

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 3454

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. FEINSTEIN (for herself and
Mr. CHAMBLISS)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

2

- 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. Automated insider threat detection program.
- Sec. 305. Software licensing.
- Sec. 306. Strategy for security clearance reciprocity.
- Sec. 307. Improper Payments Elimination and Recovery Act of 2010 compliance.
- Sec. 308. Subcontractor notification process.
- Sec. 309. Modification of reporting schedule.
- Sec. 310. Repeal of certain reporting requirements.

TITLE IV—MATTERS RELATING TO THE CENTRAL
INTELLIGENCE AGENCY

- Sec. 401. Working capital fund amendments.

TITLE V—OTHER MATTERS

- Sec. 501. Homeland Security Intelligence Program.
- Sec. 502. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 503. Protecting the information technology supply chain of the United States.
- Sec. 504. Notification regarding the authorized public disclosure of national intelligence.
- Sec. 505. Technical amendments related to the Office of the Director of National Intelligence.
- Sec. 506. Technical amendment for definition of intelligence agency.
- Sec. 507. 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—

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

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

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

9 **TITLE I—BUDGET AND** 10 **PERSONNEL AUTHORIZATIONS**

11 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2013 for the conduct of the intelligence and
14 intelligence-related activities of the following elements of
15 the United States Government:

16 (1) The Office of the Director of National Intel-
17 ligence.

18 (2) The Central Intelligence Agency.

19 (3) The Department of Defense.

20 (4) The Defense Intelligence Agency.

21 (5) The National Security Agency.

22 (6) The Department of the Army, the Depart-
23 ment of the Navy, and the Department of the Air
24 Force.

25 (7) The Coast Guard.

1 (8) The Department of State.

2 (9) The Department of the Treasury.

3 (10) The Department of Energy.

4 (11) The Department of Justice.

5 (12) The Federal Bureau of Investigation.

6 (13) The Drug Enforcement Administration.

7 (14) The National Reconnaissance Office.

8 (15) The National Geospatial-Intelligence Agen-
9 cy.

10 (16) The Department of Homeland Security.

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

12 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
13 LEVELS.—The amounts authorized to be appropriated
14 under section 101 and, subject to section 103, the author-
15 ized personnel ceilings as of September 30, 2013, for the
16 conduct of the intelligence activities of the elements listed
17 in paragraphs (1) through (16) of section 101, are those
18 specified in the classified Schedule of Authorizations pre-
19 pared to accompany the bill S. 3454 of the One Hundred
20 Twelfth Congress.

21 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
22 THORIZATIONS.—

23 (1) AVAILABILITY TO COMMITTEES OF CON-
24 GRESS.—The classified Schedule of Authorizations
25 referred to in subsection (a) shall be made available

1 to the Committee on Appropriations of the Senate,
2 the Committee on Appropriations of the House of
3 Representatives, and to the President.

4 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
5 ject to paragraph (3), the President shall provide for
6 suitable distribution of the classified Schedule of Au-
7 thorizations, or of appropriate portions of the Sched-
8 ule, within the executive branch.

9 (3) LIMITS ON DISCLOSURE.—The President
10 shall not publicly disclose the classified Schedule of
11 Authorizations or any portion of such Schedule ex-
12 cept—

13 (A) as provided in section 601(a) of the
14 Implementing Recommendations of the 9/11
15 Commission Act of 2007 (50 U.S.C. 415e);

16 (B) to the extent necessary to implement
17 the budget; or

18 (C) as otherwise required by law.

19 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

20 (a) AUTHORITY FOR INCREASES.—The Director of
21 National Intelligence may authorize the employment of ci-
22 vilian personnel in excess of the number of positions for
23 fiscal year 2013 authorized by the classified Schedule of
24 Authorizations referred to in section 102(a) if the Director
25 of National Intelligence determines that such action is

1 necessary to the performance of important intelligence
2 functions, except that the number of personnel employed
3 in excess of the number authorized under such section may
4 not, for any element of the intelligence community, exceed
5 3 percent of the number of civilian personnel authorized
6 under such section for such element.

7 (b) TREATMENT OF CERTAIN PERSONNEL.—The Di-
8 rector of National Intelligence shall establish guidelines
9 that govern, for each element of the intelligence commu-
10 nity, the treatment under the personnel levels authorized
11 under section 102(a), including any exemption from such
12 personnel levels, of employment or assignment in—

13 (1) a student program, trainee program, or
14 similar program;

15 (2) a reserve corps or as a reemployed annu-
16 itant; or

17 (3) details, joint duty, or long term, full-time
18 training.

19 (c) NOTICE TO CONGRESSIONAL INTELLIGENCE
20 COMMITTEES.—The Director of National Intelligence
21 shall notify the congressional intelligence committees in
22 writing at least 15 days prior to the initial exercise of an
23 authority described in subsection (a).

1 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
2 **COUNT.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated for the Intelligence Commu-
5 nity Management Account of the Director of National In-
6 telligence for fiscal year 2013 the sum of \$540,721,000.
7 Within such amount, funds identified in the classified
8 Schedule of Authorizations referred to in section 102(a)
9 for advanced research and development shall remain avail-
10 able until September 30, 2014.

11 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
12 ments within the Intelligence Community Management
13 Account of the Director of National Intelligence are au-
14 thorized 835 positions as of September 30, 2013. Per-
15 sonnel serving in such elements may be permanent em-
16 ployees of the Office of the Director of National Intel-
17 ligence or personnel detailed from other elements of the
18 United States Government.

19 (c) CLASSIFIED AUTHORIZATIONS.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—In
21 addition to amounts authorized to be appropriated
22 for the Intelligence Community Management Ac-
23 count by subsection (a), there are authorized to be
24 appropriated for the Community Management Ac-
25 count for fiscal year 2013 such additional amounts
26 as are specified in the classified Schedule of Author-

1 izations referred to in section 102(a). Such addi-
2 tional amounts for advanced research and develop-
3 ment shall remain available until September 30,
4 2014.

5 (2) AUTHORIZATION OF PERSONNEL.—In addi-
6 tion to the personnel authorized by subsection (b)
7 for elements of the Intelligence Community Manage-
8 ment Account as of September 30, 2013, there are
9 authorized such additional personnel for the Com-
10 munity Management Account as of that date as are
11 specified in the classified Schedule of Authorizations
12 referred to in section 102(a).

13 **TITLE II—CENTRAL INTEL-**
14 **LIGENCE AGENCY RETIRE-**
15 **MENT AND DISABILITY SYS-**
16 **TEM**

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **TITLE III—GENERAL INTEL-**
2 **LIGENCE COMMUNITY MAT-**
3 **TERS**

4 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
5 **ACTIVITIES.**

6 The authorization of appropriations by this Act shall
7 not be deemed to constitute authority for the conduct of
8 any intelligence activity which is not otherwise authorized
9 by the Constitution or the laws of the United States.

10 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
11 **BENEFITS AUTHORIZED BY LAW.**

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

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

18 Section 113A of the National Security Act of 1947
19 (50 U.S.C. 404h-1) is amended—

20 (1) by striking “two years.” and inserting
21 “three years.”; and

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

1 **SEC. 304. 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. 305. 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 Com-
21 munity.

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. 306. STRATEGY FOR SECURITY CLEARANCE RECI-**
12 **PROCITY.**

13 (a) STRATEGY.—The President shall develop a strat-
14 egy and a schedule for carrying out the requirements of
15 section 3001(d) of the Intelligence Reform and Terrorism
16 Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strat-
17 egy and schedule shall include—

18 (1) a process for accomplishing the reciprocity
19 required under such section for a security clearance
20 issued by a department or agency of the Federal
21 Government, including reciprocity for security clear-
22 ances that are issued to both persons who are and
23 who are not employees of the Federal Government;
24 and

1 (2) a description of the specific circumstances
2 under which a department or agency of the Federal
3 Government may not recognize a security clearance
4 issued by another department or agency of the Fed-
5 eral Government.

6 (b) CONGRESSIONAL NOTIFICATION.—Not later than
7 180 days after the date of the enactment of this Act, the
8 President shall inform Congress of the strategy and sched-
9 ule developed under subsection (a).

10 **SEC. 307. IMPROPER PAYMENTS ELIMINATION AND RECOV-**
11 **ERY ACT OF 2010 COMPLIANCE.**

12 (a) PLAN FOR COMPLIANCE.—

13 (1) IN GENERAL.—The Director of National In-
14 telligence, the Director of the Central Intelligence
15 Agency, the Director of the Defense Intelligence
16 Agency, the Director of the National Geospatial-In-
17 telligence Agency, and the Director of the National
18 Security Agency shall each develop a corrective ac-
19 tion plan, with major milestones, that delineates how
20 the Office of the Director of National Intelligence
21 and each such Agency will achieve compliance, not
22 later than September 30, 2013, with the Improper
23 Payments Elimination and Recovery Act of 2010
24 (Public Law 111–204; 124 Stat. 2224), and the
25 amendments made by that Act.

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

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

8 (B) the Director of the Defense Intel-
9 ligence Agency, the Director of the National
10 Geospatial-Intelligence Agency, and the Direc-
11 tor of the National Security Agency shall each
12 submit to the Committee on Armed Services of
13 the Senate and the Committee on Armed Serv-
14 ices of the House of Representatives the correc-
15 tive action plan required by paragraph (1) with
16 respect to the applicable Agency.

17 (b) REVIEW BY INSPECTORS GENERAL.—

18 (1) IN GENERAL.—Not later than 45 days after
19 the completion of a corrective action plan required
20 by subsection (a)(1), the Inspector General of each
21 Agency required to develop such a plan, and in the
22 case of the Director of National Intelligence, the In-
23 spector General of the Intelligence Community, shall
24 provide to the congressional intelligence committees
25 an assessment of such plan that includes—

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

8 (B) the basis of the Inspector General for
9 such assessment.

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

23 **SEC. 308. SUBCONTRACTOR NOTIFICATION PROCESS.**

24 Not later than October 1, 2013, the Director of Na-
25 tional Intelligence shall submit to the congressional intel-

1 ligenge committees a report assessing the method by which
2 contractors at any tier under a contract entered into with
3 an element of the intelligence community are granted se-
4 curity clearances and notified of classified contracting op-
5 portunities within the Federal Government and rec-
6 ommendations for the improvement of such method. Such
7 report shall include—

8 (1) an assessment of the current method by
9 which contractors at any tier under a contract en-
10 tered into with an element of the intelligence com-
11 munity are notified of classified contracting opportu-
12 nities;

13 (2) an assessment of any problems that may re-
14 duce the overall effectiveness of the ability of the in-
15 telligence community to identify appropriate contrac-
16 tors at any tier under such a contract;

17 (3) an assessment of the role the existing secu-
18 rity clearance process has in enhancing or hindering
19 the ability of the intelligence community to notify
20 such contractors of contracting opportunities;

21 (4) an assessment of the role the current secu-
22 rity clearance process has in enhancing or hindering
23 the ability of contractors at any tier under a con-
24 tract entered into with an element of the intelligence
25 community to execute classified contracts;

1 (5) a description of the method used by the Di-
2 rector of National Intelligence for assessing the ef-
3 fectiveness of the notification process of the intel-
4 ligence community to produce a talented pool of sub-
5 contractors;

6 (6) a description of appropriate goals, sched-
7 ules, milestones, or metrics used to measure the ef-
8 fectiveness of such notification process; and

9 (7) recommendations for improving such notifi-
10 cation process.

11 **SEC. 309. MODIFICATION OF REPORTING SCHEDULE.**

12 (a) INSPECTOR GENERAL OF THE INTELLIGENCE
13 COMMUNITY.—Section 103H(k)(1)(A) of the National Se-
14 curity Act of 1947 (50 U.S.C. 403–3h(k)(1)(A)) is amend-
15 ed—

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

18 (2) by striking “December 31 (of the preceding
19 year) and June 30,” and inserting “September 30
20 and March 31,”.

21 (b) INSPECTOR GENERAL FOR THE CENTRAL INTEL-
22 LIGENCE AGENCY.—

23 (1) IN GENERAL.—Section 17(d)(1) of the Cen-
24 tral Intelligence Agency Act of 1949 (50 U.S.C.
25 403q(d)(1)) is amended—

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

3 (B) by striking “December 31 (of the pre-
4 ceding year) and June 30,” and inserting “Sep-
5 tember 30 and March 31,”; and

6 (C) by striking “Not later than the dates
7 each year provided for the transmittal of such
8 reports in section 507 of the National Security
9 Act of 1947,” and inserting “Not later than 30
10 days after the date of the receipt of such re-
11 ports,”.

12 (2) CONFORMING AMENDMENTS.—Section
13 507(b) of the National Security Act of 1947 (50
14 U.S.C. 415b(b)) is amended—

15 (A) by striking paragraph (1); and

16 (B) by redesignating paragraphs (2), (3),
17 and (4), as paragraphs (1), (2), and (3), re-
18 spectively.

19 **SEC. 310. REPEAL OF CERTAIN REPORTING REQUIRE-**
20 **MENTS.**

21 (a) REPEAL OF REPORTING REQUIREMENTS.—

22 (1) ACQUISITION OF TECHNOLOGY RELATING
23 TO WEAPONS OF MASS DESTRUCTION AND AD-
24 VANCED CONVENTIONAL MUNITIONS.—Section 721

1 of the Intelligence Authorization Act for Fiscal Year
2 1997 (50 U.S.C. 2366) is repealed.

3 (2) SAFETY AND SECURITY OF RUSSIAN NU-
4 CLEAR FACILITIES AND NUCLEAR MILITARY
5 FORCES.—Section 114 of the National Security Act
6 of 1947 (50 U.S.C. 404i) is amended—

7 (A) by striking subsections (a) and (d);
8 and

9 (B) by redesignating subsections (b) and
10 (c) as subsections (a) and (b), respectively.

11 (3) INTELLIGENCE COMMUNITY BUSINESS SYS-
12 TEMS BUDGET INFORMATION.—Section 506D of the
13 National Security Act of 1947 (50 U.S.C. 415a-6)
14 is amended by striking subsection (e).

15 (4) MEASURES TO PROTECT THE IDENTITIES
16 OF COVERT AGENTS.—Title VI of the National Secu-
17 rity Act of 1947 (50 U.S.C. 421 et seq.) is amend-
18 ed—

19 (A) by striking section 603; and

20 (B) by redesignating sections 604, 605,
21 and 606 as sections 603, 604, and 605, respec-
22 tively.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) REPORT SUBMISSION DATES.—Section 507
2 of the National Security Act of 1947 (50 U.S.C.
3 415b) is amended—

4 (A) in subsection (a)—

5 (i) in paragraph (1)—

6 (I) by striking subparagraphs
7 (A), (C), and (D);

8 (II) by redesignating subpara-
9 graphs (B), (E), (F), (G), (H), and
10 (I) as subparagraphs (A), (B), (C),
11 (D), (E), and (F), respectively; and

12 (III) in subparagraph (D), as so
13 redesignated, by striking “section
14 114(c).” and inserting “section
15 114(a).”; and

16 (ii) by amending paragraph (2) to
17 read as follows:

18 “(2) The date for the submittal to the congres-
19 sional intelligence committees of the annual report
20 on the threat of attack on the United States from
21 weapons of mass destruction required by section
22 114(b) shall be the date each year provided in sub-
23 section (c)(1)(B).”;

24 (B) in subsection (c)(1)(B), by striking
25 “each” and inserting “the”; and

1 (C) in subsection (d)(1)(B), by striking
2 “an” and inserting “the”.

3 (2) TABLE OF CONTENTS OF THE NATIONAL
4 SECURITY ACT OF 1947.—The table of contents in
5 the first section of the National Security Act of
6 1947 is amended by striking the items relating to
7 sections 603, 604, 605, and 606 and inserting the
8 following new items:

“Sec. 603. Extraterritorial jurisdiction.

“Sec. 604. Providing information to Congress.

“Sec. 605. Definitions.”.

9 **TITLE IV—MATTERS RELATING**
10 **TO THE CENTRAL INTEL-**
11 **LIGENCE AGENCY**

12 **SEC. 401. WORKING CAPITAL FUND AMENDMENTS.**

13 Section 21 of the Central Intelligence Agency Act of
14 1949 (50 U.S.C. 403u) is amended as follows:

15 (1) In subsection (b)—

16 (A) in paragraph (1)—

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

19 (ii) in subparagraph (C), by striking
20 “program.” and inserting “program; and”;
21 and

22 (iii) by adding at the end the fol-
23 lowing:

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

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

5 “(3) The authority in paragraph (1)(D) does not in-
6 clude the authority to distribute gifts or promotional
7 items.”; and

8 (2) in subsection (c)—

9 (A) in paragraph (2)(E), by striking “from
10 the sale or exchange of equipment or property
11 of a central service provider” and inserting
12 “from the sale or exchange of equipment, recy-
13 clable materials, or property of a central service
14 provider.”; and

15 (B) in paragraph (3)(B), by striking “sub-
16 section (f)(2)” and inserting “subsections
17 (b)(1)(D) and (f)(2)”.

18 **TITLE V—OTHER MATTERS**

19 **SEC. 501. HOMELAND SECURITY INTELLIGENCE PROGRAM.**

20 There is established within the Department of Home-
21 land Security a Homeland Security Intelligence Program.
22 The Homeland Security Intelligence Program constitutes
23 the intelligence activities of the Office of Intelligence and
24 Analysis of the Department that serve predominantly de-
25 partmental missions.

1 **SEC. 502. EXTENSION OF NATIONAL COMMISSION FOR THE**
2 **REVIEW OF THE RESEARCH AND DEVELOP-**
3 **MENT PROGRAMS OF THE UNITED STATES IN-**
4 **TELLIGENCE COMMUNITY.**

5 Section 1007(a) of the Intelligence Authorization Act
6 for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C.
7 401 note) is amended by striking “Not later than one year
8 after the date on which all members of the Commission
9 are appointed pursuant to section 701(a)(3) of the Intel-
10 ligence Authorization Act for Fiscal Year 2010,” and in-
11 serting “Not later than March 31, 2013,”.

12 **SEC. 503. PROTECTING THE INFORMATION TECHNOLOGY**
13 **SUPPLY CHAIN OF THE UNITED STATES.**

14 (a) REPORT.—Not later than 90 days after the date
15 of the enactment of this Act, the Director of National In-
16 telligence shall submit to the congressional intelligence
17 committees a report that—

18 (1) identifies foreign suppliers of information
19 technology (including equipment, software, and serv-
20 ices) that are linked directly or indirectly to a for-
21 eign government, including—

22 (A) by ties to the military forces of a for-
23 eign government;

24 (B) by ties to the intelligence services of a
25 foreign government; or

1 (C) by being the beneficiaries of significant
2 low interest or no interest loans, loan forgive-
3 ness, or other support by a foreign government;
4 and

5 (2) assesses the vulnerability to malicious activ-
6 ity, including cyber crime or espionage, of the tele-
7 communications networks of the United States due
8 to the presence of technology produced by suppliers
9 identified under paragraph (1).

10 (b) FORM.—The report required under subsection (a)
11 shall be submitted in unclassified form, but may include
12 a classified annex.

13 (c) TELECOMMUNICATIONS NETWORKS OF THE
14 UNITED STATES DEFINED.—In this section, the term
15 “telecommunications networks of the United States” in-
16 cludes—

17 (1) telephone systems;

18 (2) Internet systems;

19 (3) fiber optic lines, including cable landings;

20 (4) computer networks; and

21 (5) smart grid technology under development by
22 the Department of Energy.

1 **SEC. 504. NOTIFICATION REGARDING THE AUTHORIZED**
2 **PUBLIC DISCLOSURE OF NATIONAL INTEL-**
3 **LIGENCE.**

4 (a) NOTIFICATION.—In the event of an authorized
5 disclosure of national intelligence or intelligence related to
6 national security to the persons or entities described in
7 subsection (b), the government official responsible for au-
8 thorizing the disclosure shall submit to the congressional
9 intelligence committees on a timely basis a notification of
10 the disclosure if—

11 (1) at the time of the disclosure—

12 (A) such intelligence is classified; or

13 (B) is declassified for the purpose of the
14 disclosure; and

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

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

19 (1) Media personnel.

20 (2) Any person or entity, if the disclosure de-
21 scribed in subsection (a) is made with the intent or
22 knowledge that such information will be made pub-
23 licly available.

24 (c) CONTENT.—Each notification required under
25 subsection (a) shall—

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

3 (2) if applicable, provide the specific title and
4 authority of the individual who authorized the de-
5 classification of the intelligence disclosed; and

6 (3) describe the intelligence disclosed, including
7 the classification of the intelligence prior to its dis-
8 closure or declassification and the rationale for mak-
9 ing the disclosure.

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

12 (1) pursuant to any statutory requirement, in-
13 cluding to section 552 of title 5, United States Code
14 (commonly referred to as the “Freedom of Informa-
15 tion Act”);

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

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

21 (4) to any officer, employee, or contractor of
22 the Federal government or member of an advisory
23 committee to an element of the intelligence commu-
24 nity who possesses an active security clearance and
25 a need to know the specific national intelligence or

1 intelligence related to national security, as defined in
2 section 3(5) of the National Security Act of 1947
3 (50 U.S.C. 401a(5)).

4 (e) SUNSET.—The notification requirements of this
5 section shall cease to be effective for any disclosure de-
6 scribed in subsection (a) that occurs on or after the date
7 that is one year after the date of the enactment of this
8 Act.

9 **SEC. 505. TECHNICAL AMENDMENTS RELATED TO THE OF-**
10 **FICE OF THE DIRECTOR OF NATIONAL INTEL-**
11 **LIGENCE.**

12 (a) PERSONNEL PRACTICES.—Section 2302(a)(2)(C)
13 of title 5, United States Code, is amended by striking
14 clause (ii) and inserting the following:

15 “(ii)(I) the Federal Bureau of Investiga-
16 tion, the Central Intelligence Agency, the De-
17 fense Intelligence Agency, the National
18 Geospatial-Intelligence Agency, the National Se-
19 curity Agency, the Office of the Director of Na-
20 tional Intelligence, and the National Reconnaissance
21 Office; and

22 “(II) as determined by the President, any
23 executive agency or unit thereof the principal
24 function of which is the conduct of foreign in-
25 telligence or counterintelligence activities, pro-

1 vided that the determination be made prior to
2 a personnel action; or”.

3 (b) SENIOR EXECUTIVE SERVICE.—Section
4 3132(a)(1)(B) of title 5, United States Code, is amended
5 by inserting “the Office of the Director of National Intel-
6 ligence,” after “the Central Intelligence Agency,”.

7 **SEC. 506. TECHNICAL AMENDMENT FOR DEFINITION OF IN-**
8 **TELLIGENCE AGENCY.**

9 Section 606(5) of the National Security Act of 1947
10 (50 U.S.C. 426) is amended to read as follows:

11 “(5) The term ‘intelligence agency’ means the
12 elements of the intelligence community, as that term
13 is defined in section 3(4).”.

14 **SEC. 507. BUDGETARY EFFECTS.**

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