

HR 4681

Intelligence Authorization Act for Fiscal Year 2015

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: May 20, 2014

Current Status: Became Public Law No: 113-293.

Latest Action: Became Public Law No: 113-293. (Dec 19, 2014)

Law: 113-293 (Enacted Dec 19, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/4681>

Sponsor

Name: Rep. Rogers, Mike J. [R-MI-8]

Party: Republican • **State:** MI • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Permanent Select) Committee	House	Reported By	May 27, 2014
Intelligence (Select) Committee	Senate	Discharged From	Dec 10, 2014

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
113 S 2741	Related bill	Jul 31, 2014: Placed on Senate Legislative Calendar under General Orders. Calendar No. 519.
113 S 1681	Related bill	Jul 7, 2014: Became Public Law No: 113-126.
113 S 2439	Related bill	Jun 5, 2014: Read twice and referred to the Select Committee on Intelligence.
113 HRES 604	Procedurally related	May 30, 2014: Motion to reconsider laid on the table Agreed to without objection.
113 HR 4671	Related bill	May 21, 2014: Ordered to be Reported (Amended) by Voice Vote.
113 HR 4661	Related bill	May 15, 2014: Referred to the House Committee on Intelligence (Permanent Select).
113 HR 3381	Related bill	Nov 25, 2013: Placed on the Union Calendar, Calendar No. 198.

(This measure has not been amended since it was passed by the Senate on December 9, 2014. The summary of that version is repeated here.)

Intelligence Authorization Act for Fiscal Year 2015 - **Title I: Intelligence Activities** - (Sec. 101) Authorizes FY2015 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; (12) National Geospatial-Intelligence Agency; and (13) Department of Homeland Security (DHS).

(Sec. 102) Specifies that the amounts authorized and the authorized personnel ceilings as of September 30, 2015, for such activities are those in the classified Schedule of Authorizations, 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 FY2015 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 FY2015, 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 FY2015 for the Central Intelligence Agency Retirement and Disability Fund.

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) Amends the National Security Act of 1947 to require the DNI, once every four years, to develop a national intelligence strategy for the following four-year period or longer. Requires each strategy, in a manner consistent with other relevant U.S. agencies' strategic plans and national-level plans, to: (1) address national and military intelligence, including counterintelligence; (2) identify current and future major national security missions of the intelligence community, including factors that may affect performance during the following 10-year period; (3) assess threats from foreign intelligence and security services, as well as insider threats; (4) outline organizational roles and missions; and (5) identify sources of strategic, institutional, programmatic, fiscal, and technological risk.

Directs the DNI to submit a report to Congress regarding each strategy.

(Sec. 304) Directs chief information officers of each element of the intelligence community and the Chief Information Officer of the Intelligence Community, in conducting biennial inventories of software licenses, to assess actions that could be carried out to: (1) centralize the management of software licenses; (2) track inventories using automated discovery, inventory tools, and metrics; (3) analyze software license data to inform investment decisions; and (4) provide personnel with sufficient software licenses management training.

Directs the DNI, after receiving the Chief Information Officer's recommendations, to issue guidelines for the intelligence community on software procurement and usage.

(Sec. 305) Directs elements of the intelligence community to issue regulations requiring employees with access to sensitive intelligence sources or methods to sign a written agreement requiring them to report regularly to the head of their element any of their direct employment by, representation of, or provision of advice to: (1) a government of a foreign country, including any faction or body of insurgents within a country assuming to exercise governmental authority; or (2) a person whose activities are supervised, directed, controlled, financed, or subsidized by such a foreign government.

Requires intelligence employees to continue reporting any such foreign government employment during the two-year period after the employee ceases to occupy an intelligence community position with access to sensitive sources and methods.

(Sec. 306) Expands a grant program for historically black colleges and universities to include predominantly black institutions.

(Sec. 307) Requires the DNI to prepare a plan for management of the elements of the intelligence community that carry out financial intelligence activities.

(Sec. 308) Directs the DNI to submit to Congress an analysis of private sector policies and procedures for countering insider threats. Requires such plan to assess the feasibility of implementing private sector: (1) hiring and human resources best practices to screen applicants for positions involving trusted access to sensitive information; (2) policies for holding supervisors and subordinates accountable for violations of established security protocols; (3) mandatory leave policies; and (4) risk indices, such as credit risk scores, to make determinations about employee access to sensitive information.

(Sec. 309) Requires each element of the intelligence community to adopt Attorney General-approved procedures for any intelligence collection activity not otherwise authorized by court order or subpoena that is reasonably anticipated to result in the acquisition of nonpublic telephone or electronic communications to or from a U.S. person, including communications in electronic storage, without the consent of a person who is a party to the communication.

Requires the procedures to permit acquisition, retention, and dissemination of such communications but prohibit retention in excess of five years unless:

- the communication constitutes, or is necessary to understand or assess, foreign intelligence or counterintelligence;
- the communication constitutes evidence of a crime and is retained by a law enforcement agency;
- the communication is enciphered or reasonably believed to have a secret meaning;
- all parties to the communication are reasonably believed to be non-U.S. persons;
- retention is necessary to protect against an imminent threat to human life (in which case the information must be reported to Congress within 30 days of the date such retention is extended) or for technical assurance or compliance purposes, including a court order or discovery obligation (in which case the information must be

reported to Congress annually); or

- the head of an element of the intelligence community approves retention for a period in excess of five years if necessary to protect U.S. national security.

Requires the head of an element approving retention in excess of five years for national security purposes to certify to Congress: (1) the reasons extended retention is necessary to protect U.S. national security, (2) the duration of the retention, (3) the particular information to be retained, and (4) the measures being taken to protect the privacy interests of U.S. persons or persons located inside the United States.

(Sec. 310) Revises security clearance review procedures to permit individuals alleging reprisal for having made a protected disclosure (provided the individual does not disclose classified information or other information contrary to law) to appeal any action affecting an employee's access to classified information.

(Sec. 311) Requires the DNI to report to Congress regarding the feasibility of consolidating classified cyber threat indicator and malware sample databases in the intelligence community.

(Sec. 312) Expresses the sense of Congress that: (1) cooperation between the intelligence and law enforcement agencies of the United States and Ukraine should be increased to improve cybersecurity policies; and (2) the United States should improve extradition procedures among the governments of the United States, Ukraine, and other countries from which cybercriminals target U.S. citizens and entities.

Expresses further that the President should:

- initiate U.S.-Ukraine bilateral talks on cybersecurity threat and cybercrime cooperation, with additional multilateral talks that include other law enforcement partners such as Europol and Interpol;
- work to obtain a commitment from Ukraine to end cybercrime directed at persons outside Ukraine and to work with the United States and other allies to deter and convict known cybercriminals;
- establish a capacity building program with Ukraine, which could include joint intelligence efforts, U.S. law enforcement agents being sent to Ukraine to aid investigations, and agreements to connect U.S. and Ukrainian law enforcement agencies through communications networks and hotlines; and
- maintain a scorecard with metrics to measure Ukraine's responses to U.S. requests for intelligence or law enforcement assistance.

(Sec. 313) Requires the Secretary of State to ensure that every supervisory position at a U.S. diplomatic facility in the Russian Federation is occupied by a U.S. citizen who has passed, and is subject to, a thorough background check. Directs the Secretary to submit to Congress a plan to further reduce the reliance on locally employed staff in such facilities.

(Sec. 314) Requires a Sensitive Compartmented Information Facility to be included in each U.S. diplomatic facility that, after enactment of this Act, is constructed in, or undergoes a construction upgrade in, the Russian Federation, any country that shares a land border with the Russian Federation, or any country that is a former member of the Soviet Union.

Subtitle B: Reporting - (Sec. 321) Directs the DNI to report to Congress regarding proposals to improve: (1) the declassification process throughout the intelligence community, and (2) the National Declassification Center.

(Sec. 322) Requires the DNI to report to Congress regarding the status and effectiveness of efforts to reduce

administrative costs for the intelligence community.

(Sec. 323) Directs the DNI to report annually to Congress regarding violations of law or executive orders relating to intelligence activities by personnel of an element of the intelligence community that were identified during the previous calendar year. Requires each report to describe, and to include any action taken in response to, any such violation committed in the course of employment that was: (1) determined by the director, head, or general counsel of any element of the intelligence community to have occurred; (2) referred to the DOJ for possible criminal prosecution; or (3) substantiated by the inspector general of any element of the intelligence community.

(Sec. 324) Requires the DHS Under Secretary for Intelligence and Analysis to report to Congress regarding: (1) the intelligence activity of DHS intelligence components each fiscal year, (2) the advisability of including the budget request for all intelligence activities of each component that predominantly supports departmental missions in the Homeland Security Intelligence Program, and (3) a plan to enhance the coordination of department-wide intelligence activities to achieve greater efficiencies in the performance of DHS intelligence functions.

(Sec. 325) Directs the DNI to report to Congress regarding political prison camps in North Korea. Requires such report to describe U.S. actions to support implementation of the recommendations of the U.N. Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, including the eventual establishment of a tribunal to hold individuals accountable for abuses.

(Sec. 326) Directs the Under Secretary to report to Congress regarding the security of domestic oil refineries and related rail transportation infrastructure.

(Sec. 327) Requires the DNI to include in personnel level assessments submitted annually to Congress a description of functions performed by intelligence contractors.

(Sec. 328) Directs the Under Secretary to submit to Congress an assessment of the efficacy of the memoranda of understanding signed between federal, state, local, tribal, and territorial agencies to facilitate intelligence-sharing within and separate from the Joint Terrorism Task Force.

(Sec. 329) Requires the DNI to report to Congress regarding the threat posed by man-made electromagnetic pulse weapons to U.S. interests through 2025, including threats from foreign countries and foreign non-state actors.

(Sec. 330) Directs the DNI to submit to Congress a comprehensive report on the U.S. counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda and its affiliated and associated groups. Requires such report to include assessments of: (1) the relationship between al-Qaeda and any other group (including the Islamic State also known as ISIS or ISIL) espousing the same violent jihad ideology as al-Qaeda; (2) the strengthening or weakening of al-Qaeda and such groups from January 1, 2010, to the present; (3) whether an individual can be a member of a DNI-defined al-Qaeda core if such individual is not located in Afghanistan or Pakistan; (4) the coordination, command, and control between core al-Qaeda and such groups; and (5) whether counterterrorism operations have had a sustained impact.

Requires the DNI to define "defeat of core al-Qaeda" in such report.

(Sec. 331) Directs the DNI to submit to Congress a feasibility study on retraining veterans and retired members of elements of the intelligence community in cybersecurity.

Actions Timeline

- **Dec 19, 2014:** Signed by President.
- **Dec 19, 2014:** Became Public Law No: 113-293.
- **Dec 12, 2014:** Presented to President.
- **Dec 10, 2014:** Message on Senate action sent to the House.
- **Dec 10, 2014:** Mr. Rogers (MI) moved that the House suspend the rules and agree to the Senate amendment. (consideration: CR H8951-8962)
- **Dec 10, 2014:** DEBATE - The House proceeded with 40 minutes of debate on the motion to suspend the rules and agree in the Senate amendment to H.R. 4681.
- **Dec 10, 2014:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the chair announced that further proceedings on the motion would be postponed.
- **Dec 10, 2014:** Considered as unfinished business. (consideration: CR H8991-8992)
- **Dec 10, 2014:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by the Yeas and Nays: (2/3 required): 325 - 100 (Roll no. 558).(text as House agreed to Senate amendment: CR H8951-8956)
- **Dec 10, 2014:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by the Yeas and Nays: (2/3 required): 325 - 100 (Roll no. 558). (text as House agreed to Senate amendment: CR H8951-8956)
- **Dec 10, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 9, 2014:** Senate Select Committee on Intelligence discharged by Unanimous Consent.
- **Dec 9, 2014:** Measure laid before Senate by unanimous consent. (consideration: CR S6463-6464)
- **Dec 9, 2014:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.
- **Dec 9, 2014:** Passed Senate with an amendment by Voice Vote.
- **Jun 2, 2014:** Received in the Senate and Read twice and referred to the Select Committee on Intelligence.
- **May 30, 2014:** Rule H. Res. 604 passed House.
- **May 30, 2014:** Considered under the provisions of rule H. Res. 604. (consideration: CR H5034-5056)
- **May 30, 2014:** All points of order against consideration of the bills are waived. General debate shall not exceed one hour, after debate the bills shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute for H.R. 4681, an amendment in the nature of a substitute printed in Rules Committee Print 113-45 shall be considered as an original bill. No amendment to the amendment in the nature of a substitute shall be made in order except those printed in the report.
- **May 30, 2014:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 604 and Rule XVIII.
- **May 30, 2014:** The Speaker designated the Honorable Ted Poe to act as Chairman of the Committee.
- **May 30, 2014:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 4681.
- **May 30, 2014:** DEBATE - Pursuant to the provisions of H. Res. 604, the Committee of the Whole proceeded with 20 minutes of debate on the Rogers (MI) en bloc amendment no. 1.
- **May 30, 2014:** DEBATE - Pursuant to the provisions of H. Res. 604, the Committee of the Whole proceeded with 10 minutes of debate on the Franks (AZ) amendment no. 6.
- **May 30, 2014:** DEBATE - Pursuant to the provisions of H. Res. 604, the Committee of the Whole proceeded with 10 minutes of debate on the Poe (TX) amendment no. 7.
- **May 30, 2014:** DEBATE - Pursuant to the provisions of H. Res. 604, the Committee of the Whole proceeded with 10 minutes of debate on the Gallego amendment no. 9.
- **May 30, 2014:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4681.
- **May 30, 2014:** The previous question was ordered pursuant to the rule. (consideration: CR H5053)
- **May 30, 2014:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H5041-5047)
- **May 30, 2014:** Mr. Bishop (NY) moved to recommit with instructions to the Committee on Intelligence (Permanent). (consideration: CR H5054-5055; text: CR H5054)
- **May 30, 2014:** DEBATE - The House proceeded with 10 minutes of debate on the Bishop (NY) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to ensure that the intelligence community continues to protect the United States from Chinese and other state sponsored computer theft by requiring that it: 1) consistent with existing law, immediately inform corporations and

internet providers of any computer breaches and the steps necessary to combat further intrusion; 2) coordinate with other Federal agencies to protect the United States infrastructure; and 3) assist the Department of Justice and other law enforcement agencies, including supporting allies of the United States in efforts to punish and sanction individuals and government that perpetrate espionage and identity theft.

- **May 30, 2014:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5055)
- **May 30, 2014:** On motion to recommit with instructions Failed by the Yeas and Nays: 183 - 220 (Roll no. 270). (consideration: CR H5055)
- **May 30, 2014:** Passed/agreed to in House: On passage Passed by recorded vote: 345 - 59 (Roll no. 271).
- **May 30, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **May 30, 2014:** On passage Passed by recorded vote: 345 - 59 (Roll no. 271).
- **May 30, 2014:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 4681.
- **May 29, 2014:** Rules Committee Resolution H. Res. 604 Reported to House. All points of order against consideration of the bills are waived. General debate shall not exceed one hour, after debate the bills shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute for H.R. 4681, an amendment in the nature of a substitute printed in Rules Committee Print 113-45 shall be considered as an original bill. No amendment to the amendment in the nature of a substitute shall be made in order except those printed in the report.
- **May 27, 2014:** Reported (Amended) by the Committee on Intelligence. H. Rept. 113-463.
- **May 27, 2014:** Placed on the Union Calendar, Calendar No. 343.
- **May 22, 2014:** Committee Consideration and Mark-up Session Held.
- **May 22, 2014:** Ordered to be Reported (Amended) by Voice Vote.
- **May 20, 2014:** Introduced in House
- **May 20, 2014:** Referred to the House Committee on Intelligence (Permanent Select).