

Calendar No. 519

113TH CONGRESS
2^D SESSION

S. 2741

[Report No. 113–233]

To authorize appropriations for fiscal year 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

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 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and 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 2015”.

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.
- Sec. 3. Budgetary effects.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified Schedule of Authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Quadrennial Intelligence Strategic Review.
- Sec. 304. Management and oversight of financial intelligence.
- Sec. 305. Plan for applying private sector best practices to improving insider threat detection.
- Sec. 306. Procedures for the retention of incidentally acquired communications.
- Sec. 307. Feasibility study on consolidating classified cyber threat indicator and malware databases.
- Sec. 308. Sense of Congress on cybersecurity threat and cybercrime cooperation with Ukraine.
- Sec. 309. Replacement of locally employed staff serving at United States diplomatic facilities in the Russian Federation.
- Sec. 310. Inclusion of restricted access spaces in United States diplomatic facilities in the Russian Federation and adjacent countries.

Subtitle B—Reporting

- Sec. 311. Report on declassification process.
- Sec. 312. Report on intelligence community efficient spending targets.
- Sec. 313. Annual report on violations of law or executive order.
- Sec. 314. Annual report on intelligence activities of the Department of Homeland Security.
- Sec. 315. Report on intelligence sharing with Ukraine.
- Sec. 316. Report on political prison camps in North Korea.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

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

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

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

12 **SEC. 3. BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
 14 complying with the Statutory Pay-As-You-Go-Act of 2010,
 15 shall be determined by reference to the latest statement
 16 titled “Budgetary Effects of PAYGO Legislation” for this
 17 Act, submitted for printing in the Congressional Record
 18 by the Chairman of the Senate Budget Committee, pro-
 19 vided that such statement has been submitted prior to the
 20 vote on passage.

21 **TITLE I—INTELLIGENCE**
 22 **ACTIVITIES**

23 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

24 Funds are hereby authorized to be appropriated for
 25 fiscal year 2015 for the conduct of the intelligence and

1 intelligence-related activities of the following elements of
2 the United States Government:

3 (1) The Office of the Director of National Intel-
4 ligence.

5 (2) The Central Intelligence Agency.

6 (3) The Department of Defense.

7 (4) The Defense Intelligence Agency.

8 (5) The National Security Agency.

9 (6) The Department of the Army, the Depart-
10 ment of the Navy, and the Department of the Air
11 Force.

12 (7) The Coast Guard.

13 (8) The Department of State.

14 (9) The Department of the Treasury.

15 (10) The Department of Energy.

16 (11) The Department of Justice.

17 (12) The Federal Bureau of Investigation.

18 (13) The Drug Enforcement Administration.

19 (14) The National Reconnaissance Office.

20 (15) The National Geospatial-Intelligence Agen-
21 cy.

22 (16) The Department of Homeland Security.

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

24 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
25 LEVELS.—The amounts authorized to be appropriated

1 under section 101 and, subject to section 103, the author-
2 ized personnel ceilings as of September 30, 2015, for the
3 conduct of the intelligence activities of the elements listed
4 in paragraphs (1) through (16) of section 101, are those
5 specified in the classified Schedule of Authorizations pre-
6 pared to accompany the bill S. _____ of the One Hun-
7 dred Thirteenth Congress.

8 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
9 THORIZATIONS.—

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

15 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
16 ject to paragraph (3), the President shall provide for
17 suitable distribution of the classified Schedule of Au-
18 thorizations, or of appropriate portions of the Sched-
19 ule, within the executive branch.

20 (3) LIMITS ON DISCLOSURE.—The President
21 shall not publicly disclose the classified Schedule of
22 Authorizations or any portion of such Schedule ex-
23 cept—

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

4 (B) to the extent necessary to implement
5 the budget; or

6 (C) as otherwise required by law.

7 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

8 (a) **AUTHORITY FOR INCREASES.**—The Director of
9 National Intelligence may authorize employment of civil-
10 ian personnel in excess of the number authorized for fiscal
11 year 2015 by the classified Schedule of Authorizations re-
12 ferred to in section 102(a) if the Director of National In-
13 telligence determines that such action is necessary to the
14 performance of important intelligence functions, except
15 that the number of personnel employed in excess of the
16 number authorized under such section may not, for any
17 element of the intelligence community, exceed 3 percent
18 of the number of civilian personnel authorized under such
19 Schedule for such element.

20 (b) **TREATMENT OF CERTAIN PERSONNEL.**—The Di-
21 rector of National Intelligence shall establish guidelines
22 that govern, for each element of the intelligence commu-
23 nity, the treatment under the personnel levels authorized
24 under section 102(a), including any exemption from such
25 personnel levels, of employment or assignment in—

1 (1) a student program, trainee program, or
2 similar program;

3 (2) a reserve corps or as a reemployed annu-
4 itant; or

5 (3) details, joint duty, or long term, full-time
6 training.

7 (c) NOTICE TO CONGRESSIONAL INTELLIGENCE
8 COMMITTEES.—The Director of National Intelligence
9 shall notify the congressional intelligence committees in
10 writing at least 15 days prior to each exercise of an au-
11 thority described in subsection (a).

12 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
13 **COUNT.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for the Intelligence Commu-
16 nity Management Account of the Director of National In-
17 telligence for fiscal year 2015 the sum of \$511,194,000.
18 Within such amount, funds identified in the classified
19 Schedule of Authorizations referred to in section 102(a)
20 for advanced research and development shall remain avail-
21 able until September 30, 2016.

22 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
23 ments within the Intelligence Community Management
24 Account of the Director of National Intelligence are au-
25 thorized 794 positions as of September 30, 2015. Per-

1 sonnel serving in such elements may be permanent em-
2 ployees of the Office of the Director of National Intel-
3 ligence or personnel detailed from other elements of the
4 United States Government.

5 (c) CLASSIFIED AUTHORIZATIONS.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—In
7 addition to amounts authorized to be appropriated
8 for the Intelligence Community Management Ac-
9 count by subsection (a), there are authorized to be
10 appropriated for the Community Management Ac-
11 count for fiscal year 2015 such additional amounts
12 as are specified in the classified Schedule of Author-
13 izations referred to in section 102(a). Such addi-
14 tional amounts for advanced research and develop-
15 ment shall remain available until September 30,
16 2016.

17 (2) AUTHORIZATION OF PERSONNEL.—In addi-
18 tion to the personnel authorized by subsection (b)
19 for elements of the Intelligence Community Manage-
20 ment Account as of September 30, 2015, there are
21 authorized such additional personnel for the Com-
22 munity Management Account as of that date as are
23 specified in the classified Schedule of Authorizations
24 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 2015 the sum of \$514,000,000.

9 **TITLE III—GENERAL**
10 **PROVISIONS**

11 **Subtitle A—General Matters**

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

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

19 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
20 **ACTIVITIES.**

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

1 **SEC. 303. QUADRENNIAL INTELLIGENCE STRATEGIC RE-**
2 **VIEW.**

3 (a) IN GENERAL.—Title I of the National Security
4 Act of 1947 (50 U.S.C. 3021 et seq.) is amended by in-
5 serting after section 108 the following:

6 **“SEC. 108A. QUADRENNIAL INTELLIGENCE STRATEGIC RE-**
7 **VIEW.**

8 “(a) REQUIREMENT FOR REVIEW.—Beginning in
9 2017, and once every four years thereafter, the Director
10 of National Intelligence shall conduct a comprehensive re-
11 view of the intelligence strategy, capabilities, structure,
12 policies, infrastructure, budget plans, and other relevant
13 aspects of intelligence programs and activities of the
14 United States to meet national security objectives for the
15 next ten years. Such a review shall be known as a ‘Quad-
16 rennial Intelligence Strategic Review’.

17 “(b) CONSULTATION.—The Director of National In-
18 telligence shall conduct each Quadrennial Intelligence
19 Strategic Review required by subsection (a) in consulta-
20 tion with—

21 “(1) the heads of appropriate agencies and de-
22 partments of the United States, including the Sec-
23 retary of Defense, the Attorney General, the Sec-
24 retary of State, the Secretary of the Treasury, the
25 Secretary of Homeland Security, and the Director of
26 the Office of Management and Budget;

1 “(2) the head of each element of the intel-
2 ligence community and other appropriate officials in
3 the intelligence community; and

4 “(3) other relevant governmental and non-
5 governmental officials, including State, local, and
6 tribal government officials, members of Congress,
7 private sector representatives, academics, and other
8 experts.

9 “(c) CONDUCT OF REVIEW.—Each Quadrennial In-
10 telligence Strategic Review required by subsection (a)
11 shall—

12 “(1) delineate a national intelligence strategy
13 consistent with—

14 “(A) the most recent national security
15 strategy report submitted pursuant to section
16 108;

17 “(B) the intelligence strategies of other de-
18 partments and agencies of the United States;
19 and

20 “(C) other national-level plans;

21 “(2) address matters related to national and
22 military intelligence, including counterintelligence;

23 “(3) describe the products, services, and sup-
24 port that United States intelligence should provide

1 to advance national interests and objectives of the
2 United States;

3 “(4) identify the major national security mis-
4 sions that the intelligence community is currently
5 pursuing and will pursue in the future, and how the
6 intelligence community will pursue such missions;

7 “(5) assess the current, emerging, and future
8 threats to the intelligence community, including
9 threats from foreign intelligence and security serv-
10 ices and insider threats, and how the intelligence
11 community plans to address such threats;

12 “(6) outline the organizational roles and mis-
13 sions of the elements of the intelligence community
14 as part of an integrated enterprise to meet current,
15 emerging, and future customer demands;

16 “(7) describe the levels and types of partner-
17 ships, including partnerships with foreign intel-
18 ligence and security services, industry, and other
19 agencies and departments of the United States, re-
20 quired to implement the strategy described in para-
21 graph (1);

22 “(8) describe the levels and types of capabili-
23 ties, including personnel, technologies, and plat-
24 forms, required to implement the strategy described
25 in paragraph (1);

1 “(9) identify sources of strategic, institutional,
2 programmatic, technological, and interoperability
3 risks, and how the intelligence community plans to
4 address such risks;

5 “(10) address budgetary and personnel require-
6 ments; and

7 “(11) describe how the intelligence community
8 will implement the strategy described in paragraph
9 (1), while comporting with democratic norms and
10 values.

11 “(d) REQUIREMENT FOR REPORT.—

12 “(1) IN GENERAL.—The Director of National
13 Intelligence shall submit to the congressional intel-
14 ligence committees a report on each Quadrennial In-
15 telligence Strategic Review required by subsection
16 (a).

17 “(2) TIMING OF SUBMISSION.—Each report
18 shall be submitted in the year following the year in
19 which the Quadrennial Intelligence Strategic Review
20 is conducted, not later than the date on which the
21 President submits the budget for the next fiscal year
22 under section 1105(a) of title 31, United States
23 Code.

24 “(3) CONTENT.—Each report required by para-
25 graph (1) shall include the following:

1 “(A) The results of the Quadrennial Intel-
2 ligence Strategic Review, including a com-
3 prehensive discussion of national intelligence
4 strategy in the context of national security in-
5 terests and objectives.

6 “(B) A description of the assumptions
7 used in the Quadrennial Intelligence Strategic
8 Review, including assumptions related to—

9 “(i) the anticipated security environ-
10 ment;

11 “(ii) the role of foreign services, com-
12 mercial partners, and contractors;

13 “(iii) fiscal conditions; and

14 “(iv) anticipated foreign competitor
15 response.

16 “(C) The size, distribution, and types of
17 capabilities that will be required to carry out
18 the strategy described in subsection (c)(1), in-
19 cluding capabilities for collection, language
20 competency, and information technology.

21 “(D) The role of agencies and departments
22 of the United States that are not elements of
23 the intelligence community to support the strat-
24 egy described in subsection (c)(1).

1 products, procedures for oversight and evaluation of re-
2 source allocations associated with the joint development
3 of information sharing efforts and tools, and an education
4 and training model for elements of the intelligence commu-
5 nity that carry out financial intelligence activities.

6 (c) BRIEFING TO CONGRESS.—Not later than 180
7 days after the date of the enactment of this Act, the Direc-
8 tor of National Intelligence shall brief the congressional
9 intelligence committees on the actions the Director pro-
10 poses to implement the plan required by subsection (a).

11 **SEC. 305. PLAN FOR APPLYING PRIVATE SECTOR BEST**
12 **PRACTICES TO IMPROVING INSIDER THREAT**
13 **DETECTION.**

14 (a) REQUIREMENT FOR PLAN.—Not later than 180
15 days after the date of the enactment of this Act, the Direc-
16 tor of National Intelligence, in consultation with the Na-
17 tional Counterintelligence Executive, shall submit to the
18 congressional intelligence committees a strategic plan for
19 applying private sector best practices for employee access
20 and monitoring systems to certain positions within the in-
21 telligence community, in accordance with applicable legal
22 authorities and with appropriate privacy and civil liberties
23 protections.

24 (b) CONTENT.—The plan required by subsection (a)
25 shall include—

1 (1) a review of how the intelligence community
2 could better utilize private sector hiring and human
3 resources best practices to screen, vet, and validate
4 the credentials, capabilities, and character of appli-
5 cants for positions involving trusted access to sen-
6 sitive information;

7 (2) an analysis of private sector policies for
8 holding supervisors and subordinates accountable for
9 violations of established security protocols and
10 whether the intelligence community should adopt
11 similar policies for positions of trusted access to sen-
12 sitive information;

13 (3) an assessment of the feasibility of applying
14 mandatory leave policies, similar to those endorsed
15 by the Federal Deposit Insurance Corporation and
16 the Securities and Exchange Commission to identify
17 fraud in the financial services industry, to certain
18 positions within the intelligence community; and

19 (4) recommendations for how the intelligence
20 community could utilize private sector risk indices,
21 such as credit risk scores, to make determinations
22 about employee access to sensitive information.

23 **SEC. 306. PROCEDURES FOR THE RETENTION OF INCIDENT-**
24 **TALLY ACQUIRED COMMUNICATIONS.**

25 (a) DEFINITIONS.—In this section:

1 (1) COVERED COMMUNICATION.—The term
2 “covered communication” means any nonpublic tele-
3 phone or electronic communication acquired without
4 the consent of a person who is a party to the com-
5 munication, including communications in electronic
6 storage.

7 (2) HEAD OF AN ELEMENT OF THE INTEL-
8 LIGENCE COMMUNITY.—The term “head of an ele-
9 ment of the intelligence community” means, as ap-
10 propriate—

11 (A) the head of an element of the intel-
12 ligence community; or

13 (B) the head of the department or agency
14 containing such element.

15 (3) UNITED STATES PERSON.—The term
16 “United States person” has the meaning given that
17 term in section 101 of the Foreign Intelligence Sur-
18 veillance Act of 1978 (50 U.S.C. 1801).

19 (b) PROCEDURES FOR COVERED COMMUNICA-
20 TIONS.—

21 (1) REQUIREMENT TO ADOPT.—Not later than
22 2 years after the date of the enactment of this Act
23 each head of an element of the intelligence commu-
24 nity shall adopt procedures approved by the Attor-

1 ney General for such element that ensure compliance
2 with the requirements of paragraph (3).

3 (2) COORDINATION AND APPROVAL.—The pro-
4 cedures required by paragraph (1) shall be—

5 (A) prepared in coordination with the Di-
6 rector of National Intelligence; and

7 (B) approved by the Attorney General
8 prior to issuance.

9 (3) PROCEDURES.—The procedures required by
10 paragraph (1) shall apply to any intelligence collec-
11 tion activity that is reasonably anticipated to result
12 in the acquisition of covered communications to or
13 from a United States person not otherwise author-
14 ized by court order (including an order issued by a
15 court established under subsection (a) or (b) of sec-
16 tion 103 of the Foreign Intelligence Surveillance Act
17 of 1978 (50 U.S.C. 1803)), subpoena, or similar
18 legal process and shall permit the acquisition, reten-
19 tion, and dissemination of covered communications
20 subject to the following limitations:

21 (A) A covered communication shall not be
22 retained in excess of 5 years, unless—

23 (i) the communication has been af-
24 firmatively determined, in whole or in part,
25 to constitute foreign intelligence or coun-

1 terintelligence or is necessary to under-
2 stand or assess foreign intelligence or
3 counterintelligence;

4 (ii) the communication is reasonably
5 believed to constitute evidence of a crime
6 and is retained by a law enforcement agen-
7 cy;

8 (iii) the communication is enciphered
9 or reasonably believed to have a secret
10 meaning;

11 (iv) all parties to the communication
12 are reasonably believed to be non-United
13 States persons;

14 (v) retention is necessary to protect
15 against an imminent threat to human life,
16 in which case both the nature of the threat
17 and the information to be retained shall be
18 reported to the congressional intelligence
19 committees not later than 30 days after
20 the date such retention is extended under
21 this clause;

22 (vi) retention is necessary for tech-
23 nical assurance or compliance purposes, in
24 which case access to information retained
25 for technical assurance or compliance pur-

1 poses shall be reported to the congressional
2 intelligence committees on an annual basis;
3 or

4 (vii) retention for a period in excess of
5 5 years is approved by the head of the ele-
6 ment of the intelligence community respon-
7 sible for such retention, based on a deter-
8 mination that retention is necessary to
9 protect the national security of the United
10 States, in which case the head of such ele-
11 ment shall provide to the congressional in-
12 telligence committees a written certifi-
13 cation describing—

14 (I) the reasons extended reten-
15 tion is necessary to protect the na-
16 tional security of the United States;

17 (II) the duration for which the
18 head of the element is authorizing re-
19 tention;

20 (III) the particular information
21 to be retained; and

22 (IV) the measures the element of
23 the intelligence community is taking
24 to protect the privacy interests of

1 United States persons or persons lo-
2 cated inside the United States.

3 (B) Access to covered communications
4 shall be limited to persons who have a legiti-
5 mate need to know and have received training
6 on application of the applicable procedures ap-
7 proved by the Attorney General.

8 **SEC. 307. FEASIBILITY STUDY ON CONSOLIDATING CLASSI-**
9 **FIED CYBER THREAT INDICATOR AND**
10 **MALWARE DATABASES.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, the Director of National
13 Intelligence, in consultation with the Secretary of Home-
14 land Security, the Director of the National Security Agen-
15 cy, the Director of the Central Intelligence Agency, and
16 the Director of the Federal Bureau of Investigation, shall
17 conduct a feasibility study on consolidating classified cyber
18 threat indicator and malware sample databases in the in-
19 telligence community.

20 (b) ELEMENTS.—The feasibility study required by
21 subsection (a) shall include the following:

22 (1) An inventory of classified cyber threat indi-
23 cator and malware sample databases in the intel-
24 ligence community.

1 (2) An assessment of actions that could be car-
2 ried out to consolidate such databases to achieve the
3 greatest possible information sharing within the in-
4 telligence community and cost savings for the Fed-
5 eral Government.

6 (3) An assessment of any collection sensitivities
7 and authority concerns preventing such consolida-
8 tion.

9 (4) An assessment of whether the Intelligence
10 Community Information Technology Enterprise can
11 support such consolidation.

12 (c) REPORT TO CONGRESS.—Not later than 30 days
13 after the date on which the Director of National Intel-
14 ligence completes the feasibility study required by sub-
15 section (a), the Director shall submit to the congressional
16 intelligence committees a written report that summarizes
17 the feasibility study, including the information required
18 under subsection (b).

19 **SEC. 308. SENSE OF CONGRESS ON CYBERSECURITY**
20 **THREAT AND CYBERCRIME COOPERATION**
21 **WITH UKRAINE.**

22 It is the sense of Congress that—

23 (1) cooperation between the intelligence and law
24 enforcement agencies of the United States and

1 Ukraine should be increased to improve cybersecu-
2 rity policies between these two countries;

3 (2) the United States should pursue improved
4 extradition procedures among the Governments of
5 the United States, Ukraine, and other countries
6 from which cybercriminals target United States citi-
7 zens and entities;

8 (3) the President should—

9 (A) initiate a round of formal United
10 States-Ukraine bilateral talks on cybersecurity
11 threat and cybercrime cooperation, with addi-
12 tional multilateral talks that include other law
13 enforcement partners such as Europol and
14 Interpol; and

15 (B) work to obtain a commitment from the
16 Government of Ukraine to end the previous
17 practice of ignoring cybercrime directed at per-
18 sons outside Ukraine and to work with the
19 United States and other allies to deter and con-
20 vict known cybercriminals;

21 (4) the President should establish a capacity
22 building program with the Government of Ukraine,
23 which could include—

1 (A) a joint effort to improve cyber capacity
2 building, including intelligence and law enforce-
3 ment services in Ukraine;

4 (B) sending United States law enforcement
5 agents to aid law enforcement agencies in
6 Ukraine in investigating cybercrimes; and

7 (C) agreements to improve communications
8 networks to enhance law enforcement coopera-
9 tion, such as a hotline directly connecting law
10 enforcement agencies in the United States and
11 Ukraine; and

12 (5) the President should establish and maintain
13 an intelligence and law enforcement cooperation
14 scorecard with metrics designed to measure the
15 number of instances that intelligence and law en-
16 forcement agencies in the United States request as-
17 sistance from intelligence and law enforcement agen-
18 cies in Ukraine and the number and type of re-
19 sponses received to such requests.

20 **SEC. 309. REPLACEMENT OF LOCALLY EMPLOYED STAFF**
21 **SERVING AT UNITED STATES DIPLOMATIC**
22 **FACILITIES IN THE RUSSIAN FEDERATION.**

23 (a) EMPLOYMENT REQUIREMENT.—

24 (1) IN GENERAL.—The Secretary of State shall
25 ensure that, not later than one year after the date

1 of the enactment of this Act, every supervisory posi-
2 tion at a United States diplomatic facility in the
3 Russian Federation shall be occupied by a citizen of
4 the United States who has passed, and shall be sub-
5 ject to, a thorough background check.

6 (2) EXTENSION.—The Secretary of State may
7 extend the deadline under paragraph (1) for up to
8 one year by providing advance written notification
9 and justification of such extension to the appropriate
10 congressional committees.

11 (3) PROGRESS REPORT.—Not later than 180
12 days after the date of the enactment of this Act, the
13 Secretary of State shall submit to the appropriate
14 congressional committees a report on progress made
15 toward meeting the employment requirement under
16 paragraph (1).

17 (b) PLAN FOR REDUCED USE OF LOCALLY EM-
18 PLOYED STAFF.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary of State, in
20 coordination with other appropriate government agencies,
21 shall submit to the appropriate congressional committees
22 a plan to further reduce the reliance on locally employed
23 staff in United States diplomatic facilities in the Russian
24 Federation. The plan shall, at a minimum, include cost

1 estimates, timelines, and numbers of employees to be re-
2 placed.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congress-
5 sional committees” means—

6 (1) the Committee on Armed Services, the
7 Committee on Foreign Relations, the Select Com-
8 mittee on Intelligence, and the Committee on Appro-
9 priations of the Senate; and

10 (2) the Committee on Armed Services, the
11 Committee on Foreign Affairs, the Permanent Select
12 Committee on Intelligence, and the Committee on
13 Appropriations of the House of Representatives.

14 **SEC. 310. INCLUSION OF RESTRICTED ACCESS SPACES IN**
15 **UNITED STATES DIPLOMATIC FACILITIES IN**
16 **THE RUSSIAN FEDERATION AND ADJACENT**
17 **COUNTRIES.**

18 (a) RESTRICTED ACCESS SPACE REQUIREMENT.—
19 Each United States diplomatic facility that, after the date
20 of the enactment of this Act, is constructed in, or under-
21 goes a construction upgrade in, the Russian Federation,
22 any country that shares a land border with the Russian
23 Federation, or any country that is a former member of
24 the Soviet Union shall be constructed to include a re-
25 stricted access space.

1 (b) NATIONAL SECURITY WAIVER.—The Secretary of
2 State may waive the requirement under subsection (a) if
3 the Secretary determines that it is in the national security
4 interest of the United States and submits a written jus-
5 tification to the appropriate congressional committees not
6 later than 180 days before exercising such waiver.

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

10 (1) the Committee on Armed Services, the
11 Committee on Foreign Relations, the Select Com-
12 mittee on Intelligence, and the Committee on Appro-
13 priations of the Senate; and

14 (2) the Committee on Armed Services, the
15 Committee on Foreign Affairs, the Permanent Select
16 Committee on Intelligence, and the Committee on
17 Appropriations of the House of Representatives.

18 **Subtitle B—Reporting**

19 **SEC. 311. REPORT ON DECLASSIFICATION PROCESS.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Director of National Intelligence
22 shall submit to Congress a report describing—

23 (1) proposals to improve the declassification
24 process throughout the intelligence community; and

1 (2) steps the intelligence community could take,
2 or legislation that may be necessary, to enable the
3 National Declassification Center to better accom-
4 plish the missions assigned to the Center by Execu-
5 tive Order No. 13526 (75 Fed. Reg. 707).

6 **SEC. 312. REPORT ON INTELLIGENCE COMMUNITY EFFI-**
7 **CIENT SPENDING TARGETS.**

8 (a) IN GENERAL.—Not later than April 1, 2016, and
9 April 1, 2017, the Director of National Intelligence shall
10 submit to the congressional intelligence committees a re-
11 port on the status and effectiveness of efforts to reduce
12 administrative costs for the intelligence community during
13 the preceding year.

14 (b) ELEMENTS.—Each report under subsection (a)
15 shall include for each element of the intelligence commu-
16 nity the following:

17 (1) A description of the status and effectiveness
18 of efforts to devise alternatives to government travel
19 and promote efficient travel spending, such as tele-
20 conferencing and video conferencing.

21 (2) A description of the status and effectiveness
22 of efforts to limit costs related to hosting and at-
23 tending conferences.

24 (3) A description of the status and effectiveness
25 of efforts to assess information technology inven-

1 tories and usage, and establish controls, to reduce
2 costs related to underutilized information technology
3 equipment, software, or services.

4 (4) A description of the status and effectiveness
5 of efforts to limit the publication and printing of
6 hard copy documents.

7 (5) A description of the status and effectiveness
8 of efforts to improve the performance of Federal
9 fleet motor vehicles and limit executive transpor-
10 tation.

11 (6) A description of the status and effectiveness
12 of efforts to limit the purchase of extraneous pro-
13 motional items, such as plaques, clothing, and com-
14 memorative items.

15 (7) A description of the status and effectiveness
16 of efforts to consolidate and streamline workforce
17 training programs to focus on the highest priority
18 workforce and mission needs.

19 (8) Such other matters relating to efforts to re-
20 duce intelligence community administrative costs as
21 the Director may specify for purposes of this section.

1 **SEC. 313. ANNUAL REPORT ON VIOLATIONS OF LAW OR EX-**
2 **ECUTIVE ORDER.**

3 (a) IN GENERAL.—Title V of the National Security
4 Act of 1947 (50 U.S.C. 3091 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 511. ANNUAL REPORT ON VIOLATIONS OF LAW OR EX-**
7 **ECUTIVE ORDER.**

8 “(a) ANNUAL REPORTS REQUIRED.—The Director of
9 National Intelligence shall annually submit to the congress-
10 sional intelligence committees a report on violations of law
11 or executive order by personnel of an element of the intel-
12 ligence community that were identified during the previous
13 calendar year.

14 “(b) ELEMENTS.—Each report submitted under sub-
15 section (a) shall, consistent with the need to preserve on-
16 going criminal investigations, include a description of, and
17 any action taken in response to, any violation of law or
18 executive order (including Executive Order No. 12333 (50
19 U.S.C. 3001 note)) relating to intelligence activities com-
20 mitted by personnel of an element of the intelligence com-
21 munity in the course of the employment of such personnel
22 that, during the previous calendar year, was—

23 “(1) determined by the director, head, or gen-
24 eral counsel of any element of the intelligence com-
25 munity to have occurred;

1 “(2) referred to the Department of Justice for
2 possible criminal prosecution; or

3 “(3) substantiated by the inspector general of
4 any element of the intelligence community.”.

5 (b) INITIAL REPORT.—The first report required
6 under section 511 of the National Security Act of 1947,
7 as added by subsection (a), shall be submitted not later
8 than one year after the date of the enactment of this Act.

9 (c) GUIDELINES.—Not later than 180 days after the
10 date of the enactment of this Act, the Director of National
11 Intelligence, in consultation with the head of each element
12 of the intelligence community, shall—

13 (1) issue guidelines to carry out section 511 of
14 the National Security Act of 1947, as added by sub-
15 section (a); and

16 (2) submit such guidelines to the congressional
17 intelligence committees.

18 (d) TABLE OF CONTENTS AMENDMENT.—The table
19 of sections in the first section of the National Security
20 Act of 1947 is amended by adding after the item relating
21 to section 510 the following new item:

“Sec. 511. Annual report on violations of law or executive order.”.

22 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion or the amendments made by this section shall be con-
24 strued to alter any requirement existing on the date of

1 the enactment of this Act to submit a report under any
2 provision of law.

3 **SEC. 314. ANNUAL REPORT ON INTELLIGENCE ACTIVITIES**
4 **OF THE DEPARTMENT OF HOMELAND SECUR-**
5 **RITY.**

6 (a) IN GENERAL.—For each fiscal year and along
7 with the budget materials submitted in support of the
8 budget of the Department of Homeland Security pursuant
9 to section 1105(a) of title 31, United States Code, the
10 Under Secretary for Intelligence and Analysis of the De-
11 partment shall submit to the congressional intelligence
12 committees a report for such fiscal year on each intel-
13 ligence activity of each intelligence component of the De-
14 partment, as designated by the Under Secretary, that in-
15 cludes the following:

16 (1) The amount of funding requested for each
17 such intelligence activity.

18 (2) The number of full-time employees funded
19 to perform each such intelligence activity.

20 (3) The number of full-time contractor employ-
21 ees (or the equivalent of full-time in the case of
22 part-time contractor employees) funded to perform
23 or in support of each such intelligence activity.

1 (4) A determination as to whether each such in-
2 telligence activity is predominantly in support of na-
3 tional intelligence or departmental missions.

4 (5) The total number of analysts of the Intel-
5 ligence Enterprise of the Department that per-
6 form—

7 (A) strategic analysis; or

8 (B) operational analysis.

9 (b) FEASIBILITY AND ADVISABILITY REPORT.—Not
10 later than 120 days after the date of the enactment of
11 this Act, the Secretary of Homeland Security, acting
12 through the Under Secretary for Intelligence and Analysis,
13 shall submit to the congressional intelligence committees
14 a report that—

15 (1) examines the feasibility and advisability of
16 including the budget request for all intelligence ac-
17 tivities of each intelligence component of the Depart-
18 ment that predominantly support departmental mis-
19 sions, as designated by the Under Secretary for In-
20 telligence and Analysis, in the Homeland Security
21 Intelligence Program; and

22 (2) includes a plan to enhance the coordination
23 of department-wide intelligence activities to achieve
24 greater efficiencies in the performance of the De-

1 partment of Homeland Security intelligence func-
2 tions.

3 (c) INTELLIGENCE COMPONENT OF THE DEPART-
4 MENT.—In this section, the term “intelligence component
5 of the Department” has the meaning given that term in
6 section 2 of the Homeland Security Act of 2002 (6 U.S.C.
7 101).

8 **SEC. 315. REPORT ON INTELLIGENCE SHARING WITH**
9 **UKRAINE.**

10 (a) SENSE OF CONGRESS REGARDING INTELLIGENCE
11 SHARING WITH UKRAINE.—Consistent with United
12 States national security interests and current law, it is the
13 sense of Congress that the President, working with the
14 North Atlantic Treaty Organization, should as quickly as
15 possible provide the Government and armed forces of
16 Ukraine with appropriate intelligence sharing support.

17 (b) REPORT ON INTELLIGENCE SHARING WITH
18 UKRAINE.—

19 (1) REPORT REQUIRED.—Not later than 30
20 days after the date of the enactment of this Act, and
21 every 180 days thereafter, the Director of National
22 Intelligence and Secretary of Defense shall conduct
23 an assessment of United States intelligence sharing
24 with the Government of Ukraine and submit to the

1 congressional intelligence committees a report on
2 that assessment.

3 (2) ELEMENTS.—At a minimum, each report
4 required by paragraph (1) shall provide detailed in-
5 formation related to United States intelligence shar-
6 ing with the Government of Ukraine for the fol-
7 lowing matters:

8 (A) Intelligence sharing and related train-
9 ing, equipment, supplies, and services, including
10 the type, quantity, and prioritization of such
11 items.

12 (B) The actual or estimated date that the
13 Government of the United States has provided
14 or plans to provide the Government of Ukraine
15 with intelligence and related training, equip-
16 ment, supplies, and services.

17 (C) An assessment of the types and quan-
18 tities of assistance to the Government of
19 Ukraine that would most effectively improve the
20 readiness and capabilities of the intelligence
21 service of Ukraine.

22 (D) An assessment of the measures nec-
23 essary to protect any United States personnel
24 that may be made available to the Government
25 of Ukraine.

1 (E) A description of the intelligence shar-
2 ing the Government of the United States has
3 conducted with the Government of Ukraine dur-
4 ing the previous 6-month period.

5 (F) A description of the intelligence shar-
6 ing the Government of the United States plans
7 to conduct with the Government of Ukraine
8 during the following 1-year period.

9 (G) An assessment of the intelligence and
10 military assistance, including equipment, sup-
11 plies, and weaponry, provided by the Govern-
12 ment of the Russian Federation to irregular
13 forces in Ukraine since February 22, 2014.

14 (3) TERMINATION.—The requirements of this
15 subsection shall terminate on January 31, 2017.

16 **SEC. 316. REPORT ON POLITICAL PRISON CAMPS IN NORTH**
17 **KOREA.**

18 (a) IN GENERAL.—The Director of National Intel-
19 ligence, in consultation with the Secretary of State, shall
20 submit to the congressional intelligence committees a re-
21 port on political prison camps in North Korea.

22 (b) ELEMENTS.—The report required by subsection
23 (a) shall—

24 (1) describe the actions the United States is
25 taking to support implementation of the rec-

1 ommendations of the United Nations Commission of
2 Inquiry on Human Rights in the Democratic Peo-
3 ple’s Republic of Korea, including the eventual es-
4 tablishment of a tribunal to hold individuals ac-
5 countable for abuses; and

6 (2) include, with respect to each political prison
7 camp in North Korea to the extent information is
8 available—

9 (A) the estimated prisoner population of
10 each such camp;

11 (B) the geographical coordinates of each
12 such camp;

13 (C) the reasons for confinement of the
14 prisoners at each such camp;

15 (D) a description of the primary industries
16 and products made at each such camp, and the
17 end users of any goods produced in such camp;

18 (E) information regarding involvement of
19 any non-North Korean entity or individual in-
20 volved in the operations of each such camp, in-
21 cluding as an end user or source of any good
22 or products used in, or produced by, in such
23 camp;

24 (F) information identifying individuals and
25 agencies responsible for conditions in each such

1 camp at all levels of the Government of North
2 Korea;

3 (G) a description of the conditions under
4 which prisoners are confined, with respect to
5 the adequacy of food, shelter, medical care,
6 working conditions, and reports of ill-treatment
7 of prisoners, at each such camp; and

8 (H) unclassified imagery, including sat-
9 ellite imagery, of each such camp.

10 (c) FORM.—The report required by subsection (a)
11 shall be submitted in an unclassified form and may include
12 a classified annex if necessary.

Calendar No. 519

113TH CONGRESS
2^D SESSION

S. 2741

[Report No. 113-233]

A BILL

To authorize appropriations for fiscal year 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

JULY 31, 2014

Read twice and placed on the calendar