the intelligence community on the following:

“(1) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.

“(2) Of all individuals employed in the element during the fiscal year involved at the levels referred to in subparagraphs (A) and (B), the percentage of covered persons employed at such levels:

“(A) Positions at levels 1 through 15 of the General Schedule.

“(B) Positions at levels above GS–15.

“(3) Of all individuals hired by the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

“(c) FORM OF REPORT.—Each such report shall be submitted in unclassified form, but may contain a classified annex.

“(d) CONSTRUCTION.—Nothing in this section shall be construed as providing for the substitution of any similar report required under another provision of law.
“(e) COVERED PERSONS DEFINED.—In this section, the term ‘covered persons’ means—

“(1) racial and ethnic minorities;
“(2) women; and
“(3) individuals with disabilities.”.

(B) 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 striking the item relating to section 114 and inserting the following:

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

(2) REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.—

(A) REPEAL.—Section 108 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6038) is repealed.

(B) TABLE OF CONTENTS AMENDMENT.—
The table of contents in section 1(b) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) is amended by striking the item relating to section 108.

(3) ANNUAL REPORT ON UNCONTROLLED TREATY-LIMITED EQUIPMENT.—Section 2(5)(E) of the

(b) Modification of Certain 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 Establishments 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 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) REPORTS ON 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,”.

(3) REPORTS ON THE 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 “semi-annually,”.

(4) NOTIFICATIONS OF WAIVERS OF CONDITIONS FOR DISQUALIFICATION FOR SECURITY CLEARANCES.—Section 3002(c)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343(c)(4)) is amended to read as follows:
“(4) WAIVER OF CONDITIONS FOR DISQUALIFICATION FOR SECURITY CLEARANCES.—

“(A) NOTIFICATION.—The head of a Federal agency shall notify the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) within 15 days of granting such waiver. Such notification shall not reveal the identity of such person, but shall include the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

“(B) DEFINITIONS.—In this paragraph:

“(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means, with respect to a notification submitted under subparagraph (A) by the head of a Federal agency—

“(I) the congressional defense committees;

“(II) the congressional intelligence committees;
“(III) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(IV) the Committee on Oversight and Government Reform of the House of Representatives; and

“(V) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

“(ii) CONGRESSIONAL DEFENSE COMMITTEES.—The term ‘congressional defense committees’ has the meaning given that term in section 101(a)(16) of title 10, United States Code.

“(iii) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).”.
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.

“(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.”.

(b) Position of Importance and Responsibility.—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.

(c) Effective Date and Applicability.—

(1) In General.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as the Director of the National Security Agency, except that the individual serving as such Director as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed as such Director, by and with the advice and consent of the Senate, assumes the duties of such Director; or

(B) the date of the cessation of the performance of the duties of such Director by the individual performing such duties as of the date of the enactment of this Act.

(2) Positions of Importance and Responsibility.—Subsection (b) shall take effect on the date of the enactment of this Act.
SEC. 402. APPOINTMENT OF THE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.

(a) In General.—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,”.

(b) EFFECTIVE DATE; INCUMBENT.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date on which the first Director of the National Security
Agency takes office on or after the date of the enactment of this Act.

(2) INCUMBENT.—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.

“(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
1 National Reconnaissance Office and shall discharge such
2 functions and duties as are provided by this Act or other-
3 wise by law or executive order.

“(d) Position of Importance and Responsibility.—The President may designate the Director of the
4 National Reconnaissance Office as a position of import-
5 tance and responsibility under section 601 of title 10,
6 United States Code.”.

(b) Table of Contents Amendment.—The table
7 of contents in the first section of the National Security
8 Act of 1947 (50 U.S.C. 3001 et seq.) is amended by in-
9 serting after the item relating to section 106 the following:

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

(c) Effective Date and Applicability.—
14 (1) In General.—Subsection (a) shall take ef-
15 fect on the date of enactment of this Act and shall
16 apply upon the earlier of—

(A) the date of the nomination by the
18 President of an individual to serve as the Direc-
19 tor of the National Reconnaissance Office, ex-
20 cept that the individual serving as such Direc-
21 tor as of the date of the enactment of this Act
22 may continue to perform such duties after such
23 date of nomination and until the individual ap-
24 pointed as such Director, by and with the ad-
vice and consent of the Senate, assumes the duties of such Director; or

(B) the date of the cessation of the performance of the duties of such Director by the individual performing such duties as of the date of enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) of section 106A of the National Security Act of 1947, as added by subsection (a), shall take effect on the date of the enactment of this Act.

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

(a) IN GENERAL.—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

(2) in section 12, as amended by section 402, is further amended—

(A) in paragraph (1), by inserting “or the Director of the National Reconnaissance Office;” before “as the case may be;”; and
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(B) in paragraph (2), by inserting “or the National Reconnaissance Office,” before “as the case may be;”.

(b) EFFECTIVE DATE; INCUMBENT.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date on which the first Director of the National Reconnaissance Office takes office on or after the date of enactment of this Act.

(2) INCUMBENT.—The individual serving as Inspector General of the National Reconnaissance Office on the date of 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.

TITLE V—SECURITY CLEARANCE REFORM

SEC. 501. 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.

SEC. 502. TECHNOLOGY IMPROVEMENTS TO SECURITY CLEARANCE PROCESSING.

(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.

(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.
tion 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 classi-
ification and eliminates technical barriers to rapid
access to information necessary for eligibility deter-
minations 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 reinvestiga-
tion; 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 time-
liness, and reduce costs, of investigations and re-
investigations.

(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 ap-
propriate committees of Congress a report on the analysis required by subsection (a).

**SEC. 503. ENHANCED RECIPROCITY OF SECURITY CLEARANCES.**

Section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(d)) is amended by adding at the end the following:

“(7)(A) No agency may reject another agency’s determination that an individual is eligible for access to classified information on the basis that such eligibility determination is out-of-scope, unless the head of the entity selected pursuant to subsection (b) certifies to the appropriate committees of Congress that the rejecting agency does not employ any personnel who have background investigations that are out-of-scope.

“(B) In this paragraph, the term ‘out-of-scope’ means a background investigation or reinvestigation that is more than—

“(i) 7 years old in the case of a top secret clearance;

“(ii) 10 years old in the case of a secret clearance; or

“(iii) 15 years old in the case of a confidential clearance.
“(8) All personnel who have been determined to be eligible for access to classified information shall be presumed to be suitable for employment, unless and until the head of an agency determines on a case-by-case basis that an individual is not suitable for employment, in which case the individual shall be notified of such suitability determination in writing within 15 days.”.

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 ad-
judicative 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.

SEC. 505. IMPROVING THE PERIODIC REINVESTIGATION
PROCESS.

(a) IN GENERAL.—Not later than 6 months after the
date of the enactment of this Act, and annually thereafter
until 2017, the Director of National Intelligence, in con-
sultation 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 improving the process for periodic reinvestigations.

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

(1) an analysis of the costs and benefits associ-
ated with conducting more frequent or less frequent
periodic reinvestigations; and

(2) an analysis of the potential benefits of ex-
panding the Government’s use of continuous evalua-
tion tools as a means of improving the effectiveness
and efficiency of procedures for confirming the eligi-
bility of personnel for continued access to classified
information.

(c) Periodic Reinvestigations Defined.—In this
section, the term ‘‘periodic reinvestigations’’ has the
meaning given that term in section 3001(a) of the Intel-
ligence Reform and Terrorism Prevention Act of 2004 (50
U.S.C. 3341(a)).

TITLE VI—INTELLIGENCE COMMUNITY WHISTLEBLOWER
PROTECTIONS

SEC. 601. PROTECTION OF INTELLIGENCE COMMUNITY
WHISTLEBLOWERS.

(a) In General.—Chapter 23 of title 5, United
States Code, is amended by inserting after section 2303
the following:

§2303A. Prohibited personnel practices in the intel-
ligence 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, that con-
tains an intelligence community element, except the
Federal Bureau of Investigation.
"(2) CONGRESSIONAL INTELLIGENCE COMMIT-TEES.—The term ‘congressional intelligence commit-
tees’ means—

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

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

“(3) INTELLIGENCE COMMUNITY ELEMENT.—
The term ‘intelligence community element’—

“(A) means—

“(i) the Central Intelligence Agency,
the Defense Intelligence Agency, the Na-
tional 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) to have as its
principal function the conduct of foreign
intelligence or counterintelligence activities;
and

“(B) does not include the Federal Bureau
of Investigation; and
“(4) Personnel action.—The term ‘personnel action’ means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policymaking, or policy-advocating character).

“(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 an intelligence community element as a reprisal for a 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 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.

“(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

“(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 currently provided under any other law, rule, or regulation, including section 2303;

“(2) repeal section 2303; or

“(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

“2303A. Prohibited personnel practices in the intelligence community.”.
SEC. 602. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) In General.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(b)) is amended—

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

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

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

(4) 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 who in good faith appeal a determination to suspend or revoke a security clearance or access to classified information 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 provision of a right 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 certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

“Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining
to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

“(A) for an independent and impartial fact-finder;

“(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

“(C) that the employee or former employee may be represented by counsel;

“(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

“(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

“(i) the employee and the agency concerned agree to an extension; or

“(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

“(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of
national security, including ex parte submissions if
the agency determines that the interests of national
security so warrant; and

“(G) that the employee or former employee
shall have no right to compel the production of in-
formation specifically required by Executive order to
be kept classified in the interest of national defense
or the conduct of foreign affairs, except evidence
necessary to establish that the employee made the
disclosure or communication such employee alleges
was protected by subparagraphs (A), (B), and (C) of
subsection (j)(1).”.

(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 au-
thority 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 re-
spect to any employee’s security clearance or access
determination because of—
“(A) any 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 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 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 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 communication 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—

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

“(ii) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i); or
“(iii) cooperating 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 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) of the employee’s motive for making the disclosure;
“(iv) the disclosure was not made in writing;

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

“(vi) 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 shall include reasonable attorney’s fees and any other reasonable costs incurred, and 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 (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) DEFINITION.—In this paragraph, the term ‘Board’ means the appellate review board established under section 604(b) of the Intelligence Authorization Act for Fiscal Year 2014.

“(B) 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 to the Board.

“(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney Gen-
eral, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

“(D) REVIEW.—The Board’s review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

“(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional pro-
ceedings in accordance with the rules of procedure issued by the Board.

“(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder’s opportunity to see and hear the witnesses.

“(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), the Board shall separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (in-
cluding any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

“(H) Remedies.—

“(i) Corrective Action.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), the Board shall order the agency head to 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 shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most
recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

“(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee’s security clearance or access determination is clearly consistent with the interests of national security, the Board shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

“(I) CONGRESSIONAL NOTIFICATION.—

“(i) ORDERS.—Consistent with the protection of sources and methods, at the
time the Board issues an order, the Chair-
person of the Board shall notify—

“(I) the Committee on Homeland
Security and Government Affairs of
the Senate;

“(II) the Select Committee on In-
telligence of the Senate;

“(III) the Committee on Over-
sight and Government Reform of the
House of Representatives;

“(IV) the Permanent Select Com-
mittee on Intelligence of the House of
Representatives; and

“(V) the committees of the Sen-
ate and the House of Representatives
that have jurisdiction over the employ-
ing agency, including in the case of a
final order or decision of the Defense
Intelligence Agency, the National
Geospatial-Intelligence Agency, the
National Security Agency, or the Na-
tional Reconnaissance Office, the
Committee on Armed Services of the
Senate and the Committee on Armed
Services of the House of Representatives.

“(ii) Recommendations.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board’s recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

“(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 board established under section 604(b) of the Intelligence Authorization Act for Fiscal Year 2014.

“(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) 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) 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 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.


(1) in subsection (b)—

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

(B) by adding at the end the following:

“(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. Each recipient of the Inspector General’s transmission shall consult with the members of the appellate review board established under section 604(b) of the Intelligence Authorization Act for Fiscal Year 2014 regarding all transmissions under this paragraph.”;

(2) by designating 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 Congress or congressional staff member 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:

“(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 apply to the Director of National Intelligence. The Director of National Intelligence shall consult with the members of the appellate review board established under section 604(b) of the Intelligence Au-
thorization Act for Fiscal Year 2014 regarding all trans-
missions under this clause.”; and

(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 Congress or congressional staff
member of the fact that such individual has made a sub-
mission 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 Congress or congressional staff
member of the fact that such individual has made a sub-
mission to the Inspector General, and of the date on which
such submission was made.”.

SEC. 604. REGULATIONS; REPORTING REQUIREMENTS;
NONAPPLICABILITY TO CERTAIN TERMI-
NATIONS.

(a) DEFINITIONS.—In this section:
(1) **Congressional oversight committees.**—The term “congressional oversight committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Government Affairs of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives.

(2) **Intelligence community element.**—The term “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 counterintelligence activities; and
(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—In consultation with the Secretary of Defense, the Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this title.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in subsection (j) of section 3001 of the Intelligence Reform and Terrorism Prevention
Act of 2004 (50 U.S.C. 3341), as added by this title; and

(B) that shall include a subpanel that reflects the composition of intelligence community elements, which shall—

(i) be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in intelligence community element; and

(ii) include the Inspector General of the Intelligence Community and the Inspector General of the Department of Defense.

(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 oversight committees.

(d) Nonapplicability to Certain Terminations.—Section 2303A of title 5, United States Code, as added by this title, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C.
3341), as amended by this title, shall not apply if the affected employee is concurrently terminated under—

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

(2) 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—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) 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—
(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked
in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

**TITLE VII—OTHER MATTERS**

**SEC. 701. REPEAL OF THE TERMINATION OF NOTIFICATION REQUIREMENTS REGARDING THE AUTHORIZED DISCLOSURE OF NATIONAL INTELLIGENCE.**

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. 702. 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 “subsection (a),”;

(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 sub-
section (g); and
(7) by inserting after subsection (e) the fol-
lowing:
“(f)(1) The Director may engage in fundraising in
an official capacity for the benefit of nonprofit organiza-
tions that provide support to surviving family members of
deceased Agency employees or that otherwise provide sup-
port for the welfare, education, or recreation of Agency
employees, former Agency employees, or their family mem-
bers.
“(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 de-
signed to raise funds and does not include the direct solici-
tation of money by any other means.”.
SEC. 703. BUDGETARY EFFECTS.
The budgetary effects of this Act, for the purpose of
complying with the Statutory Pay-As-You-Go-Act of 2010,
shall be determined by reference to the latest statement
titled “Budgetary Effects of PAYGO Legislation” for this
Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.