

Calendar No. _____

112TH CONGRESS
2^D SESSION

S. _____

[Report No. 112-_____]]

To authorize appropriations for fiscal year 2013 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.

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2013 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 2013”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

- Sec. 301. Restriction on conduct of intelligence activities.
- Sec. 302. Increase in employee compensation and benefits authorized by law.
- Sec. 303. Non-reimbursable details.
- Sec. 304. Software licensing.
- Sec. 305. Improper Payments Elimination and Recovery Act of 2010 compliance.
- Sec. 306. Authorities of the Inspector General of the Intelligence Community.
- Sec. 307. Modification of reporting schedule.
- Sec. 308. Repeal or modification of certain reporting requirements.

TITLE IV—MATTERS RELATING TO THE CENTRAL
INTELLIGENCE AGENCY

- Sec. 401. Authorities of the Inspector General for the Central Intelligence Agency.
- Sec. 402. Working capital fund amendments.

TITLE V—PREVENTING UNAUTHORIZED DISCLOSURES OF
CLASSIFIED INFORMATION

- Sec. 501. Notification regarding the authorized public disclosure of national intelligence.
- Sec. 502. Requirement to record authorized disclosures of classified information.
- Sec. 503. Procedures for conducting administrative investigations of unauthorized disclosures.
- Sec. 504. Assessment of procedures for detecting and preventing unauthorized disclosures.
- Sec. 505. Prohibition on certain individuals serving as consultants.
- Sec. 506. Limitation on persons authorized to communicate with the media.
- Sec. 507. Responsibilities of intelligence community personnel with access to classified information.
- Sec. 508. Report on improvements to the criminal process for investigating and prosecuting unauthorized disclosures of classified information.
- Sec. 509. Improving insider threat initiatives.
- Sec. 510. Automated insider threat detection program.

Sec. 511. Surrender of certain benefits.

Sec. 512. Prohibition on security clearances for individuals who disclose to the public evidence or information on United States covert actions.

TITLE VI—OTHER MATTERS

Sec. 601. Homeland Security Intelligence Program.

Sec. 602. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 603. Public Interest Declassification Board.

Sec. 604. Provision of classified opinions of the Office of Legal Counsel to Congress.

Sec. 605. Technical amendments related to the Office of the Director of National Intelligence.

Sec. 606. Technical amendment for definition of intelligence agency.

Sec. 607. Budgetary effects.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

10 (2) INTELLIGENCE COMMUNITY.—The term
11 “intelligence community” has the meaning given
12 that term in section 3(4) of the National Security
13 Act of 1947 (50 U.S.C. 401a(4)).

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

3 (16) The Department of Homeland Security.

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

5 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
6 LEVELS.—The amounts authorized to be appropriated
7 under section 101 and the authorized total personnel levels
8 by program (expressed as full-time equivalent positions)
9 for the conduct of the intelligence activities of the elements
10 listed in paragraphs (1) through (16) of section 101, are
11 those specified in the classified Schedule of Authorizations
12 prepared to accompany the bill S. _____ of the
13 One Hundred Twelfth Congress. The classified Schedule
14 of Authorizations is incorporated by reference into this
15 Act and has the legal status of a public law.

16 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
17 THORIZATIONS.—The classified Schedule of Authoriza-
18 tions referred to in subsection (a) shall be made available
19 to the Committee on Appropriations of the Senate, the
20 Committee on Appropriations of the House of Representa-
21 tives, and to the President. The President shall provide
22 for suitable distribution of the Schedule, or of appropriate
23 portions of the Schedule, within the executive branch.

1 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

2 (a) **AUTHORITY FOR INCREASES.**—The Director of
3 National Intelligence may authorize the employment of ci-
4 vilian personnel in excess of the number of full-time equiv-
5 alent positions for fiscal year 2013 authorized by the clas-
6 sified Schedule of Authorizations referred to in section
7 102(a) if the Director of National Intelligence determines
8 that such action is necessary to the performance of impor-
9 tant intelligence functions, except that the number of per-
10 sonnel employed in excess of the number authorized under
11 such section may not, for any element of the Intelligence
12 Community, exceed 3 percent of the number of civilian
13 personnel authorized under such section for such element.

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

20 (1) a student program, trainee program, or
21 similar program;

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

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

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

6 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
7 **COUNT.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated for the Intelligence Community Man-
11 agement Account of the Director of National Intel-
12 ligence for fiscal year 2013 the sum of
13 \$542,346,000.

14 (2) AVAILABILITY OF CERTAIN FUNDS.—Of the
15 amounts authorized to be appropriated by paragraph
16 (1), funds identified in the classified Schedule of Au-
17 thorizations referred to in section 102(a) for ad-
18 vanced research and development shall remain avail-
19 able until September 30, 2014.

20 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
21 ments within the Intelligence Community Management
22 Account of the Director of National Intelligence are au-
23 thorized 827 full-time or full-time equivalent personnel as
24 of September 30, 2013. Personnel serving in such ele-
25 ments may be permanent employees of the Office of the

1 Director of National Intelligence or personnel detailed
2 from other elements of the United States Government.

3 (c) CLASSIFIED AUTHORIZATION OF APPROPRIA-
4 TIONS.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to amounts authorized to be appropriated
7 for the Intelligence Community Management Ac-
8 count by subsection (a), there are authorized to be
9 appropriated for the Community Management Ac-
10 count for fiscal year 2013 such additional amounts
11 as are specified in the classified Schedule of Author-
12 izations referred to in section 102(a). Such addi-
13 tional amounts for advanced research and develop-
14 ment shall remain available until September 30,
15 2014.

16 (2) AUTHORIZATION OF PERSONNEL.—In addi-
17 tion to the personnel authorized by subsection (b)
18 for elements of the Intelligence Community Manage-
19 ment Account as of September 30, 2013, there are
20 authorized such additional personnel for the Com-
21 munity Management Account as of that date as are
22 specified in the classified Schedule of Authorizations
23 referred to in section 102(a).

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

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2013 the sum of \$514,000,000.

9 **TITLE III—GENERAL INTEL-**
10 **LIGENCE COMMUNITY MAT-**
11 **TERS**

12 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
13 **ACTIVITIES.**

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

18 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
19 **BENEFITS AUTHORIZED BY LAW.**

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

1 **SEC. 303. NON-REIMBURSABLE DETAILS.**

2 Section 113A of the National Security Act of 1947
3 (50 U.S.C. 404h-1) is amended—

4 (1) by striking “two years.” and inserting
5 “three years.”; and

6 (2) by adding at the end “A non-reimbursable
7 detail made under this section shall not be consid-
8 ered an augmentation of the appropriations of the
9 receiving element of the intelligence community.”.

10 **SEC. 304. SOFTWARE LICENSING.**

11 (a) IN GENERAL.—Not later than 120 days after the
12 date of the enactment of this Act, each chief information
13 officer for an element of the intelligence community, in
14 consultation with the Chief Information Officer of the in-
15 telligence community, shall—

16 (1) conduct an inventory of software licenses
17 held by such element, including utilized and unuti-
18 lized licenses; and

19 (2) report the results of such inventory to the
20 Chief Information Officer of the intelligence commu-
21 nity.

22 (b) REPORTING TO CONGRESS.—The Chief Informa-
23 tion Officer of the intelligence community shall—

24 (1) not later than 180 days after the date of
25 the enactment of this Act, provide to the congres-
26 sional intelligence committees a copy of each report

1 received by the Chief Information Officer under sub-
2 section (a)(2), along with any comments the Chief
3 Information Officer wishes to provide; and

4 (2) transmit any portion of a report submitted
5 under paragraph (1) involving a component of a de-
6 partment of the United States Government to the
7 committees of the Senate and of the House of Rep-
8 resentatives with jurisdiction over such department
9 simultaneously with submission of such report to the
10 congressional intelligence committees.

11 **SEC. 305. IMPROPER PAYMENTS ELIMINATION AND RECOV-**
12 **ERY ACT OF 2010 COMPLIANCE.**

13 (a) PLAN FOR COMPLIANCE.—

14 (1) IN GENERAL.—The Director of National In-
15 telligence, the Director of the Central Intelligence
16 Agency, the Director of the Defense Intelligence
17 Agency, the Director of the National Geospatial-In-
18 telligence Agency, and the Director of the National
19 Security Agency shall each develop a corrective ac-
20 tion plan, with major milestones, that delineates how
21 the Office of the Director of National Intelligence
22 and each such Agency will achieve compliance, not
23 later than September 30, 2013, with Improper Pay-
24 ments Elimination and Recovery Act of 2010 (Public

1 Law 111–204; 124 Stat. 2224), and the amend-
2 ments made by that Act.

3 (2) SUBMISSION TO CONGRESS.—Not later than
4 45 days after the date of the enactment of this
5 Act—

6 (A) each Director referred to in paragraph
7 (1) shall submit to the congressional intel-
8 ligence committees the corrective action plan re-
9 quired by such paragraph; and

10 (B) the Director of the Defense Intel-
11 ligence Agency, the Director of the National
12 Geospatial-Intelligence Agency, and the Direc-
13 tor of the National Security Agency shall each
14 submit to the Committees on Armed Services of
15 the Senate and the House of Representatives
16 the corrective action plan required by para-
17 graph (1) with respect to the applicable Agency.

18 (b) REVIEW BY INSPECTORS GENERAL.—

19 (1) IN GENERAL.—Not later than 45 days after
20 the completion of a corrective action plan required
21 by subsection (a)(1), the Inspector General of the
22 appropriate Agency, and in the case of the Director
23 of National Intelligence, the Inspector General of the
24 Intelligence Community, shall provide to the con-

1 gressional intelligence committees an assessment of
2 such plan that includes—

3 (A) the assessment of the Inspector Gen-
4 eral of whether such Agency or Office is or is
5 not likely to reach compliance with the require-
6 ments of the Improper Payments Elimination
7 and Recovery Act of 2010 (Public Law 111-
8 204; 124 Stat. 2224), and the amendments
9 made by that Act, by September 30, 2013; and

10 (B) the basis of the Inspector General for
11 such assessment.

12 (2) ADDITIONAL SUBMISSION OF REVIEWS OF
13 CERTAIN INSPECTORS GENERAL.—Not later than 45
14 days after the completion of a corrective action plan
15 required by subsection (a)(1), the Inspector General
16 of the Defense Intelligence Agency, the Inspector
17 General of the National Geospatial-Intelligence
18 Agency, and the Inspector General of the National
19 Security Agency shall each submit to the Commit-
20 tees on Armed Services of the Senate and the House
21 of Representatives the assessment of the applicable
22 plan provided to the congressional intelligence com-
23 mittees under paragraph (1).

1 **SEC. 306. AUTHORITIES OF THE INSPECTOR GENERAL OF**
2 **THE INTELLIGENCE COMMUNITY.**

3 Section 103H(j) of the National Security Act of 1947
4 (50 U.S.C. 403–3h(j)) is amended by adding at the end
5 the following new paragraph:

6 “(5)(A) The Inspector General may designate an offi-
7 cer or employee appointed in accordance with this section
8 as a law enforcement officer solely for purposes of sub-
9 chapter III of chapter 83 or chapter 84 of title 5, United
10 States Code, if such officer or employee is appointed to
11 a position in which the duty is to investigate suspected
12 offenses against the criminal laws of the United States.

13 “(B) In carrying out subparagraph (A), the Inspector
14 General shall ensure that any authority under such clause
15 is exercised in a manner consistent with the provisions of
16 section 3307 of title 5, United States Code, as they relate
17 to law enforcement officers.

18 “(C) For purposes of applying sections 3307(d),
19 8335(b), and 8425(b) of title 5, United States Code, the
20 Inspector General may exercise the functions, powers, and
21 duties of an agency head or appointing authority with re-
22 spect to the Office.”.

23 **SEC. 307. MODIFICATION OF REPORTING SCHEDULE.**

24 (a) INSPECTOR GENERAL OF THE INTELLIGENCE
25 COMMUNITY.—Section 103H(k)(1)(A) of the National Se-

1 curity Act of 1947 (50 U.S.C. 403–3h(k)(1)(A)) is amend-
2 ed—

3 (1) by striking “January 31 and July 31” and
4 inserting “October 31 and April 30”; and

5 (2) by striking “December 31 (of the preceding
6 year) and June 30,” and inserting “September 30
7 and March 31,”.

8 (b) INSPECTOR GENERAL FOR THE CENTRAL INTEL-
9 LIGENCE AGENCY.—Section 17(d)(1) of the Central Intel-
10 ligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)) is
11 amended—

12 (1) by striking “January 31 and July 31” and
13 inserting “October 31 and April 30”; and

14 (2) by striking “December 31 (of the preceding
15 year) and June 30,” and inserting “September 30
16 and March 31,”.

17 **SEC. 308. REPEAL OR MODIFICATION OF CERTAIN REPORT-**
18 **ING REQUIREMENTS.**

19 (a) REPEAL OF CERTAIN REPORTING REQUIRE-
20 MENTS.—

21 (1) REPEAL OF REPORTING REQUIREMENT RE-
22 GARDING THE SAFETY AND SECURITY OF RUSSIAN
23 NUCLEAR FACILITIES AND NUCLEAR MILITARY
24 FORCES.—Section 114 of the National Security Act
25 of 1947 (50 U.S.C. 404i) is amended—

1 (A) by striking subsection (a); and

2 (B) by striking subsection (d).

3 (2) REPEAL OF REPORTING REQUIREMENT RE-
4 GARDING INTELLIGENCE COMMUNITY BUSINESS SYS-
5 TEMS BUDGET INFORMATION.—Section 506D of the
6 National Security Act of 1947 (50 U.S.C. 415a–6)
7 is amended by striking subsection (e).

8 (3) REPEAL OF REPORTING REQUIREMENTS RE-
9 GARDING SECURITY CLEARANCES.—

10 (A) IN GENERAL.—Section 506H of the
11 National Security Act of 1947 (50 U.S.C.
12 415a–10) is repealed.

13 (B) TABLE OF CONTENTS AMENDMENT.—
14 The National Security Act of 1947 (50 U.S.C.
15 401 et seq.) is amended in the table of contents
16 in the first section by striking the item relating
17 to section 506H.

18 (4) REPEAL OF REPORTING REQUIREMENT RE-
19 GARDING MEASURES TO PROTECT THE IDENTITIES
20 OF COVERT AGENTS.—

21 (A) IN GENERAL.—Section 603 of the Na-
22 tional Security Act of 1947 (50 U.S.C. 423) is
23 repealed.

24 (B) TABLE OF CONTENTS AMENDMENT.—
25 The National Security Act of 1947 (50 U.S.C.

1 401 et seq.) is amended in the table of contents
2 in the first section by striking the item relating
3 to section 603.

4 (5) REPEAL OF REPORTING REQUIREMENT RE-
5 GARDING ACQUISITION OF TECHNOLOGY RELATING
6 TO WEAPONS OF MASS DESTRUCTION AND AD-
7 VANCED CONVENTIONAL MUNITIONS.—Section 721
8 of the Intelligence Authorization Act for Fiscal Year
9 1997 (50 U.S.C. 2366) is repealed.

10 (6) REPEAL OF REPORTING REQUIREMENT RE-
11 GARDING ANALYTIC INTEGRITY.—Section 1019 of
12 the Intelligence Reform and Terrorism Prevention
13 Act of 2004 (50 U.S.C. 403–1a) is amended—

14 (A) by striking subsection (c); and

15 (B) by striking subsection (d).

16 (7) REPEAL OF REPORTING REQUIREMENT RE-
17 GARDING COUNTERINTELLIGENCE AND SECURITY
18 PRACTICES AT THE NATIONAL LABORATORIES.—Sec-
19 tion 4507 of the Atomic Energy Defense Act (50
20 U.S.C. 2658) is repealed.

21 (8) REPEAL OF REPORTING REQUIREMENT RE-
22 GARDING SECURITY VULNERABILITIES OF NATIONAL
23 LABORATORY COMPUTERS.—Section 4508 of the
24 Atomic Energy Defense Act (50 U.S.C. 2659) is re-
25 pealed.

1 (b) MODIFICATION OF CERTAIN REPORTING RE-
2 QUIREMENTS.—

3 (1) SUNSET OF REPORTING REQUIREMENT RE-
4 GARDING INTELLIGENCE COMMUNITY BUSINESS SYS-
5 TEM TRANSFORMATION.—Section 506D(j) of the
6 National Security Act of 1947 (50 U.S.C. 415a-
7 6(j)) is amended by striking “2015” and inserting
8 “2013”.

9 (2) MODIFICATION OF REPORTING REQUIRE-
10 MENT REGARDING THE ACTIVITIES OF PRIVACY AND
11 CIVIL LIBERTIES OFFICERS.—Section 1062(f)(1) of
12 the Intelligence Reform and Terrorism Prevention
13 Act of 2004 (42 U.S.C. 2000ee-1(f)(1)) is amended
14 by striking “quarterly,” and inserting “semiannu-
15 ally,”.

16 **TITLE IV—MATTERS RELATING**
17 **TO THE CENTRAL INTEL-**
18 **LIGENCE AGENCY**

19 **SEC. 401. AUTHORITIES OF THE INSPECTOR GENERAL FOR**
20 **THE CENTRAL INTELLIGENCE AGENCY.**

21 Section 17(e)(7) of the Central Intelligence Agency
22 Act of 1949 (50 U.S.C. 403q(e)(7)) is amended—

23 (1) by striking “Subject to applicable law” and
24 inserting “(A) Subject to applicable law”; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(B)(i) The Inspector General may designate an offi-
4 cer or employee appointed in accordance with subpara-
5 graph (A) as a law enforcement officer solely for purposes
6 of subchapter III of chapter 83 or chapter 84 of title 5,
7 United States Code, if such officer or employee is ap-
8 pointed to a position in which the duty is to investigate
9 suspected offenses against the criminal laws of the United
10 States.

11 “(ii) In carrying out clause (i), the Inspector General
12 shall ensure that any authority under such clause is exer-
13 cised in a manner consistent with the provisions of section
14 3307 of title 5, United States Code, as they relate to law
15 enforcement officers.

16 “(iii) For purposes of applying sections 3307(d),
17 8335(b), and 8425(b) of title 5, United States Code, the
18 Inspector General may exercise the functions, powers, and
19 duties of an agency head or appointing authority with re-
20 spect to the Office.”.

21 **SEC. 402. WORKING CAPITAL FUND AMENDMENTS.**

22 Section 21 of the Central Intelligence Agency Act of
23 1949 (50 U.S.C. 403u) is amended as follows:

24 (1) In subsection (b)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (B), by striking
2 “and” at the end;

3 (ii) in subparagraph (C), by striking
4 “program.” and inserting “program; and”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) authorize such providers to make known
9 their services to the entities specified in section (a)
10 through Government communication channels.”; and

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

12 “(3) The authority in paragraph (1)(D) does not in-
13 clude the authority to distribute gifts or promotional
14 items.”.

15 (2) In subsection (c)—

16 (A) in paragraph (2)(E), by striking “from
17 the sale or exchange of equipment or property
18 of a central service provider” and inserting
19 “from the sale or exchange of equipment, recy-
20 clable materials, or property of a central service
21 provider.”; and

22 (B) in paragraph (3)(B), by striking “sub-
23 section (f)(2)” and inserting “subsections
24 (b)(1)(D) and (f)(2)”.

1 **TITLE V—PREVENTING UNAU-**
2 **THORIZED DISCLOSURES OF**
3 **CLASSIFIED INFORMATION**

4 **SEC. 501. NOTIFICATION REGARDING THE AUTHORIZED**
5 **PUBLIC DISCLOSURE OF NATIONAL INTEL-**
6 **LIGENCE.**

7 (a) NOTIFICATION.—Concurrent with an authorized
8 disclosure of national intelligence or intelligence related to
9 national security to the persons or entities described in
10 subsection (b), the government official responsible for au-
11 thorizing the disclosure shall submit to the congressional
12 intelligence committees a notification of the disclosure if—

13 (1) at the time of the disclosure—

14 (A) such intelligence is classified; or

15 (B) is declassified for the purpose of the
16 disclosure; and

17 (2) the disclosure will be made by an officer,
18 employee, or contractor of the Executive branch.

19 (b) PERSONS OR ENTITIES DESCRIBED.—The per-
20 sons or entities described in this subsection are as follows:

21 (1) Media personnel, including any person or
22 entity under contract or other binding agreement
23 with the media to provide analysis or commentary.

24 (2) Any person or entity, if the disclosure de-
25 scribed in subsection (a) is made with the intent or

1 knowledge that such information will be made pub-
2 licly available.

3 (c) CONTENT.—Each notification required under
4 subsection (a) shall—

5 (1) provide the specific title and authority of
6 the individual authorizing the disclosure;

7 (2) if applicable, provide the specific title and
8 authority of the individual who authorized the de-
9 classification of the intelligence disclosed; and

10 (3) describe the intelligence disclosed, including
11 the classification of the intelligence prior to its dis-
12 closure or declassification and the rationale for mak-
13 ing the disclosure.

14 (d) EXCEPTION.—The notification requirement in
15 this section does not apply to a disclosure made—

16 (1) pursuant to any statutory requirement, in-
17 cluding to section 552 of title 5, United States Code
18 (commonly referred to as the “Freedom of Informa-
19 tion Act”);

20 (2) in connection with a civil, criminal, or ad-
21 ministrative proceeding;

22 (3) as a result of a declassification review proc-
23 ess under Executive Order 13526 (50 U.S.C. 435
24 note) or any successor order; or

1 (4) to any officer, employee, or contractor of
2 the Federal government or member of an advisory
3 board to an element of the intelligence community
4 who possesses an active security clearance and a
5 need to know the specific national intelligence or in-
6 telligence related to national security, as defined in
7 section 3(5) of the National Security Act of 1947
8 (50 U.S.C. 401a(5)).

9 **SEC. 502. REQUIREMENT TO RECORD AUTHORIZED DISCLO-**
10 **SURES OF CLASSIFIED INFORMATION.**

11 (a) **RECORD REQUIREMENT.**—The head of each ele-
12 ment of the intelligence community shall ensure that such
13 element creates and maintains a record of all authorized
14 disclosures of classified information to media personnel,
15 including any person or entity under contract or other
16 binding agreement with the media to provide analysis or
17 commentary, or to any person or entity if the disclosure
18 is made with the intent or knowledge that such informa-
19 tion will be made publicly available.

20 (b) **REVIEW BY CONGRESSIONAL INTELLIGENCE**
21 **COMMITTEES.**—A record under subsection (a) shall be
22 available for review by the congressional intelligence com-
23 mittees in a manner jointly agreed to by the committee
24 and the head of such element.

1 **SEC. 503. PROCEDURES FOR CONDUCTING ADMINISTRA-**
2 **TIVE INVESTIGATIONS OF UNAUTHORIZED**
3 **DISCLOSURES.**

4 (a) REQUIREMENT.—Not later than 90 days after the
5 date of the enactment of this Act, the Director of National
6 Intelligence shall—

7 (1) establish procedures as described in sub-
8 section (b); and

9 (2) provide a copy of the procedures to the con-
10 gressional intelligence committees.

11 (b) PROCEDURES.—The procedures described in this
12 subsection are procedures that shall be implemented by
13 each element of the intelligence community for the conduct
14 of administrative investigations of unauthorized disclo-
15 sures of classified information and shall include—

16 (1) designation of an office with responsibility
17 for proactively identifying unauthorized disclosures
18 of classified information;

19 (2) submission and prioritization of crimes re-
20 ports to the Attorney General for purposes of crimi-
21 nal investigation concerning unauthorized disclosures
22 of classified information;

23 (3) conduct of independent administrative in-
24 vestigations of unauthorized disclosures of classified
25 information, if a criminal investigation is not pur-
26 sued or is discontinued;

1 (4) guidelines approved by the Attorney General
2 that authorize the Director of the Federal Bureau of
3 Investigation to provide relevant documents and
4 other information in the Director's possession to ap-
5 propriate elements of the intelligence community for
6 purposes of conducting administrative investigations
7 of the unauthorized disclosure of classified informa-
8 tion;

9 (5) procedures for the heads of elements of the
10 intelligence community to apply disciplinary meas-
11 ures, if appropriate, following an administrative in-
12 vestigation, up to and including termination of em-
13 ployment;

14 (6) in cases where an administrative investiga-
15 tion identifies information that may enable or inform
16 a criminal investigation, procedures for providing
17 such information to the Attorney General;

18 (7) procedures for keeping the National Coun-
19 terintelligence Executive and the congressional intel-
20 ligence committees informed of the status of all ad-
21 ministrative investigations and crimes reports; and

22 (8) other procedures as determined by the Di-
23 rector.

1 **SEC. 504. ASSESSMENT OF PROCEDURES FOR DETECTING**
2 **AND PREVENTING UNAUTHORIZED DISCLO-**
3 **SURES.**

4 (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS-
5 MENT.—Not later than 120 days after the date of the en-
6 actment of this Act, the Director of National Intelligence
7 shall provide the congressional intelligence committees
8 with an assessment of—

9 (1) the practical feasibility of extending the use
10 of the polygraph to additional Executive branch per-
11 sonnel and standardizing the questions used during
12 polygraph examinations regarding disclosure of clas-
13 sified information and contact with the media;

14 (2) the benefits of extending the automated in-
15 sider threat detection capabilities described in sec-
16 tion 402 of the Intelligence Authorization Act of
17 Fiscal Year 2011 (Public Law 112–18; 50 U.S.C.
18 403–1 note) to sensitive compartmented information
19 level computer systems used by agencies or per-
20 sonnel outside the intelligence community; and

21 (3) a description of actions that could be taken
22 to address improper classification of material.

23 (b) INSPECTOR GENERAL OF THE INTELLIGENCE
24 COMMUNITY ASSESSMENT.—Not later than 120 days
25 after the date of the enactment of this Act, the Inspector
26 General of the Intelligence Community shall provide the

1 congressional intelligence committees with an assessment
2 of the effectiveness of the process used by each element
3 of the intelligence community for preventing, detecting,
4 and investigating unauthorized disclosures of classified in-
5 formation and a description of any best practices that
6 could be replicated throughout the intelligence community.

7 **SEC. 505. PROHIBITION ON CERTAIN INDIVIDUALS SERV-**
8 **ING AS CONSULTANTS.**

9 (a) PROHIBITION.—No person described in sub-
10 section (b) may enter into a contract or other binding
11 agreement with the media in order to provide, or otherwise
12 assist in providing, analysis or commentary on matters
13 concerning the classified intelligence activities of any ele-
14 ment of the intelligence community or intelligence related
15 to national security, as defined in section 3(5) of the Na-
16 tional Security Act of 1947 (50 U.S.C. 401a(5)).

17 (b) PERSON DESCRIBED.—A person described in this
18 subsection is—

19 (1) any officer, employee, or contractor of the
20 Federal government who possesses an active security
21 clearance;

22 (2) any member of an advisory board to an ele-
23 ment of the intelligence community who possesses an
24 active security clearance; or

1 (3) any former officer, employee, or contractor
2 of the Federal government or former member of an
3 advisory board to an element of the intelligence com-
4 munity who—

5 (A) has left the employment or service of
6 the Federal government during the previous 1
7 year period; and

8 (B) possessed a security clearance allowing
9 access to top secret, sensitive compartmented
10 information at any time during the 3 years
11 prior to leaving such employment or service.

12 **SEC. 506. LIMITATION ON PERSONS AUTHORIZED TO COM-**
13 **MUNICATE WITH THE MEDIA.**

14 (a) LIMITATION.—

15 (1) IN GENERAL.—For each element of the in-
16 telligence community, only the Director and Deputy
17 Director of such element, or individuals in equivalent
18 positions within such element, and individuals in the
19 offices of public affairs who are specifically des-
20 ignated by the Director (or the individual in an
21 equivalent position), may provide background or off-
22 the-record information regarding intelligence activi-
23 ties to the media, or to any person affiliated with
24 the media.

1 (2) DESIGNATION IN WRITING.—Each designa-
2 tion made under paragraph (1) by a Director (or an
3 individual in an equivalent position) shall be in writ-
4 ing.

5 (b) CONSTRUCTION.—Nothing in this section shall be
6 construed to prohibit an appropriate officer or employee
7 of an element of the intelligence community from pro-
8 viding authorized, unclassified, on-the-record briefings to
9 the media, or to any person affiliated with the media.

10 **SEC. 507. RESPONSIBILITIES OF INTELLIGENCE COMMU-**
11 **NITY PERSONNEL WITH ACCESS TO CLASSI-**
12 **FIED INFORMATION.**

13 (a) IN GENERAL.—Not later than 120 days after the
14 date of the enactment of this Act, the Director of National
15 Intelligence shall—

16 (1) prescribe regulations outlining the respon-
17 sibilities of, and a process for, all covered persons to
18 report oral and written contact with the media to
19 the security office of the appropriate element of the
20 intelligence community;

21 (2) prescribe regulations that ensure that any
22 covered person, prior to leaving the employment or
23 services of the Federal Government, is informed of
24 the ongoing responsibility to comply with all provi-

1 sions of the written nondisclosure agreements gov-
2 erning access to classified information;

3 (3) establish appropriate requirements for cov-
4 ered persons to comply, during and subsequent to
5 any period of employment, with all prepublication re-
6 view requirements contained in any nondisclosure
7 agreement between the covered person and any and
8 all elements of the intelligence community to which
9 such person has been assigned, employed, con-
10 tracted, or detailed;

11 (4) establish appropriate requirements for cov-
12 ered persons, during and subsequent to any period
13 of employment or service, to submit any written ma-
14 terials and anticipated oral comments for prepublica-
15 tion review;

16 (5) update, and require current acknowledg-
17 ment of, the written nondisclosure agreements gov-
18 erning access to classified information to comply
19 with the provisions of this Act; and

20 (6) prescribe regulations that specify appro-
21 priate disciplinary actions to be taken against any
22 covered person, during and subsequent to any period
23 of employment or service, determined by the Direc-
24 tor of National Intelligence to have violated a writ-

1 ten agreement under this section, which may in-
2 clude—

3 (A) issuance of letters of reprimand;

4 (B) placing notices of violations in per-
5 sonnel files and informing the congressional
6 oversight committees of such notices;

7 (C) revocation of security clearances;

8 (D) prohibition on obtaining new security
9 clearances; and

10 (E) termination of employment.

11 (b) COVERED PERSON DEFINED.—In this section,
12 the term “covered person” means a current employee or
13 contractor of, or member of an advisory board to, an ele-
14 ment of the intelligence community who has an active se-
15 curity clearance.

16 **SEC. 508. REPORT ON IMPROVEMENTS TO THE CRIMINAL**
17 **PROCESS FOR INVESTIGATING AND PROS-**
18 **ECUTING UNAUTHORIZED DISCLOSURES OF**
19 **CLASSIFIED INFORMATION.**

20 (a) REQUIREMENT FOR REPORT.—Not later than
21 180 days after the date of the enactment of this Act, the
22 Attorney General, in coordination with the Director of Na-
23 tional Intelligence, shall submit to the congressional intel-
24 ligence committees and the Committee on the Judiciary
25 of the Senate and the Committee on the Judiciary of the

1 House of Representatives a report on the effectiveness of
2 and potential improvements to the process for inves-
3 tigating and prosecuting unauthorized disclosures of clas-
4 sified information, which shall include—

5 (1) potential modifications to the process used
6 by elements of the intelligence community to submit
7 crimes reports of unauthorized disclosures of classi-
8 fied information to the Attorney General;

9 (2) potential modifications to the policies of the
10 Department of Justice on issuing subpoenas directed
11 at members of the news media, as described in sec-
12 tion 50.10(b) of title 28, Code of Federal Regula-
13 tions (or any similar successor regulation); and

14 (3) potential modifications to the Classified In-
15 formation Procedures Act (Public Law 96–456; 94
16 Stat. 2025).

17 **SEC. 509. IMPROVING INSIDER THREAT INITIATIVES.**

18 (a) DESIGNATION OF INSIDER THREAT PROGRAM
19 MANAGERS.—

20 (1) REQUIREMENT TO DESIGNATE.—Not later
21 than 90 days after the date of the enactment of this
22 Act, each head of an element of the intelligence com-
23 munity shall designate an insider threat program
24 manager with responsibility for developing a com-

1 prehensive insider threat program management plan
2 as described in subsection (b) for such element.

3 (2) INFORMATION ACCESS.—Each insider
4 threat program manager designated under para-
5 graph (1) for an element of the intelligence commu-
6 nity shall have access to all relevant information re-
7 garding the allocation of resources to efforts by such
8 element to counter insider threats, including re-
9 sources for counterintelligence, physical security, in-
10 formation security, and human resources, except
11 that such relevant information shall not be deemed
12 to include information concerning specific counter-
13 intelligence or security investigations, unless the
14 head of the element so directs.

15 (b) DEVELOPMENT OF A COMPREHENSIVE INSIDER
16 THREAT PROGRAM MANAGEMENT PLAN.—

17 (1) REQUIREMENT TO DEVELOP.—Not later
18 than 1 year after the date of the enactment of this
19 Act, each insider threat program manager des-
20 ignated under subsection (a)(1) for an element of
21 the intelligence community shall develop, in coordi-
22 nation with the Office of the National Counterintel-
23 ligence Executive and such other components of the
24 Office of the Director of National Intelligence as the
25 Director of National Intelligence deems appropriate,

1 a comprehensive insider threat program manage-
2 ment plan for such element that describes a com-
3 prehensive insider threat detection program for such
4 element.

5 (2) REVIEW AND APPROVAL.—Upon completion,
6 each comprehensive insider threat program manage-
7 ment plan developed under paragraph (1) shall be
8 submitted to the head of the relevant element of the
9 intelligence community for review, modification, and
10 approval, and then to the Director of National Intel-
11 ligence, for review, modification and approval.

12 (3) SUBMISSION TO CONGRESS.—A copy of
13 each comprehensive insider threat program manage-
14 ment plan approved by the Director of National In-
15 telligence under paragraph (2) shall be submitted—

16 (A) to the congressional intelligence com-
17 mittees, not later than 30 days after the date
18 such plan is approved; and

19 (B) if such plan involves a component of a
20 department of the United States Government,
21 to the committees of the Senate and of the
22 House of Representatives with jurisdiction over
23 such department simultaneously with submis-
24 sion of such copy to the congressional intel-
25 ligence committees under subparagraph (A).

1 (c) IMPLEMENTING A COMPREHENSIVE INSIDER
2 THREAT DETECTION PROGRAM.—

3 (1) INITIAL OPERATING CAPABILITY.—Not later
4 than 18 months after the date of the enactment of
5 this Act, each head of an element of the intelligence
6 community, in coordination with the Office of the
7 National Counterintelligence Executive and the Of-
8 fice of the Director of National Intelligence, shall es-
9 tablish an initial operating capability for the com-
10 prehensive insider threat detection program for such
11 element as described in the comprehensive insider
12 threat program management plan developed under
13 subsection (b).

14 (2) FULL OPERATING CAPABILITY.—Not later
15 than 2 years after the date of the enactment of this
16 Act, the Director of National Intelligence shall—

17 (A) establish a full operating capability for
18 each comprehensive insider threat detection
19 program developed under subsection (b) for
20 each element of the intelligence community; and

21 (B) ensure that each such full operating
22 capability is reached.

1 **SEC. 510. AUTOMATED INSIDER THREAT DETECTION PRO-**
2 **GRAM.**

3 Section 402 of the Intelligence Authorization Act for
4 Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403–
5 1 note) is amended—

6 (1) in subsection (a), by striking “October 1,
7 2012,” and inserting “October 1, 2013,”; and

8 (2) in subsection (b), by striking “October 1,
9 2013,” and inserting “October 1, 2014.”.

10 **SEC. 511. SURRENDER OF CERTAIN BENEFITS.**

11 (a) **REQUIREMENT FOR PROHIBITION.**—Not later
12 than 120 days after the date of the enactment of this Act,
13 the Director of National Intelligence, in coordination with
14 the head of each element of the intelligence community,
15 shall publish regulations that—

16 (1) are consistent with any procedures estab-
17 lished by Executive order or regulation under section
18 801 of the National Security Act of 1947 (50 U.S.C.
19 435);

20 (2) require each employee of an element of the
21 intelligence community to sign a written agreement
22 as described in subsection (b); and

23 (3) set forth the administrative procedures ap-
24 plicable to an employee who violates the terms of
25 such an agreement.

1 (b) AGREEMENT DESCRIBED.—An agreement de-
2 scribed in this subsection is an agreement, with respect
3 to an individual employed by an element of the intelligence
4 community, that—

5 (1) prohibits the individual from disclosing clas-
6 sified information without authorization at any time
7 during or subsequent to employment with an ele-
8 ment of the intelligence community;

9 (2) requires the individual to comply with all
10 prepublication review requirements contained in any
11 nondisclosure agreement between the individual and
12 an element of the intelligence community;

13 (3) specifies appropriate disciplinary actions, in-
14 cluding the surrender of any current or future Fed-
15 eral Government pension benefit, to be taken against
16 the individual if the Director of National Intelligence
17 or the head of the appropriate element of the intel-
18 ligence community determines that the individual
19 has knowingly violated the prepublication review re-
20 quirements contained in a nondisclosure agreement
21 between the individual and an element of the intel-
22 ligence community in a manner that disclosed classi-
23 fied information to an unauthorized person or entity;
24 and

1 (4) describes procedures for making and review-
2 ing determinations under paragraph (3) in a manner
3 that is consistent with the due process and appeal
4 rights otherwise available to an individual who is
5 subject to the same or similar disciplinary action
6 under other law.

7 (c) FEDERAL GOVERNMENT PENSION BENEFIT DE-
8 SCRIBED.—In this section, the term “Federal Government
9 pension benefit” means the specific government contribu-
10 tion to a covered person’s Federal Government pension
11 plan, in its fair market value, but does not include the
12 following:

13 (1) Any contributions by a person to a Federal
14 Government pension plan, in their fair market value.

15 (2) Any old age benefits payable to a person
16 under title II of the Social Security Act (42 U.S.C.
17 401 et seq.).

18 (3) Any employee benefits or contributions of a
19 person under the Thrift Savings Plan under sub-
20 chapter III of chapter 84 of title 5, United States
21 Code, or any successor benefit program.

1 **SEC. 512. PROHIBITION ON SECURITY CLEARANCES FOR IN-**
2 **DIVIDUALS WHO DISCLOSE TO THE PUBLIC**
3 **EVIDENCE OR INFORMATION ON UNITED**
4 **STATES COVERT ACTIONS.**

5 (a) PROHIBITION.—Consistent with administrative
6 procedures and due process afforded under otherwise ap-
7 plicable laws and regulations, an individual described in
8 subsection (b) may not receive, retain, or otherwise pos-
9 sess a security clearance for access to classified informa-
10 tion.

11 (b) COVERED INDIVIDUALS.—An individual described
12 in this subsection is any individual—

13 (1) who—

14 (A) serves as an officer, employee, con-
15 tractor, or member of an advisory board of the
16 Federal Government; or

17 (B) otherwise possesses an active security
18 clearance;

19 (2) who is known or determined, in accordance
20 with applicable law or regulations, to have knowingly
21 made a public disclosure of the existence of, or dis-
22 cussed classified details relating to, a classified cov-
23 ert action (as that term is defined in section 503(e)
24 of the National Security Act of 1947 (50 U.S.C.
25 413b(e)); and

1 (3) who makes the disclosure, or discusses the
2 details, described in paragraph (2) without prior au-
3 thorization from an original classification authority.

4 **TITLE VI—OTHER MATTERS**

5 **SEC. 601. HOMELAND SECURITY INTELLIGENCE PROGRAM.**

6 There is established within the Department of Home-
7 land Security a Homeland Security Intelligence Program.
8 The Homeland Security Intelligence Program constitutes
9 the intelligence activities of the Office of Intelligence and
10 Analysis of the Department that serve predominantly de-
11 partmental missions.

12 **SEC. 602. EXTENSION OF NATIONAL COMMISSION FOR THE** 13 **REVIEW OF THE RESEARCH AND DEVELOP-** 14 **MENT PROGRAMS OF THE UNITED STATES IN-** 15 **TELLIGENCE COMMUNITY.**

16 Section 1007(a) of the Intelligence Authorization Act
17 for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C.
18 401 note) is amended by striking “Not later than one year
19 after the date on which all members of the Commission
20 are appointed pursuant to section 701(a)(3) of the Intel-
21 ligence Authorization Act for Fiscal Year 2010,” and in-
22 serting “Not later than March 31, 2013,”.

23 **SEC. 603. PUBLIC INTEREST DECLASSIFICATION BOARD.**

24 (a) SUBSEQUENT APPOINTMENT.—Section
25 703(c)(2)(D) of the Public Interest Declassification Act

1 of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is
2 amended by striking the period at the end and inserting
3 “from the date of the appointment.”

4 (b) VACANCY.—Section 703(c)(3) of the Public Inter-
5 est Declassification Act of 2000 (Public Law 106–567; 50
6 U.S.C. 435 note) is amended by striking “A member of
7 the Board appointed to fill a vacancy before the expiration
8 of a term shall serve for the remainder of the term.”

9 (c) EXTENSION OF SUNSET.—Section 710 of the
10 Public Interest Declassification Act of 2000 (Public Law
11 106–567; 50 U.S.C. 435 note) is amended by striking
12 “2012.” inserting “2018.”

13 **SEC. 604. PROVISION OF CLASSIFIED OPINIONS OF THE OF-**
14 **FICE OF LEGAL COUNSEL TO CONGRESS.**

15 (a) REQUIREMENT TO PROVIDE.—Except as provided
16 in subsections (c) and (d), not later than 180 days after
17 the date of the enactment of this Act, the Attorney Gen-
18 eral, in coordination with the Director of National Intel-
19 ligence, shall provide to the congressional intelligence com-
20 mittees a copy of every classified opinion of the Office of
21 Legal Counsel of the Department of Justice that was pro-
22 vided to an element of the intelligence community on or
23 after September 11, 2001.

24 (b) ANNUAL SUBMISSION.—

1 (1) REQUIREMENT TO PROVIDE.—Except as
2 provided in subsections (c) and (d), not later than
3 180 days after the date of the enactment of this Act,
4 and annually thereafter, the Attorney General, in co-
5 ordination with the Director of National Intelligence,
6 shall provide to the congressional intelligence com-
7 mittees a listing of every opinion of the Office of
8 Legal Counsel of the Department of Justice that has
9 been provided to an element of the intelligence com-
10 munity on or after September 11, 2001.

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

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

15 (B) the date the opinion was issued;

16 (C) the recipient agency or agencies;

17 (D) whether the opinion has been made
18 available to Congress or specific congressional
19 committees, including the identity of each such
20 committee; and

21 (E) for any opinion that has not been
22 made available to Congress or specific congress-
23 sional committees, the basis for such with-
24 holding.

1 “(ii)(I) the Federal Bureau of Inves-
2 tigation, the Central Intelligence Agency,
3 the Defense Intelligence Agency, the Na-
4 tional Geospatial-Intelligence Agency, the
5 National Security Agency, the Office of the
6 Director of National Intelligence, and the
7 National Reconnaissance Office; and

8 “(II) as determined by the President,
9 any executive agency or unit thereof the
10 principal function of which is the conduct
11 of foreign intelligence or counterintel-
12 ligence activities, provided that the deter-
13 mination be made prior to a personnel ac-
14 tion; or”.

15 (b) **SENIOR EXECUTIVE SERVICE.**—Section
16 3132(a)(1)(B) of title 5, United States Code, is amended
17 by inserting “the Office of the Director of National Intel-
18 ligence,” after “the Central Intelligence Agency,”.

19 **SEC. 606. TECHNICAL AMENDMENT FOR DEFINITION OF IN-**
20 **TELLIGENCE AGENCY.**

21 Section 606(5) of the National Security Act of 1947
22 (50 U.S.C. 426) is amended as follows:

23 “(5) The term ‘intelligence agency’ means the
24 elements of the intelligence community.”.

1 **SEC. 607. BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go-Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the Senate Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.