

## S 1681

Intelligence Authorization Act for Fiscal Year 2014

**Congress:** 113 (2013–2015, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** Nov 12, 2013

**Current Status:** Became Public Law No: 113-126.

**Latest Action:** Became Public Law No: 113-126. (Jul 7, 2014)

**Law:** 113-126 (Enacted Jul 7, 2014)

**Official Text:** <https://www.congress.gov/bill/113th-congress/senate-bill/1681>

### Sponsor

**Name:** Sen. Feinstein, Dianne [D-CA]

**Party:** Democratic • **State:** CA • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Select) Committee	Senate	Reported Original Measure	Nov 12, 2013

### Subjects & Policy Tags

**Policy Area:**

Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
113 HR 4681	Related bill	<b>Dec 19, 2014:</b> Became Public Law No: 113-293.
113 HR 3381	Related bill	<b>Nov 25, 2013:</b> Placed on the Union Calendar, Calendar No. 198.
113 S 1035	Related bill	<b>May 23, 2013:</b> Read twice and referred to the Select Committee on Intelligence.

**(This measure has not been amended since it was passed by the Senate on June 11, 2014. The summary of that version is repeated here.)**

Intelligence Authorization Act for Fiscal Years 2014 - **Title I: Intelligence Activities** - (Sec. 101) Authorizes FY2014 appropriations for the conduct of intelligence and intelligence-related activities of the: (1) Office of the Director of National Intelligence (DNI); (2) Central Intelligence Agency (CIA); (3) Department of Defense (DOD); (4) Defense Intelligence Agency (DIA); (5) National Security Agency (NSA); (6) Departments of the Army, Navy, and Air Force; (7) Coast Guard; (8) Departments of State, the Treasury, Energy (DOE), and Justice (DOJ); (9) Federal Bureau of Investigation (FBI); (10) Drug Enforcement Administration (DEA); (11) National Reconnaissance Office (NRO); (12) National Geospatial-Intelligence Agency (NGA); and (13) Department of Homeland Security (DHS).

(Sec. 102) Specifies that the amounts authorized and the authorized personnel ceilings as of September 30, 2014, for such activities are those in the classified Schedule of Authorizations for FY2014, which shall be made available to the congressional appropriations committees and the President.

(Sec. 103) Allows the DNI to authorize employment of civilian personnel in excess of the number authorized for FY2014 when necessary for the performance of important intelligence functions. Requires notification to the intelligence committees on the use of such authority.

Requires the DNI to establish guidelines to govern the treatment under such authorized personnel levels of employment or assignment in: (1) a student or trainee program; (2) a reserve corps or as a reemployed annuitant; or (3) details, joint duty, or long term, full-time training.

(Sec. 104) Authorizes appropriations for the Intelligence Community Management Account for FY2014, as well as for personnel positions for elements within such Account.

**Title II: Central Intelligence Agency Retirement and Disability System** - (Sec. 201) Authorizes appropriations for FY2014 for the Central Intelligence Agency Retirement and Disability Fund.

(Sec. 202) Amends the Central Intelligence Agency Retirement Act to expand the definition of "qualifying service" for purposes of designating CIA employees to participate in a retirement system based on a period of service abroad that is hazardous to life or health, or that is determined to be specialized because of security requirements, to include the service of CIA employees on detail to another agency. (Currently, such qualifying service must be performed within the CIA.)

Makes such qualifying detail service applicable to retired or deceased CIA officers designated to participate in such system prior to the enactment of this Act.

**Title III: General Provisions - Subtitle A: General Matters** - (Sec. 301) Permits appropriations authorized by this Act for salary, pay, retirement, and other benefits for federal employees to be increased by such additional or supplemental amounts as necessary for increases in such compensation or benefits authorized by law.

(Sec. 302) Prohibits the authorization of appropriations by this Act from being deemed to constitute authority to conduct any intelligence activity not otherwise authorized by the Constitution or laws of the United States.

(Sec. 303) Requires funds appropriated for the construction of the High Performance Computing Center 2 (as described

in the table entitled Consolidated Cryptologic Program in the classified annex to accompany the Consolidated and Further Continuing Appropriations Act, 2013) that exceed the amount specified in the classified annex accompanying the Intelligence Authorization Act for Fiscal Year 2013 to be specifically authorized by Congress for purposes of complying with restrictions on the use of appropriated funds under the National Security Act of 1947.

(Sec. 304) Exempts from disclosure under the Freedom of Information Act the identities of employees of the intelligence community who submit complaints or information to the Inspector General of the Intelligence Community.

(Sec. 305) Authorizes the DNI to establish functional managers of appropriate intelligence functions to act as the principal advisors to the DNI on their respective functions.

(Sec. 306) Directs the DNI to report annually to Congress regarding each intelligence function for which such a functional manager has been established. Requires such reports to identify or describe: (1) the capabilities, programs, and activities of such function; (2) the investment and allocation of resources for such function; (3) the function's performance; (4) technical interoperability standards and operational overlap; (5) any efforts to integrate such function with other intelligence disciplines or to establish consistency in tradecraft and training; and (6) technology developments.

(Sec. 307) Directs the chief information officer of each element of the intelligence community to conduct, and the Chief Information Officer of the Intelligence Community to compile and report to Congress every two years with respect to, inventories of all existing software licenses of each element. Requires such reports to assess the actions that could be carried out to achieve economies of scale and cost savings in software procurement and usage.

(Sec. 308) Requires the President to establish a written plan to respond to the unauthorized public disclosure of each type of activity undertaken as part of a covert action.

(Sec. 309) Directs the heads of the DNI, CIA, DIA, NSA, NRO, and NGA to ensure that there is a full financial audit of their respective entities each year and that each audit contains an unqualified opinion of the entity's financial statements. Requires the chief financial officer of each entity to provide an annual audit report to Congress.

(Sec. 310) Permits an employee, detailee, or contractor of an element of the intelligence community who intends to report to Congress with respect to an urgent concern to report such complaint or information to the Inspector General of the Intelligence Community.

Expands authority under which employees or contractors of certain executive agencies (agencies determined by the President to have as their principal function the conduct of foreign intelligence or counterintelligence activities) make complaints to an appropriate Inspector General to include reports to the Inspector General of the Intelligence Community.

(Sec. 311) Amends the Public Interest Declassification Act of 2000 to extend through December 31, 2018, the authority of the Public Interest Declassification Board (advises the President, the Assistant to the President for National Security Affairs, the Office of Management and Budget [OMB], and other executive branch officials on the identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials that are of archival value).

(Sec. 312) Authorizes DHS to use specified National Intelligence Program funds (that are made available for necessary expenses for intelligence analysis and operations coordination activities) for official representation items in support of the Coast Guard Attache Program.

(Sec. 313) Requires the DNI, within 120 days after the enactment of this Act, to: (1) complete a declassification review of

documents collected in Abbottabad, Pakistan, during the mission that killed Osama bin Laden on May 1, 2011, (2) make publicly available any information that is declassified as a result of such review, and (3) report to Congress with a justification as to why any such information must remain classified.

(Sec. 314) Directs the DNI to carry out the merger of the Foreign Counterintelligence Program into the General Defense Intelligence Program.

**Subtitle B: Reporting** - (Sec. 321) Directs the DNI to report annually to Congress regarding violations of law or executive order by personnel of an element of the intelligence community. Requires such report to include any actions taken in response to such violations. Requires the General Counsel of each element of the intelligence community to provide written notification to Congress of any significant legal interpretation of the Constitution or federal law affecting intelligence activities conducted by such element within 30 days after the commencement of any activity pursuant to such interpretation.

Provides exceptions to such notification requirements for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.

Authorizes the President to limit access to information concerning a covert finding to Members of Congress who have been granted access.

(Sec. 322) Requires the Attorney General to establish a regular review process for the official publication of significant opinions of DOJ's Office of Legal Counsel that have been provided to an element of the intelligence community. Prohibits such process from requiring publication that: (1) reveals classified or other sensitive information relating to national security, (2) interferes with federal law enforcement efforts or is prohibited by law, or (3) conflicts with preserving internal executive branch deliberative processes or protecting other information properly subject to privilege. Requires opinions that are not published for classified or sensitive information purposes to be made available to Congress, subject to limited access procedures for covert actions.

Declares that the determination of whether an opinion is appropriate for official publication is not subject to judicial review.

(Sec. 323) Directs the DNI, CIA, and each element of the DOD intelligence community to provide to Congress copies of plans submitted to OMB pertaining to agency operations and orderly shutdown procedures in the absence of appropriations.

(Sec. 324) Requires the DNI to report to Congress on the Syrian chemical weapons program and provide updates regarding: (1) chemical weapon stockpiles, quantities, locations, forms of storage and production, and research and development facilities in Syria; (2) a listing of key personnel associated with the program; (3) undeclared chemical weapons stockpiles, munitions, and facilities, as well as an assessment of how stockpiles, precursors, and delivery systems were obtained; (4) intelligence gaps; and (5) any denial and deception efforts on the part of Syria.

(Sec. 325) Directs the DNI to establish procedures requiring cleared intelligence contractors to report to a designated element of the intelligence community when there is a successful penetration of a network or information system 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. Requires such procedures to provide for: (1) intelligence community personnel to, upon request, obtain access to equipment or information of the contractor as necessary for a forensic analysis; (2) the contractor to provide only such access as required to determine whether information created by or for an element of the intelligence community in connection with any intelligence community program was successfully exfiltrated

from the network or information system; and (3) protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person other than the suspected perpetrator.

Defines "cleared intelligence contractor" as a private entity granted clearance by the DNI or the head of an element of the intelligence community to access, receive, or store classified information for the purpose of bidding for a contract or conducting activities in support of any program of an element of the intelligence community.

Prohibits dissemination outside the intelligence community of information obtained or derived through such procedures that is not created by or for the intelligence community, except: (1) with approval of the contractor providing such information, (2) to Congress, or (3) to law enforcement agencies to investigate a reported penetration.

(Sec. 326) Directs the DNI to report to Congress on the extent to which the intelligence community has implemented recommendations of the Inspector General on electronic waste disposal. Requires such report to assess the applicability of the intelligence community's electronic waste policies to commercial entities that contract with an element of the intelligence community.

(Sec. 327) Requires the DNI to submit to the Secretary of Education and Congress a report describing anticipated hiring needs of the intelligence community in the fields of science, technology, engineering, and mathematics, including cybersecurity and computer literacy.

(Sec. 328) Amends the Intelligence Authorization Act for Fiscal Year 2013 to eliminate the termination date of requirements for the notification of Congress when a government official authorizes disclosure of national intelligence or security information to the media or to other persons or entities with the intent that it will be made publicly available.

(Sec. 329) Repeals specified reporting requirements concerning: (1) the threat of attack on the United States using weapons of mass destruction, and (2) the Treaty on Conventional Armed Forces in Europe.

Modifies reporting requirements to: (1) direct the DNI and the CIA to notify Congress each time they create an advisory committee (currently, such notice is provided in an annual report), (2) terminate in 2014 (currently, 2015) a report on intelligence community business system transformation, and (3) require privacy and civil liberties officers of specified agencies to submit reports at least semiannually (currently, quarterly).

**Title IV: Matters Relating to Elements of the Intelligence Community - Subtitle A: National Security Agency -** (Sec. 401) Amends the National Security Agency Act of 1959 to require the President to appoint the NSA Director with the advice and consent of the Senate. (Currently, the President's appointment of the NSA Director is not subject to Senate confirmation.)

(Sec. 402) Amends the Inspector General Act of 1978 to require the President to appoint the NSA Inspector General with the advice and consent of the Senate. (Currently, the NSA Inspector General is appointed by the NSA Director.)

**Subtitle B: National Reconnaissance Office -** (Sec. 411) Amends the National Security Act of 1947 to require the President to appoint the NRO Director with the advice and consent of the Senate. (Currently, the NRO Director is appointed by the DOD Secretary with the concurrence of the DNI.)

(Sec. 412) Requires the President to appoint the NRO Inspector General with the advice and consent of the Senate. (Currently, the NRO Inspector General is appointed by the NRO Director.)

**Subtitle C: Central Intelligence Agency -** (Sec. 421) Amends the Central Intelligence Agency Act of 1949 to authorize

the CIA Director to engage in fund raising for the benefit of nonprofit organizations that provide support to surviving family members of deceased CIA employees or for the welfare, education, or recreation of current CIA employees, former employees, or their family members.

**Title V: Security Clearance Reform** - (Sec. 501) Requires the DNI, subject to the direction of the President, to: (1) ensure that the background of each employee or officer and contractor of the intelligence community is monitored continuously to determine their eligibility for access to classified information; and (2) develop procedures to require sharing of potentially derogatory security information concerning an employee officer, contractor, or employee of a contractor of the intelligence community that may impact the eligibility of such individuals for a security clearance.

(Sec. 502) Requires the DNI to: (1) ensure that any contractor to an element of the intelligence community with access to classified information develops and operates a security plan that is consistent with DNI standards for intelligence community networks, (2) conduct periodic assessments of each such security plan, and (3) ensure that the insider threat detection capabilities and policies of the intelligence community apply to facilities of contractors with access to a classified network.

(Sec. 503) Requires the DNI to submit to Congress an analysis of the relative costs and benefits of improving the process for: (1) investigating persons who are proposed for access to classified information, and (2) adjudicating whether such persons satisfy the criteria for obtaining and retaining access to such information.

(Sec. 504) Requires the DNI to report to Congress each year, through 2017, on the reciprocal treatment of security clearances, including: (1) the periods of time required by authorized adjudicative agencies for accepting background investigations and determinations completed by an authorized investigative entity or adjudicative agency; and (2) the total number of cases in which a background investigation or determination completed by an authorized investigative entity or adjudicative agency is, or is not, accepted by another agency.

(Sec. 505) Directs the DNI to submit to Congress each year, through December 31, 2017, a strategic plan for updating the process for periodic reinvestigations consistent with a continuous evaluation program.

**Title VI: Intelligence Community Whistleblower Protections** - (Sec. 601) Extends whistleblower protections to employees of the CIA, DIA, NSA, DNI, NRO, and any executive agency that is determined to have as its principal function the conduct of foreign intelligence or counterintelligence activities. Prohibits certain personnel practices against such employees as reprisal for a lawful disclosure to the DNI, the Inspector General of the Intelligence Community, the head or appropriate inspector general of the employing agency, or Congress. Prohibits whistleblower protections under this Act from: (1) applying to the FBI, or (2) preempting or precluding existing FBI whistleblower protections.

(Sec. 602) Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to: (1) require development of policies that permit individuals to appeal a determination to suspend or revoke a security clearance or access to classified information; (2) allow individuals to remain employed while such an appeal is pending; (3) require implementation of uniform and consistent procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information; and (4) prohibit revocation of a security clearance or access determination in retaliation for a protected whistleblower disclosure.

Allows employees and former employees to: (1) appeal security clearance or access determinations within their agency, and (2) appeal their agency's final determination in accordance with adjudication procedures established by the DNI.

Requires the DNI to notify Congress regarding such appeals from an agency's final determination.

Requires agencies determined to have committed retaliatory violations to take corrective action to return employees to the position they would have held had the violation not occurred. Permits such corrective action to include back pay, related benefits, and compensatory damages up to \$300,000.

(Sec. 603) Amends the Inspector General Act of 1978 and the Central Intelligence Agency Act of 1949 to establish a conflict of interest procedure for transmitting an Inspector General's determination as to whether an intelligence employee's complaint or information with respect to an urgent concern appears credible.

Allows individuals who have submitted certain urgent complaints or information to an Inspector General under the Inspector General Act of 1978, the Central Intelligence Agency Act of 1949, or the National Security Act of 1947 to notify any member of the House or Senate intelligence committees, or a staff member of either such committee, of the fact that such individual has made a submission to a particular Inspector General.

(Sec. 604) Requires the DNI to develop procedures to ensure that personnel action is not taken against employees in specified intelligence agencies as a reprisal for a protected whistleblower disclosure. Prohibits whistleblower protections under this Act from applying to certain terminations by the DOD Secretary, the DNI, the CIA Director, and the heads of other federal agencies in the interests of the United States or national security. Requires notification to Congress of such a termination within 30 days after the termination.

**Title VII: Technical Amendments** - Makes technical amendments to the Central Intelligence Agency Act of 1949, the National Security Act of 1947, and the Intelligence Authorization Act for Fiscal Year 2013.

### Actions Timeline

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- **Jul 7, 2014:** Signed by President.
- **Jul 7, 2014:** Became Public Law No: 113-126.
- **Jun 26, 2014:** Presented to President.
- **Jun 24, 2014:** Mr. Rogers (MI) moved to suspend the rules and pass the bill.
- **Jun 24, 2014:** Considered under suspension of the rules. (consideration: CR H5700-5712)
- **Jun 24, 2014:** DEBATE - The House proceeded with forty minutes of debate on S. 1681.
- **Jun 24, 2014:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H5700-5710)
- **Jun 24, 2014:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H5700-5710)
- **Jun 12, 2014:** Received in the House.
- **Jun 12, 2014:** Message on Senate action sent to the House.
- **Jun 12, 2014:** Held at the desk.
- **Jun 11, 2014:** Measure laid before Senate by unanimous consent. (consideration: CR S3620)
- **Jun 11, 2014:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.
- **Jun 11, 2014:** Passed Senate with an amendment by Voice Vote.
- **Nov 13, 2013:** By Senator Feinstein from Select Committee on Intelligence filed written report. Report No. 113-120.
- **Nov 12, 2013:** Introduced in Senate
- **Nov 12, 2013:** Select Committee on Intelligence. Original measure reported to Senate by Senator Feinstein. Without written report.
- **Nov 12, 2013:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 244.