

112TH CONGRESS
2^D SESSION

S. 3454

AN ACT

To authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Intelligence Authorization Act for Fiscal Year 2013”.

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

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 compli-
 ance.

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—

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

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

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

14 **TITLE I—BUDGET AND**
15 **PERSONNEL AUTHORIZATIONS**

16 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2013 for the conduct of the intelligence and
19 intelligence-related activities of the following elements of
20 the United States Government:

21 (1) The Office of the Director of National Intel-
22 ligence.

- 1 (2) The Central Intelligence Agency.
- 2 (3) The Department of Defense.
- 3 (4) The Defense Intelligence Agency.
- 4 (5) The National Security Agency.
- 5 (6) The Department of the Army, the Depart-
6 ment of the Navy, and the Department of the Air
7 Force.
- 8 (7) The Coast Guard.
- 9 (8) The Department of State.
- 10 (9) The Department of the Treasury.
- 11 (10) The Department of Energy.
- 12 (11) The Department of Justice.
- 13 (12) The Federal Bureau of Investigation.
- 14 (13) The Drug Enforcement Administration.
- 15 (14) The National Reconnaissance Office.
- 16 (15) The National Geospatial-Intelligence Agen-
17 cy.
- 18 (16) The Department of Homeland Security.

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

20 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
21 LEVELS.—The amounts authorized to be appropriated
22 under section 101 and, subject to section 103, the author-
23 ized personnel ceilings as of September 30, 2013, for the
24 conduct of the intelligence activities of the elements listed
25 in paragraphs (1) through (16) of section 101, are those

1 specified in the classified Schedule of Authorizations pre-
2 pared to accompany the bill S. 3454 of the One Hundred
3 Twelfth Congress.

4 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
5 THORIZATIONS.—

6 (1) AVAILABILITY TO COMMITTEES OF CON-
7 GRESS.—The classified Schedule of Authorizations
8 referred to in subsection (a) shall be made available
9 to the Committee on Appropriations of the Senate,
10 the Committee on Appropriations of the House of
11 Representatives, and to the President.

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

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

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

24 (B) to the extent necessary to implement
25 the budget; or

1 (C) as otherwise required by law.

2 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

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

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

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

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

1 (3) details, joint duty, or long term, full-time
2 training.

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

8 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
9 **COUNT.**

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

18 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
19 ments within the Intelligence Community Management
20 Account of the Director of National Intelligence are au-
21 thorized 835 positions as of September 30, 2013. Per-
22 sonnel serving in such elements may be permanent em-
23 ployees of the Office of the Director of National Intel-
24 ligence or personnel detailed from other elements of the
25 United States Government.

1 (c) CLASSIFIED AUTHORIZATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 304. AUTOMATED INSIDER THREAT DETECTION PRO-**
11 **GRAM.**

12 Section 402 of the Intelligence Authorization Act for
13 Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403–
14 1 note) is amended—

15 (1) in subsection (a), by striking “October 1,
16 2012,” and inserting “October 1, 2013.”; and

17 (2) in subsection (b), by striking “October 1,
18 2013,” and inserting “October 1, 2014.”.

19 **SEC. 305. SOFTWARE LICENSING.**

20 (a) IN GENERAL.—Not later than 120 days after the
21 date of the enactment of this Act, each chief information
22 officer for an element of the intelligence community, in
23 consultation with the Chief Information Officer of the In-
24 telligence Community, shall—

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

4 (2) report the results of such inventory to the
5 Chief Information Officer of the Intelligence Com-
6 munity.

7 (b) REPORTING TO CONGRESS.—The Chief Informa-
8 tion Officer of the Intelligence Community shall—

9 (1) not later than 180 days after the date of
10 the enactment of this Act, provide to the congress-
11 sional intelligence committees a copy of each report
12 received by the Chief Information Officer under sub-
13 section (a)(2), along with any comments the Chief
14 Information Officer wishes to provide; and

15 (2) transmit any portion of a report submitted
16 under paragraph (1) involving a component of a de-
17 partment of the United States Government to the
18 committees of the Senate and of the House of Rep-
19 resentatives with jurisdiction over such department
20 simultaneously with submission of such report to the
21 congressional intelligence committees.

22 **SEC. 306. STRATEGY FOR SECURITY CLEARANCE RECI-**
23 **PROCITY.**

24 (a) STRATEGY.—The President shall develop a strat-
25 egy and a schedule for carrying out the requirements of

1 section 3001(d) of the Intelligence Reform and Terrorism
2 Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strat-
3 egy and schedule shall include—

4 (1) a process for accomplishing the reciprocity
5 required under such section for a security clearance
6 issued by a department or agency of the Federal
7 Government, including reciprocity for security clear-
8 ances that are issued to both persons who are and
9 who are not employees of the Federal Government;
10 and

11 (2) a description of the specific circumstances
12 under which a department or agency of the Federal
13 Government may not recognize a security clearance
14 issued by another department or agency of the Fed-
15 eral Government.

16 (b) CONGRESSIONAL NOTIFICATION.—Not later than
17 180 days after the date of the enactment of this Act, the
18 President shall inform Congress of the strategy and sched-
19 ule developed under subsection (a).

20 **SEC. 307. IMPROPER PAYMENTS ELIMINATION AND RECOV-**
21 **ERY ACT OF 2010 COMPLIANCE.**

22 (a) PLAN FOR COMPLIANCE.—

23 (1) IN GENERAL.—The Director of National In-
24 telligence, the Director of the Central Intelligence
25 Agency, the Director of the Defense Intelligence

1 Agency, the Director of the National Geospatial-In-
2 telligence Agency, and the Director of the National
3 Security Agency shall each develop a corrective ac-
4 tion plan, with major milestones, that delineates how
5 the Office of the Director of National Intelligence
6 and each such Agency will achieve compliance, not
7 later than September 30, 2013, with the Improper
8 Payments Elimination and Recovery Act of 2010
9 (Public Law 111–204; 124 Stat. 2224), and the
10 amendments made by that Act.

11 (2) SUBMISSION TO CONGRESS.—Not later than
12 45 days after the date of the enactment of this
13 Act—

14 (A) each Director referred to in paragraph
15 (1) shall submit to the congressional intel-
16 ligence committees the corrective action plan re-
17 quired by such paragraph; and

18 (B) the Director of the Defense Intel-
19 ligence Agency, the Director of the National
20 Geospatial-Intelligence Agency, and the Direc-
21 tor of the National Security Agency shall each
22 submit to the Committee on Armed Services of
23 the Senate and the Committee on Armed Serv-
24 ices of the House of Representatives the correc-

1 tive action plan required by paragraph (1) with
2 respect to the applicable Agency.

3 (b) REVIEW BY INSPECTORS GENERAL.—

4 (1) IN GENERAL.—Not later than 45 days after
5 the completion of a corrective action plan required
6 by subsection (a)(1), the Inspector General of each
7 Agency required to develop such a plan, and in the
8 case of the Director of National Intelligence, the In-
9 spector General of the Intelligence Community, shall
10 provide to the congressional intelligence committees
11 an assessment of such plan that includes—

12 (A) the assessment of the Inspector Gen-
13 eral of whether such Agency or Office is or is
14 not likely to reach compliance with the require-
15 ments of the Improper Payments Elimination
16 and Recovery Act of 2010 (Public Law 111-
17 204; 124 Stat. 2224), and the amendments
18 made by that Act, by September 30, 2013; and

19 (B) the basis of the Inspector General for
20 such assessment.

21 (2) ADDITIONAL SUBMISSION OF REVIEWS OF
22 CERTAIN INSPECTORS GENERAL.—Not later than 45
23 days after the completion of a corrective action plan
24 required by subsection (a)(1), the Inspector General
25 of the Defense Intelligence Agency, the Inspector

1 General of the National Geospatial-Intelligence
2 Agency, and the Inspector General of the National
3 Security Agency shall each submit to the Committee
4 on Armed Services of the Senate and the Committee
5 on Armed Services of the House of Representatives
6 the assessment of the applicable plan provided to the
7 congressional intelligence committees under para-
8 graph (1).

9 **SEC. 308. SUBCONTRACTOR NOTIFICATION PROCESS.**

10 Not later than October 1, 2013, the Director of Na-
11 tional Intelligence shall submit to the congressional intel-
12 ligence committees a report assessing the method by which
13 contractors at any tier under a contract entered into with
14 an element of the intelligence community are granted se-
15 curity clearances and notified of classified contracting op-
16 portunities within the Federal Government and rec-
17 ommendations for the improvement of such method. Such
18 report shall include—

19 (1) an assessment of the current method by
20 which contractors at any tier under a contract en-
21 tered into with an element of the intelligence com-
22 munity are notified of classified contracting opportu-
23 nities;

24 (2) an assessment of any problems that may re-
25 duce the overall effectiveness of the ability of the in-

1 intelligence community to identify appropriate contrac-
2 tors at any tier under such a contract;

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

7 (4) an assessment of the role the current secu-
8 rity clearance process has in enhancing or hindering
9 the ability of contractors at any tier under a con-
10 tract entered into with an element of the intelligence
11 community to execute classified contracts;

12 (5) a description of the method used by the Di-
13 rector of National Intelligence for assessing the ef-
14 fectiveness of the notification process of the intel-
15 ligence community to produce a talented pool of sub-
16 contractors;

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

20 (7) recommendations for improving such notifi-
21 cation process.

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

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

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

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

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

8 (b) INSPECTOR GENERAL FOR THE CENTRAL INTEL-
9 LIGENCE AGENCY.—

10 (1) IN GENERAL.—Section 17(d)(1) of the Cen-
11 tral Intelligence Agency Act of 1949 (50 U.S.C.
12 403q(d)(1)) is amended—

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

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

18 (C) by striking “Not later than the dates
19 each year provided for the transmittal of such
20 reports in section 507 of the National Security
21 Act of 1947,” and inserting “Not later than 30
22 days after the date of the receipt of such re-
23 ports,”.

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

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

5 (B) by redesignating paragraphs (2), (3),
6 and (4), as paragraphs (1), (2), and (3), re-
7 spectively.

8 **SEC. 310. REPEAL OF CERTAIN REPORTING REQUIRE-**
9 **MENTS.**

10 (a) REPEAL OF REPORTING REQUIREMENTS.—

11 (1) ACQUISITION OF TECHNOLOGY RELATING
12 TO WEAPONS OF MASS DESTRUCTION AND AD-
13 VANCED CONVENTIONAL MUNITIONS.—Section 721
14 of the Intelligence Authorization Act for Fiscal Year
15 1997 (50 U.S.C. 2366) is repealed.

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

20 (A) by striking subsections (a) and (d);

21 and

22 (B) by redesignating subsections (b) and
23 (c) as subsections (a) and (b), respectively.

24 (3) INTELLIGENCE COMMUNITY BUSINESS SYS-
25 TEMS BUDGET INFORMATION.—Section 506D of the

1 National Security Act of 1947 (50 U.S.C. 415a–6)
2 is amended by striking subsection (e).

3 (4) MEASURES TO PROTECT THE IDENTITIES
4 OF COVERT AGENTS.—Title VI of the National Security
5 Act of 1947 (50 U.S.C. 421 et seq.) is amended—
6 ed—

7 (A) by striking section 603; and

8 (B) by redesignating sections 604, 605,
9 and 606 as sections 603, 604, and 605, respec-
10 tively.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) REPORT SUBMISSION DATES.—Section 507
13 of the National Security Act of 1947 (50 U.S.C.
14 415b) is amended—

15 (A) in subsection (a)—

16 (i) in paragraph (1)—

17 (I) by striking subparagraphs
18 (A), (C), and (D);

19 (II) by redesignating subpara-
20 graphs (B), (E), (F), (G), (H), and
21 (I) as subparagraphs (A), (B), (C),
22 (D), (E), and (F), respectively; and

23 (III) in subparagraph (D), as so
24 redesignated, by striking “section

1 114(c).” and inserting “section
2 114(a).”; and

3 (ii) by amending paragraph (2) to
4 read as follows:

5 “(2) The date for the submittal to the congress-
6 sional intelligence committees of the annual report
7 on the threat of attack on the United States from
8 weapons of mass destruction required by section
9 114(b) shall be the date each year provided in sub-
10 section (c)(1)(B).”;

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

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

15 (2) TABLE OF CONTENTS OF THE NATIONAL
16 SECURITY ACT OF 1947.—The table of contents in
17 the first section of the National Security Act of
18 1947 is amended by striking the items relating to
19 sections 603, 604, 605, and 606 and inserting the
20 following new items:

“Sec. 603. Extraterritorial jurisdiction.

“Sec. 604. Providing information to Congress.

“Sec. 605. Definitions.”.

1 **TITLE IV—MATTERS RELATING**
2 **TO THE CENTRAL INTEL-**
3 **LIGENCE AGENCY**

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

5 Section 21 of the Central Intelligence Agency Act of
6 1949 (50 U.S.C. 403u) is amended as follows:

- 7 (1) In subsection (b)—
- 8 (A) in paragraph (1)—
- 9 (i) in subparagraph (B), by striking
10 “and” at the end;
- 11 (ii) in subparagraph (C), by striking
12 “program.” and inserting “program; and”;
13 and
- 14 (iii) by adding at the end the fol-
15 lowing:
- 16 “(D) authorize such providers to make known
17 their services to the entities specified in section (a)
18 through Government communication channels.”; and
- 19 (B) by adding at the end the following:
- 20 “(3) The authority in paragraph (1)(D) does not in-
21 clude the authority to distribute gifts or promotional
22 items.”; and
- 23 (2) in subsection (c)—
- 24 (A) in paragraph (2)(E), by striking “from
25 the sale or exchange of equipment or property

1 of a central service provider” and inserting
2 “from the sale or exchange of equipment, recy-
3 clable materials, or property of a central service
4 provider.”; and

5 (B) in paragraph (3)(B), by striking “sub-
6 section (f)(2)” and inserting “subsections
7 (b)(1)(D) and (f)(2)”.

8 **TITLE V—OTHER MATTERS**

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

10 There is established within the Department of Home-
11 land Security a Homeland Security Intelligence Program.
12 The Homeland Security Intelligence Program constitutes
13 the intelligence activities of the Office of Intelligence and
14 Analysis of the Department that serve predominantly de-
15 partmental missions.

16 **SEC. 502. EXTENSION OF NATIONAL COMMISSION FOR THE** 17 **REVIEW OF THE RESEARCH AND DEVELOP-** 18 **MENT PROGRAMS OF THE UNITED STATES IN-** 19 **TELLIGENCE COMMUNITY.**

20 Section 1007(a) of the Intelligence Authorization Act
21 for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C.
22 401 note) is amended by striking “Not later than one year
23 after the date on which all members of the Commission
24 are appointed pursuant to section 701(a)(3) of the Intel-

1 ligen­ce Au­thoriza­tion Act for Fi­scal Year 2010,” and in-
2 serting “Not later than March 31, 2013,”.

3 **SEC. 503. PROTECTING THE INFORMATION TECHNOLOGY**
4 **SUPPLY CHAIN OF THE UNITED STATES.**

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

9 (1) iden­tifies foreign sup­pliers of in­for­ma­tion
10 tech­nology (in­clud­ing equip­ment, soft­ware, and serv-
11 ices) that are linked di­rectly or in­di­rectly to a for-
12 eign gov­ern­ment, in­clud­ing—

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

15 (B) by ties to the in­tel­ligence ser­vices of a
16 foreign gov­ern­ment; or

17 (C) by being the ben­eficiaries of sig­nificant
18 low in­terest or no in­terest loans, loan for­give-
19 ness, or other sup­port by a foreign gov­ern­ment;
20 and

21 (2) as­sesses the vul­nerability to ma­licious activ-
22 ity, in­clud­ing cy­ber crime or es­pionage, of the tele-
23 com­mu­ni­cations net­works of the United States due
24 to the pres­ence of tech­nology pro­duced by sup­pliers
25 iden­tified under pa­ra­graph (1).

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

4 (c) TELECOMMUNICATIONS NETWORKS OF THE
5 UNITED STATES DEFINED.—In this section, the term
6 “telecommunications networks of the United States” in-
7 cludes—

8 (1) telephone systems;

9 (2) Internet systems;

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

11 (4) computer networks; and

12 (5) smart grid technology under development by
13 the Department of Energy.

14 **SEC. 504. NOTIFICATION REGARDING THE AUTHORIZED**
15 **PUBLIC DISCLOSURE OF NATIONAL INTEL-**
16 **LIGENCE.**

17 (a) NOTIFICATION.—In the event of an authorized
18 disclosure of national intelligence or intelligence related to
19 national security to the persons or entities described in
20 subsection (b), the government official responsible for au-
21 thorizing the disclosure shall submit to the congressional
22 intelligence committees on a timely basis a notification of
23 the disclosure if—

24 (1) at the time of the disclosure—

25 (A) such intelligence is classified; or

1 (B) is declassified for the purpose of the
2 disclosure; and

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

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

7 (1) Media personnel.

8 (2) Any person or entity, if the disclosure de-
9 scribed in subsection (a) is made with the intent or
10 knowledge that such information will be made pub-
11 licly available.

12 (c) CONTENT.—Each notification required under
13 subsection (a) shall—

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

16 (2) if applicable, provide the specific title and
17 authority of the individual who authorized the de-
18 classification of the intelligence disclosed; and

19 (3) describe the intelligence disclosed, including
20 the classification of the intelligence prior to its dis-
21 closure or declassification and the rationale for mak-
22 ing the disclosure.

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

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

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

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

10 (4) to any officer, employee, or contractor of
11 the Federal government or member of an advisory
12 committee to an element of the intelligence commu-
13 nity who possesses an active security clearance and
14 a need to know the specific national intelligence or
15 intelligence related to national security, as defined in
16 section 3(5) of the National Security Act of 1947
17 (50 U.S.C. 401a(5)).

18 (e) SUNSET.—The notification requirements of this
19 section shall cease to be effective for any disclosure de-
20 scribed in subsection (a) that occurs on or after the date
21 that is one year after the date of the enactment of this
22 Act.

1 **SEC. 505. TECHNICAL AMENDMENTS RELATED TO THE OF-**
2 **FICE OF THE DIRECTOR OF NATIONAL INTEL-**
3 **LIGENCE.**

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

7 “(ii)(I) the Federal Bureau of Investiga-
8 tion, the Central Intelligence Agency, the De-
9 fense Intelligence Agency, the National
10 Geospatial-Intelligence Agency, the National Se-
11 curity Agency, the Office of the Director of Na-
12 tional Intelligence, and the National Reconnaissance
13 Office; and

14 “(II) as determined by the President, any
15 executive agency or unit thereof the principal
16 function of which is the conduct of foreign in-
17 telligence or counterintelligence activities, pro-
18 vided that the determination be made prior to
19 a personnel action; or”.

20 (b) **SENIOR EXECUTIVE SERVICE.**—Section
21 3132(a)(1)(B) of title 5, United States Code, is amended
22 by inserting “the Office of the Director of National Intel-
23 ligence,” after “the Central Intelligence Agency,”.

1 **SEC. 506. TECHNICAL AMENDMENT FOR DEFINITION OF IN-**
2 **TELLIGENCE AGENCY.**

3 Section 606(5) of the National Security Act of 1947
4 (50 U.S.C. 426) is amended to read as follows:

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

8 **SEC. 507. BUDGETARY EFFECTS.**

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

Passed the Senate December 28, 2012.

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

S. 3454

AN ACT

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.