

H.R. 3979, *supra*; which was ordered to lie on the table.

SA 3992. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3979, *supra*; which was ordered to lie on the table.

SA 3993. Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities.

SA 3994. Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, *supra*.

SA 3995. Mr. SCHATZ (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4681, to authorize appropriations for fiscal years 2014 and 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.

### TEXT OF AMENDMENTS

**SA 3977.** Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. TESTER)) proposed an amendment to the bill H.R. 1204, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Aviation Security Stakeholder Participation Act of 2014”.

#### SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

##### “§ 44946. Aviation Security Advisory Committee

“(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an aviation security advisory committee.

“(b) DUTIES.—

“(1) IN GENERAL.—The Assistant Secretary shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rule-making, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

“(2) RECOMMENDATIONS.—

“(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.

“(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Assistant Secretary.

“(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—

“(A) reports on matters identified by the Assistant Secretary; and

“(B) reports on other matters identified by a majority of the members of the Advisory Committee.

“(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Sec-

retary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than 6 months after the date that the Secretary receives the annual report, the Secretary shall publish a public version describing the Advisory Committee's activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5.

“(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (4), the Assistant Secretary shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Assistant Secretary concurs, and a justification for why any of the recommendations have been rejected.

“(6) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after providing written feedback to the Advisory Committee under paragraph (5), the Assistant Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on such feedback, and provide a briefing upon request.

“(7) REPORT TO CONGRESS.—Prior to briefing the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives under paragraph (6), the Assistant Secretary shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

“(c) MEMBERSHIP.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the Assistant Secretary shall appoint the members of the Advisory Committee.

“(B) COMPOSITION.—The membership of the Advisory Committee shall consist of individuals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual's designee).

“(C) REPRESENTATION.—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

“(2) TERM OF OFFICE.—

“(A) TERMS.—The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.

“(B) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

“(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall

not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

“(4) MEETINGS.—

“(A) IN GENERAL.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

“(B) PUBLIC MEETINGS.—At least 1 of the meetings described in subparagraph (A) shall be open to the public.

“(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

“(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.—Not later than 60 days after the date of a member's appointment, the Assistant Secretary shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

“(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

“(d) SUBCOMMITTEES.—

“(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Assistant Secretary, may establish within the Advisory Committee any subcommittee that the Assistant Secretary and Advisory Committee determine to be necessary. The Assistant Secretary and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

“(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

“(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

“(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

“(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

“(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Assistant Secretary shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

“(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

“(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

“(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include

subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

“(g) DEFINITIONS.—In this section:

“(1) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the aviation security advisory committee established under subsection (a).

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration).

“(3) PERIMETER SECURITY.—

“(A) IN GENERAL.—The term ‘perimeter security’ means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

“(B) INCLUSIONS.—The term ‘perimeter security’ includes the fence area surrounding an airport, access gates, and access controls.”

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new item:

**“44946. Aviation Security Advisory Committee.”**

**SA 3978.** Mr. REID (for Ms. AYOTTE) proposed an amendment to the bill H.R. 2719, to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Transportation Security Acquisition Reform Act”.

#### **SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Transportation Security Administration has not consistently implemented Department of Homeland Security policies and Government best practices for acquisition and procurement.

(2) The Transportation Security Administration has only recently developed a multiyear technology investment plan, and has underutilized innovation opportunities within the private sector, including from small businesses.

(3) The Transportation Security Administration has faced challenges in meeting key performance requirements for several major acquisitions and procurements, resulting in reduced security effectiveness and wasted expenditures.

#### **SEC. 3. TRANSPORTATION SECURITY ADMINISTRATION ACQUISITION REFORM.**

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2312) is amended to read as follows:

#### **“TITLE XVI—TRANSPORTATION SECURITY**

##### **“Subtitle A—General Provisions**

#### **“SEC. 1601. DEFINITIONS.**

“In this title:

“(1) ADMINISTRATION.—The term ‘Administration’ means the Transportation Security Administration.

“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.

“(3) PLAN.—The term ‘Plan’ means the strategic 5-year technology investment plan developed by the Administrator under section 1611.

“(4) SECURITY-RELATED TECHNOLOGY.—The term ‘security-related technology’ means any technology that assists the Administra-

tion in the prevention of, or defense against, threats to United States transportation systems, including threats to people, property, and information.

#### **“Subtitle B—Transportation Security Administration Acquisition Improvements**

#### **“SEC. 1611. 5-YEAR TECHNOLOGY INVESTMENT PLAN.**

“(a) IN GENERAL.—The Administrator shall—

“(1) not later than 180 days after the date of the enactment of the Transportation Security Acquisition Reform Act, develop and submit to Congress a strategic 5-year technology investment plan, that may include a classified addendum to report sensitive transportation security risks, technology vulnerabilities, or other sensitive security information; and

“(2) to the extent possible, publish the Plan in an unclassified format in the public domain.

“(b) CONSULTATION.—The Administrator shall develop the Plan in consultation with—

“(1) the Under Secretary for Management;

“(2) the Under Secretary for Science and Technology;

“(3) the Chief Information Officer; and

“(4) the aviation industry stakeholder advisory committee established by the Administrator.

“(c) APPROVAL.—The Administrator may not publish the Plan under subsection (a)(2) until it has been approved by the Secretary.

“(d) CONTENTS OF PLAN.—The Plan shall include—

“(1) an analysis of transportation security risks and the associated capability gaps that would be best addressed by security-related technology, including consideration of the most recent quadrennial homeland security review under section 707;

“(2) a set of security-related technology acquisition needs that—

“(A) is prioritized based on risk and associated capability gaps identified under paragraph (1); and

“(B) includes planned technology programs and projects with defined objectives, goals, timelines, and measures;

“(3) an analysis of current and forecast trends in domestic and international passenger travel;

“(4) an identification of currently deployed security-related technologies that are at or near the end of their lifecycles;

“(5) an identification of test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines necessary to support the acquisition of the security-related technologies expected to meet the needs under paragraph (2);

“(6) an identification of opportunities for public-private partnerships, small and disadvantaged company participation, intragovernment collaboration, university centers of excellence, and national laboratory technology transfer;

“(7) an identification of the Administration’s acquisition workforce needs for the management of planned security-related technology acquisitions, including consideration of leveraging acquisition expertise of other Federal agencies;

“(8) an identification of the security resources, including information security resources, that will be required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack;

“(9) an identification of initiatives to streamline the Administration’s acquisition process and provide greater predictability and clarity to small, medium, and large businesses, including the timeline for testing and evaluation;

“(10) an assessment of the impact to commercial aviation passengers;

“(11) a strategy for consulting airport management, air carrier representatives, and

Federal security directors whenever an acquisition will lead to the removal of equipment at airports, and how the strategy for consulting with such officials of the relevant airports will address potential negative impacts on commercial passengers or airport operations; and

“(12) in consultation with the National Institutes of Standards and Technology, an identification of security-related technology interface standards, in existence or if implemented, that could promote more interoperable passenger, baggage, and cargo screening systems.

“(e) LEVERAGING THE PRIVATE SECTOR.—To the extent possible, and in a manner that is consistent with fair and equitable practices, the Plan shall—

“(1) leverage emerging technology trends and research and development investment trends within the public and private sectors;

“(2) incorporate private sector input, including from the aviation industry stakeholder advisory committee established by the Administrator, through requests for information, industry days, and other innovative means consistent with the Federal Acquisition Regulation; and

“(3) in consultation with the Under Secretary for Science and Technology, identify technologies in existence or in development that, with or without adaptation, are expected to be suitable to meeting mission needs.

“(f) DISCLOSURE.—The Administrator shall include with the Plan a list of nongovernment persons that contributed to the writing of the Plan.

“(g) UPDATE AND REPORT.—Beginning 2 years after the date the Plan is submitted to Congress under subsection (a), and biennially thereafter, the Administrator shall submit to Congress—

“(1) an update of the Plan; and

“(2) a report on the extent to which each security-related technology acquired by the Administration since the last issuance or update of the Plan is consistent with the planned technology programs and projects identified under subsection (d)(2) for that security-related technology.

#### **“SEC. 1612. ACQUISITION JUSTIFICATION AND REPORTS.**

“(a) ACQUISITION JUSTIFICATION.—Before the Administration implements any security-related technology acquisition, the Administrator, in accordance with the Department’s policies and directives, shall determine whether the acquisition is justified by conducting an analysis that includes—

“(1) an identification of the scenarios and level of risk to transportation security from those scenarios that would be addressed by the security-related technology acquisition;

“(2) an assessment of how the proposed acquisition aligns to the Plan;

“(3) a comparison of the total expected lifecycle cost against the total expected quantitative and qualitative benefits to transportation security;

“(4) an analysis of alternative security solutions, including policy or procedure solutions, to determine if the proposed security-related technology acquisition is the most effective and cost-efficient solution based on cost-benefit considerations;

“(5) an assessment of the potential privacy and civil liberties implications of the proposed acquisition that includes, to the extent practicable, consultation with organizations that advocate for the protection of privacy and civil liberties;

“(6) a determination that the proposed acquisition is consistent with fair information

practice principles issued by the Privacy Officer of the Department;

“(7) confirmation that there are no significant risks to human health or safety posed by the proposed acquisition; and

“(8) an estimate of the benefits to commercial aviation passengers.

“(b) REPORTS AND CERTIFICATION TO CONGRESS.—

“(1) IN GENERAL.—Not later than the end of the 30-day period preceding the award by the Administration of a contract for any security-related technology acquisition exceeding \$30,000,000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives—

“(A) the results of the comprehensive acquisition justification under subsection (a); and

“(B) a certification by the Administrator that the benefits to transportation security justify the contract cost.

“(2) EXTENSION DUE TO IMMINENT TERRORIST THREAT.—If there is a known or suspected imminent threat to transportation security, the Administrator—

“(A) may reduce the 30-day period under paragraph (1) to 5 days to rapidly respond to the threat; and

“(B) shall immediately notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives of the known or suspected imminent threat.

#### “SEC. 1613. ACQUISITION BASELINE ESTABLISHMENT AND REPORTS.

“(a) BASELINE REQUIREMENTS.—

“(1) IN GENERAL.—Before the Administration implements any security-related technology acquisition, the appropriate acquisition official of the Department shall establish and document a set of formal baseline requirements.

“(2) CONTENTS.—The baseline requirements under paragraph (1) shall—

“(A) include the estimated costs (including lifecycle costs), schedule, and performance milestones for the planned duration of the acquisition;

“(B) identify the acquisition risks and a plan for mitigating those risks; and

“(C) assess the personnel necessary to manage the acquisition process, manage the ongoing program, and support training and other operations as necessary.

“(3) FEASIBILITY.—In establishing the performance milestones under paragraph (2)(A), the appropriate acquisition official of the Department, to the extent possible and in consultation with the Under Secretary for Science and Technology, shall ensure that achieving those milestones is technologically feasible.

“(4) TEST AND EVALUATION PLAN.—The Administrator, in consultation with the Under Secretary for Science and Technology, shall develop a test and evaluation plan that describes—

“(A) the activities that are expected to be required to assess acquired technologies against the performance milestones established under paragraph (2)(A);

“(B) the necessary and cost-effective combination of laboratory testing, field testing, modeling, simulation, and supporting analysis to ensure that such technologies meet the Administration's mission needs;

“(C) an efficient planning schedule to ensure that test and evaluation activities are completed without undue delay; and

“(D) if commercial aviation passengers are expected to interact with the security-related technology, methods that could be used to measure passenger acceptance of and fa-

miliarization with the security-related technology.

“(5) VERIFICATION AND VALIDATION.—The appropriate acquisition official of the Department—

“(A) subject to subparagraph (B), shall utilize independent reviewers to verify and validate the performance milestones and cost estimates developed under paragraph (2) for a security-related technology that pursuant to section 1611(d)(2) has been identified as a high priority need in the most recent Plan; and

“(B) shall ensure that the use of independent reviewers does not unduly delay the schedule of any acquisition.

“(6) STREAMLINING ACCESS FOR INTERESTED VENDORS.—The Administrator shall establish a streamlined process for an interested vendor of a security-related technology to request and receive appropriate access to the baseline requirements and test and evaluation plans that are necessary for the vendor to participate in the acquisitions process for that technology.

“(b) REVIEW OF BASELINE REQUIREMENTS AND DEVIATION; REPORT TO CONGRESS.—

“(1) REVIEW.—

“(A) IN GENERAL.—The appropriate acquisition official of the Department shall review and assess each implemented acquisition to determine if the acquisition is meeting the baseline requirements established under subsection (a).

“(B) TEST AND EVALUATION ASSESSMENT.—The review shall include an assessment of whether—

“(i) the planned testing and evaluation activities have been completed; and

“(ii) the results of that testing and evaluation demonstrate that the performance milestones are technologically feasible.

“(2) REPORT.—Not later than 30 days after making a finding described in clause (i), (ii), or (iii) of subparagraph (A), the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

“(A) the results of any assessment that finds that—

“(i) the actual or planned costs exceed the baseline costs by more than 10 percent;

“(ii) the actual or planned schedule for delivery has been delayed by more than 180 days; or

“(iii) there is a failure to meet any performance milestone that directly impacts security effectiveness;

“(B) the cause for such excessive costs, delay, or failure; and

“(C) a plan for corrective action.

#### “SEC. 1614. INVENTORY UTILIZATION.

“(a) IN GENERAL.—Before the procurement of additional quantities of equipment to fulfill a mission need, the Administrator, to the extent practicable, shall utilize any existing units in the Administration's inventory to meet that need.

“(b) TRACKING OF INVENTORY.—

“(1) IN GENERAL.—The Administrator shall establish a process for tracking—

“(A) the location of security-related equipment in the inventory under subsection (a);

“(B) the utilization status of security-related technology in the inventory under subsection (a); and

“(C) the quantity of security-related equipment in the inventory under subsection (a).

“(2) INTERNAL CONTROLS.—The Administrator shall implement internal controls to ensure up-to-date accurate data on security-related technology owned, deployed, and in use.

“(c) LOGISTICS MANAGEMENT.—

“(1) IN GENERAL.—The Administrator shall establish logistics principles for managing

inventory in an effective and efficient manner.

“(2) LIMITATION ON JUST-IN-TIME LOGISTICS.—The Administrator may not use just-in-time logistics if doing so—

“(A) would inhibit necessary planning for large-scale delivery of equipment to airports or other facilities; or

“(B) would unduly diminish surge capacity for response to a terrorist threat.

#### “SEC. 1615. SMALL BUSINESS CONTRACTING GOALS.

“Not later than 90 days after the date of enactment of the Transportation Security Acquisition Reform Act, and annually thereafter, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

“(1) the Administration's performance record with respect to meeting its published small-business contracting goals during the preceding fiscal year;

“(2) if the goals described in paragraph (1) were not met or the Administration's performance was below the published small-business contracting goals of the Department—

“(A) a list of challenges, including deviations from the Administration's subcontracting plans, and factors that contributed to the level of performance during the preceding fiscal year;

“(B) an action plan, with benchmarks, for addressing each of the challenges identified in subparagraph (A) that—

“(i) is prepared after consultation with the Secretary of Defense and the heads of Federal departments and agencies that achieved their published goals for prime contracting with small and minority-owned businesses, including small and disadvantaged businesses, in prior fiscal years; and

“(ii) identifies policies and procedures that could be incorporated by the Administration in furtherance of achieving the Administration's published goal for such contracting; and

“(3) a status report on the implementation of the action plan that was developed in the preceding fiscal year in accordance with paragraph (2)(B), if such a plan was required.

#### “SEC. 1616. CONSISTENCY WITH THE FEDERAL ACQUISITION REGULATION AND DEPARTMENTAL POLICIES AND DIRECTIVES.

“The Administrator shall execute the responsibilities set forth in this subtitle in a manner consistent with, and not duplicative of, the Federal Acquisition Regulation and the Department's policies and directives.”

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the items relating to title XVI and inserting the following:

#### “TITLE XVI—TRANSPORTATION SECURITY

##### “Subtitle A—General Provisions

“Sec. 1601. Definitions.

“Subtitle B—Transportation Security Administration Acquisition Improvements

“Sec. 1611. 5-year technology investment plan.

“Sec. 1612. Acquisition justification and reports.

“Sec. 1613. Acquisition baseline establishment and reports.

“Sec. 1614. Inventory utilization.

“Sec. 1615. Small business contracting goals.

“Sec. 1616. Consistency with the Federal acquisition regulation and departmental policies and directives.”

(c) PRIOR AMENDMENTS NOT AFFECTED.—Nothing in this section may be construed to

affect any amendment made by title XVI of the Homeland Security Act of 2002 as in effect before the date of enactment of this Act.

#### SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains an assessment of the Transportation Security Administration's implementation of recommendations regarding the acquisition of security-related technology that were made by the Government Accountability Office before the date of the enactment of this Act.

(b) IMPLEMENTATION OF SUBTITLE B OF TITLE XVI.—Not later than 1 year after the date of enactment of this Act and 3 years thereafter, the Comptroller General of the United States shall submit a report to Congress that contains an evaluation of the Transportation Security Administration's progress in implementing subtitle B of title XVI of the Homeland Security Act of 2002, as amended by section 3, including any efficiencies, cost savings, or delays that have resulted from such implementation.

#### SEC. 5. REPORT ON FEASIBILITY OF INVENTORY TRACKING.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit a report to Congress on the feasibility of tracking security-related technology, including software solutions, of the Administration through automated information and data capture technologies.

#### SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF TSA'S TEST AND EVALUATION PROCESS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that includes—

(1) an evaluation of the Transportation Security Administration's testing and evaluation activities related to security-related technology;

(2) information on the extent to which—

(A) the execution of such testing and evaluation activities is aligned, temporally and otherwise, with the Administration's annual budget request, acquisition needs, planned procurements, and acquisitions for technology programs and projects; and

(B) security-related technology that has been tested, evaluated, and certified for use by the Administration but was not procured by the Administration, including the reasons the procurement did not occur; and

(3) recommendations—

(A) to improve the efficiency and efficacy of such testing and evaluation activities; and

(B) to better align such testing and evaluation with the acquisitions process.

#### SEC. 7. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act.

**SA 3979.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

#### Subtitle J—Uniform Code of Military Justice Reform

##### SEC. 596. SHORT TITLE.

This subtitle may be cited as the “Military Justice Improvement Act of 2014”.

##### SEC. 597. MODIFICATION OF AUTHORITY TO DETERMINE TO PROCEED TO TRIAL BY COURT-MARTIAL ON CHARGES ON CERTAIN OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—

(A) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3), the Secretary of Defense shall require the Secretaries of the military departments to provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(B) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(2) COVERED OFFENSES.—An offense specified in this paragraph is an offense as follows:

(A) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(B) An offense under section 892a of title 10, United States Code (article 92a of the Uniform Code of Military Justice), as added by section 599B of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(C) An offense under section 907a of title 10, United States Code (article 107a of the Uniform Code of Military Justice), as added by section 599C of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(D) A conspiracy to commit an offense specified in subparagraph (A) through (C) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(E) A solicitation to commit an offense specified in subparagraph (A) through (C) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(F) An attempt to commit an offense specified in subparagraphs (A) through (E) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(3) EXCLUDED OFFENSES.—Paragraph (1) does not apply to an offense as follows:

(A) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(B) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(C) A conspiracy to commit an offense specified in subparagraph (A) or (B) as punishable under section 881 of title 10, United

States Code (article 81 of the Uniform Code of Military Justice).

(D) A solicitation to commit an offense specified in subparagraph (A) or (B) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(E) An attempt to commit an offense specified in subparagraph (A) through (D) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(4) REQUIREMENTS AND LIMITATIONS.—The disposition of charges pursuant to paragraph (1) shall be subject to the following:

(A) The determination whether to try such charges by court-martial shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O-6 or higher who—

(i) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(ii) have significant experience in trials by general or special court-martial; and

(iii) are outside the chain of command of the member subject to such charges.

(B) Upon a determination under subparagraph (A) to try such charges by court-martial, the officer making that determination shall determine whether to try such charges by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(C) A determination under subparagraph (A) to try charges by court-martial shall include a determination to try all known offenses, including lesser included offenses.

(D) The determination to try such charges by court-martial under subparagraph (A), and by type of court-martial under subparagraph (B), shall be binding on any applicable convening authority for a trial by court-martial on such charges.

(E) The actions of an officer described in subparagraph (A) in determining under that subparagraph whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion.

(F) The determination under subparagraph (A) not to proceed to trial of such charges by general or special court-martial shall not operate to terminate or otherwise alter the authority of commanding officers to refer such charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(5) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this subsection shall be construed to alter or affect the disposition of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(6) POLICIES AND PROCEDURES.—

(A) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this subsection.

(B) **UNIFORMITY.**—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this paragraph in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(7) **MANUAL FOR COURTS-MARTIAL.**—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this subsection.

(b) **EFFECTIVE DATE AND APPLICABILITY.**—Subsection (a), and the revisions required by that subsection, shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to charges preferred under section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), on or after such effective date.

**SEC. 598. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL.**

(a) **IN GENERAL.**—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

“(8) the officers in the offices established pursuant to section 598(c) of the Military Justice Improvement Act of 2014 or officers in the grade of O-6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, but only with respect to offenses to which section 597(a)(1) of the Military Justice Improvement Act of 2014 applies;”.

(b) **NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.**—Such section (article) is further amended by adding at the end the following new subsection:

“(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.”.

(c) **OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.**—

(1) **OFFICES REQUIRED.**—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10, United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section 592(a)(1) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) **PERSONNEL.**—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and

personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence on the date of the enactment of this Act.

**SEC. 599. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.**

(a) **IN GENERAL.**—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections 597 and 598 (and the amendments made by section 598) using personnel, funds, and resources otherwise authorized by law.

(b) **NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.**—Sections 597 and 598 (and the amendments made by section 598) shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

**SEC. 599A. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES ON COURTS-MARTIAL BY INDEPENDENT PANEL ON REVIEW AND ASSESSMENT OF PROCEEDINGS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

Section 576(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1762) is amended—

(1) by redesignating subparagraph (J) as subparagraph (K); and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

“(J) Monitor and assess the implementation and efficacy of sections 597 through 599 of the Military Justice Improvement Act of 2014, and the amendments made by such sections.”.

**SEC. 599B. EXPLICIT CODIFICATION OF RETALIATION FOR REPORTING A CRIME AS AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) **IN GENERAL.**—Section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), is amended by inserting “, or retaliating against any person subject to his order for reporting a criminal offense,” after “any person subject to his orders”.

(b) **CONFORMING AMENDMENTS.**—

(1) **SECTION (ARTICLE) HEADING.**—The heading of such section (article) is amended to read as follows:

“§ 893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime”.

(2) **TABLE OF SECTIONS (ARTICLES).**—The table of sections at the beginning of subchapter X of chapter 47 of such title is amended by striking the item relating to section 893 (article 93) and inserting the following new item:

“893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime.”.

(c) **REPEAL OF SUPERSEDED PROHIBITION.**—Section 1709 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 962; 10 U.S.C. 113 note) is repealed.

**SEC. 599C. ESTABLISHMENT OF OBSTRUCTION OF JUSTICE AS A SEPARATE OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) **PUNITIVE ARTICLE.**—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 907 (article 107) the following new section (article):

“§ 907a. Art. 107a. Obstruction of justice

“Any person subject to this chapter who wrongfully does a certain act with the intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct. ex-

cept that the maximum punishment authorized for such offense may not exceed dishonorable discharge, forfeiture of all pay and allowances, and confinement for not more than five years.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter X of chapter 47 of such title, as amended by section 599B(b)(2) of this Act, is further amended by inserting after the item relating to section 907 (article 107) the following new item:

“907a. Art. 107a. Obstruction of justice.”.

**SA 3980.** Mr. BROWN (for himself, Mr. PORTMAN, Mr. ROCKEFELLER, Mr. CASEY, Mr. SCHUMER, Ms. STABENOW, Mr. CARDIN, Mr. DONNELLY, Ms. BALDWIN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill H.R. 5771, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 4 and 5, insert the following:

**SEC. 101. EXTENSION OF HEALTH CARE TAX CREDIT.**

(a) **IN GENERAL.**—Subparagraph (B) of section 35(b)(1) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to coverage months beginning after December 31, 2013.

**SA 3981.** Mr. BEGICH proposed an amendment to the bill S. 1474, to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.**

Section 910 of the Violence Against Women Reauthorization Act of 2013 (18 U.S.C. 2265 note; Public Law 113-4) is repealed.

**SA 3982.** Mr. BEGICH proposed an amendment to the bill S. 1474, to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes; as follows:

Amend the title so as to read: “A bill to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes.”.

**SA 3983.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**Subtitle J—Uniform Code of Military Justice Reform**

**SEC. 596. SHORT TITLE.**

This subtitle may be cited as the “Military Justice Improvement Act of 2014”.

**SEC. 597. MODIFICATION OF AUTHORITY TO DETERMINE TO PROCEED TO TRIAL BY COURT-MARTIAL ON CHARGES ON CERTAIN OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.**

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—

(A) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3), the Secretary of Defense shall require the Secretaries of the military departments to provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(B) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(2) COVERED OFFENSES.—An offense specified in this paragraph is an offense as follows:

(A) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(B) An offense of retaliation for reporting a crime under section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), as amended by section 599B of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(C) An offense under section 907a of title 10, United States Code (article 107a of the Uniform Code of Military Justice), as added by section 599C of this Act, regardless of the maximum punishment authorized under that chapter for such offense.

(D) A conspiracy to commit an offense specified in subparagraph (A) through (C) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(E) A solicitation to commit an offense specified in subparagraph (A) through (C) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(F) An attempt to commit an offense specified in subparagraphs (A) through (E) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(3) EXCLUDED OFFENSES.—Paragraph (1) does not apply to an offense as follows:

(A) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(B) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(C) A conspiracy to commit an offense specified in subparagraph (A) or (B) as pun-

ishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(D) A solicitation to commit an offense specified in subparagraph (A) or (B) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(E) An attempt to commit an offense specified in subparagraph (A) through (D) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(4) REQUIREMENTS AND LIMITATIONS.—The disposition of charges pursuant to paragraph (1) shall be subject to the following:

(A) The determination whether to try such charges by court-martial shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O-6 or higher who—

(i) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(ii) have significant experience in trials by general or special court-martial; and

(iii) are outside the chain of command of the member subject to such charges.

(B) Upon a determination under subparagraph (A) to try such charges by court-martial, the officer making that determination shall determine whether to try such charges by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(C) A determination under subparagraph (A) to try charges by court-martial shall include a determination to try all known offenses, including lesser included offenses.

(D) The determination to try such charges by court-martial under subparagraph (A), and by type of court-martial under subparagraph (B), shall be binding on any applicable convening authority for a trial by court-martial on such charges.

(E) The actions of an officer described in subparagraph (A) in determining under that subparagraph whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion.

(F) The determination under subparagraph (A) not to proceed to trial of such charges by general or special court-martial shall not operate to terminate or otherwise alter the authority of commanding officers to refer such charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(5) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this subsection shall be construed to alter or affect the disposition of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(6) POLICIES AND PROCEDURES.—

(A) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and

procedures as necessary to comply with this subsection.

(B) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this paragraph in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(7) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this subsection.

(b) EFFECTIVE DATE AND APPLICABILITY.—Subsection (a), and the revisions required by that subsection, shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to charges preferred under section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), on or after such effective date.

**SEC. 598. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL.**

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

“(8) the officers in the offices established pursuant to section 598(c) of the Military Justice Improvement Act of 2014 or officers in the grade of O-6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, but only with respect to offenses to which section 597(a)(1) of the Military Justice Improvement Act of 2014 applies.”.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

“(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.”.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10, United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section 592(a)(1) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) PERSONNEL.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or



Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence on the date of the enactment of this Act.

**SEC. 599. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.**

(a) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections 597 and 598 (and the amendments made by section 598) using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections 597 and 598 (and the amendments made by section 598) shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

**SEC. 599A. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES ON COURTS-MARTIAL BY INDEPENDENT PANEL ON REVIEW AND ASSESSMENT OF PROCEEDINGS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

Section 576(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1762) is amended—

(1) by redesignating subparagraph (J) as subparagraph (K); and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

“(J) Monitor and assess the implementation and efficacy of sections 597 through 599 of the Military Justice Improvement Act of 2014, and the amendments made by such sections.”.

**SEC. 599B. EXPLICIT CODIFICATION OF RETALIATION FOR REPORTING A CRIME AS AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) IN GENERAL.—Section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), is amended by inserting “, or retaliating against any person subject to his orders for reporting a criminal offense,” after “any person subject to his orders”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION (ARTICLE) HEADING.—The heading of such section (article) is amended to read as follows:

**“§ 893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime”.**

(2) TABLE OF SECTIONS (ARTICLES).—The table of sections at the beginning of subchapter X of chapter 47 of such title is amended by striking the item relating to section 893 (article 93) and inserting the following new item:

“893. Art. 93. Cruelty and maltreatment; retaliation for reporting a crime.”.

(c) REPEAL OF SUPERSEDED PROHIBITION.—Section 1709 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 962; 10 U.S.C. 113 note) is repealed.

**SEC. 599C. ESTABLISHMENT OF OBSTRUCTION OF JUSTICE AS A SEPARATE OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) PUNITIVE ARTICLE.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 907 (article 107) the following new section (article):

**“§ 907a. Art. 107a. Obstruction of justice**

“Any person subject to this chapter who wrongfully does a certain act with the intent to influence, impede, or otherwise obstruct the due administration of justice shall be

punished as a court-martial may direct, except that the maximum punishment authorized for such offense may not exceed dishonorable discharge, forfeiture of all pay and allowances, and confinement for not more than five years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of such title, as amended by section 599B(b)(2) of this Act, is further amended by inserting after the item relating to section 907 (article 107) the following new item:

“907a. Art. 107a. Obstruction of justice.”.

**SA 3984.** Mr. REID proposed an amendment to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

**SA 3985.** Mr. REID proposed an amendment to amendment SA 3984 proposed by Mr. REID to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike “1 day” and insert “2 days”.

**SA 3986.** Mr. REID proposed an amendment to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

**SA 3987.** Mr. REID proposed an amendment to amendment SA 3986 proposed by Mr. REID to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike “3 days” and insert “4 days”.

**SA 3988.** Mr. REID proposed an amendment to amendment SA 3987 proposed by Mr. REID to the amendment SA 3986 proposed by Mr. REID to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike “4” and insert “5”.

**SA 3989.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 1209.

**SA 3990.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1080. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) The total amount of all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of the contribution;

(B) a description of the contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for the contribution;

(D) the purpose of the contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving the contribution.

(c) SCOPE OF INITIAL REPORT.—The first report required under subsection (a) shall include the information required under this section for the previous four fiscal years.

(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting a report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of the report on a text-based, searchable, and publicly available Internet website.

**SA 3991.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient

Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of section 1535, add the following:

(f) **LIMITATION ON USE OF CERTAIN FUNDS PENDING CERTIFICATION ON DEFENSE BUDGETS OF NATO EUROPEAN ALLIES.**—Funds available for the European Reassurance Initiative, other than funds covered by subsection (b)(1), may not be used for purposes described in subsection (a) unless, not later than 10 days before the commencement of the expenditure of such funds for such purposes, the President certifies to Congress in writing that the North Atlantic Treaty Organization (NATO) allies in Europe are—

(1) appropriately prioritizing current defense resources towards deterring aggression by the Russian Federation; and

(2) taking steps—

(A) to reverse declining defense spending, as most recently agreed to in the Wales Summit Declaration issued on September 5, 2014; and

(B) to increase defense spending towards the goal of defense spending in an amount equal to two-percent of gross domestic product (GDP).

**SA 3992.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike title XXX.

**SA 3993.** Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities; as follows:

On page 6, beginning on line 14, strike “events; and” and all that follows through “(8) supports” on line 15 and insert the following: “events;

(8) clarifies that nothing in this resolution shall be construed as an authorization for the use of force or a declaration of war; and (9) supports

**SA 3994.** Mr. SCHATZ (for Mr. COONS) proposed an amendment to the resolution S. Res. 413, recognizing 20 years since the genocide in Rwanda, and affirming it is in the national interest of the United States to work in close coordination with international partners to help prevent and mitigate acts of genocide and mass atrocities; as follows:

Amend the twelfth whereas clause of the preamble to read as follows:

Whereas, in September 2005, the United States joined other members of the United Nations in adopting United Nations General Assembly Resolution 60/1, which affirmed that the international community has a responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity;

**SA 3995.** Mr. SCHATZ (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4681, to authorize appropriations for fiscal years 2014 and 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; as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2015”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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. National intelligence strategy.

Sec. 304. Software licensing.

Sec. 305. Reporting of certain employment activities by former intelligence officers and employees.

Sec. 306. Inclusion of Predominantly Black Institutions in intelligence officer training program.

Sec. 307. Management and oversight of financial intelligence.

Sec. 308. Analysis of private sector policies and procedures for countering insider threats.

Sec. 309. Procedures for the retention of incidentally acquired communications.

Sec. 310. Clarification of limitation of review to retaliatory security clearance or access determinations.

Sec. 311. Feasibility study on consolidating classified databases of cyber threat indicators and malware samples.

Sec. 312. Sense of Congress on cybersecurity threat and cybercrime cooperation with Ukraine.

Sec. 313. Replacement of locally employed staff serving at United States diplomatic facilities in the Russian Federation.

Sec. 314. Inclusion of Sensitive Compartmented Information Facilities in United States diplomatic facilities in the Russian Federation and adjacent countries.

##### **Subtitle B—Reporting**

Sec. 321. Report on declassification process.

Sec. 322. Report on intelligence community efficient spending targets.

Sec. 323. Annual report on violations of law or executive order.

Sec. 324. Annual report on intelligence activities of the Department of Homeland Security.

Sec. 325. Report on political prison camps in North Korea.

Sec. 326. Assessment of security of domestic oil refineries and related rail transportation infrastructure.

Sec. 327. Enhanced contractor level assessments for the intelligence community.

Sec. 328. Assessment of the efficacy of memoranda of understanding to facilitate intelligence-sharing.

Sec. 329. Report on foreign man-made electromagnetic pulse weapons.

Sec. 330. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda and its affiliated or associated groups.

Sec. 331. Feasibility study on retraining veterans in cybersecurity.

#### **SEC. 2. DEFINITIONS.**

In this Act:

(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” means—

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

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

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

#### **SEC. 3. BUDGETARY EFFECTS.**

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

#### **TITLE I—INTELLIGENCE ACTIVITIES**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2015 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

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

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.**—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2015, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4681 of the One Hundred Thirteenth Congress.



(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

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

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

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

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

(C) as otherwise required by law.

#### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2015 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

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

(2) a reserve corps or as a reemployed annuitant; or

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

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

#### SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2015 the sum of \$507,400,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2016.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 794 positions as of September 30, 2015. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are

authorized to be appropriated for the Community Management Account for fiscal year 2015 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2016.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2015, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

#### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2015 the sum of \$514,000,000.

### TITLE III—GENERAL PROVISIONS

#### Subtitle A—General Matters

#### SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

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

#### SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

#### SEC. 303. NATIONAL INTELLIGENCE STRATEGY.

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

##### “SEC. 108A. NATIONAL INTELLIGENCE STRATEGY.

“(a) IN GENERAL.—Beginning in 2017, and once every 4 years thereafter, the Director of National Intelligence shall develop a comprehensive national intelligence strategy to meet national security objectives for the following 4-year period, or a longer period, if appropriate.

“(b) REQUIREMENTS.—Each national intelligence strategy required by subsection (a) shall—

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

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

“(B) the strategic plans of other relevant departments and agencies of the United States; and

“(C) other relevant national-level plans;

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

“(3) identify the major national security missions that the intelligence community is currently pursuing and will pursue in the future to meet the anticipated security environment;

“(4) describe how the intelligence community will utilize personnel, technology, partnerships, and other capabilities to pursue the major national security missions identified in paragraph (3);

“(5) assess current, emerging, and future threats to the intelligence community, including threats from foreign intelligence and security services and insider threats;

“(6) outline the organizational roles and missions of the elements of the intelligence community as part of an integrated enterprise to meet customer demands for intelligence products, services, and support;

“(7) identify sources of strategic, institutional, programmatic, fiscal, and technological risk; and

“(8) analyze factors that may affect the intelligence community's performance in pursuing the major national security missions identified in paragraph (3) during the following 10-year period.

“(c) SUBMISSION TO CONGRESS.—The Director of National Intelligence shall submit to the congressional intelligence committees a report on each national intelligence strategy required by subsection (a) not later than 45 days after the date of the completion of such strategy.”.

(b) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 108 the following new item:

“Sec. 108A. National intelligence strategy.”.

#### SEC. 304. SOFTWARE LICENSING.

Section 109 of the National Security Act of 1947 (50 U.S.C. 3044) is amended—

(1) in subsection (a)(2), by striking “usage; and” and inserting “usage, including—

“(A) increasing the centralization of the management of software licenses;

“(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

“(C) analyzing software license data to inform investment decisions; and

“(D) providing appropriate personnel with sufficient software licenses management training; and”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “; and” and inserting a semicolon;

(B) in paragraph (2), by striking “usage.” and inserting “usage, including—

“(A) increasing the centralization of the management of software licenses;

“(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

“(C) analyzing software license data to inform investment decisions; and

“(D) providing appropriate personnel with sufficient software licenses management training; and”;

(C) by adding at the end the following new paragraph:

“(3) based on the assessment required under paragraph (2), make such recommendations with respect to software procurement and usage to the Director of National Intelligence as the Chief Information Officer considers appropriate.”; and

(3) by adding at the end the following new subsection:

“(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 180 days after the date on which the Director of National Intelligence receives recommendations from the Chief Information Officer of the Intelligence Community in accordance with subsection (b)(3), the Director of National Intelligence shall, to the extent practicable, issue guidelines for the intelligence community on software procurement and usage based on such recommendations.”.

#### SEC. 305. REPORTING OF CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.

(a) RESTRICTION.—Title III of the National Security Act of 1947 (50 U.S.C. 3071 et seq.) is amended by inserting after section 303 the following new section:

**“SEC. 304. REPORTING OF CERTAIN EMPLOYMENT ACTIVITIES BY FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.**

“(a) IN GENERAL.—The head of each element of the intelligence community shall issue regulations requiring each employee of such element occupying a covered position to sign a written agreement requiring the regular reporting of covered employment to the head of such element.

“(b) AGREEMENT ELEMENTS.—The regulations required under subsection (a) shall provide that an agreement contain provisions requiring each employee occupying a covered position to, during the two-year period beginning on the date on which such employee ceases to occupy such covered position—

“(1) report covered employment to the head of the element of the intelligence community that employed such employee in such covered position upon accepting such covered employment; and

“(2) annually (or more frequently if the head of such element considers it appropriate) report covered employment to the head of such element.

“(c) DEFINITIONS.—In this section:

“(1) COVERED EMPLOYMENT.—The term ‘covered employment’ means direct employment by, representation of, or the provision of advice relating to national security to the government of a foreign country or any person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country.

“(2) COVERED POSITION.—The term ‘covered position’ means a position within an element of the intelligence community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

“(3) GOVERNMENT OF A FOREIGN COUNTRY.—The term ‘government of a foreign country’ has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).”

(b) REGULATIONS AND CERTIFICATION.—

(1) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall issue the regulations required under section 304 of the National Security Act of 1947, as added by subsection (a) of this section.

(2) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees—

(A) a certification that each head of an element of the intelligence community has prescribed the regulations required under section 304 of the National Security Act of 1947, as added by subsection (a) of this section; or

(B) if the Director is unable to submit the certification described under subparagraph (A), an explanation as to why the Director is unable to submit such certification, including a designation of which heads of an element of the intelligence community have prescribed the regulations required under such section 304 and which have not.

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 is amended—

(1) by striking the second item relating to section 302 (Under Secretaries and Assistant Secretaries) and the items relating to sections 304, 305, and 306; and

(2) by inserting after the item relating to section 303 the following new item:

“Sec. 304. Reporting of certain employment activities by former intelligence officers and employees.”

**SEC. 306. INCLUSION OF PREDOMINANTLY BLACK INSTITUTIONS IN INTELLIGENCE OFFICER TRAINING PROGRAM.**

Section 1024 of the National Security Act of 1947 (50 U.S.C. 3224) is amended—

(1) in subsection (c)(1), by inserting “and Predominantly Black Institutions” after “universities”; and

(2) in subsection (g)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

“(4) PREDOMINANTLY BLACK INSTITUTION.—The term ‘Predominantly Black Institution’ has the meaning given the term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).”

**SEC. 307. MANAGEMENT AND OVERSIGHT OF FINANCIAL INTELLIGENCE.**

(a) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall prepare a plan for management of the elements of the intelligence community that carry out financial intelligence activities.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall establish a governance framework, procedures for sharing and harmonizing the acquisition and use of financial analytic tools, standards for quality of analytic products, procedures for oversight and evaluation of resource allocations associated with the joint development of information sharing efforts and tools, and an education and training model for elements of the intelligence community that carry out financial intelligence activities.

(c) BRIEFING TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall brief the congressional intelligence committees on the actions the Director proposes to implement the plan required by subsection (a).

**SEC. 308. ANALYSIS OF PRIVATE SECTOR POLICIES AND PROCEDURES FOR COUNTERING INSIDER THREATS.**

(a) ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the National Counterintelligence Executive, shall submit to the congressional intelligence committees an analysis of private sector policies and procedures for countering insider threats.

(b) CONTENT.—The analysis required by subsection (a) shall include—

(1) a review of whether and how the intelligence community could utilize private sector hiring and human resources best practices to screen, vet, and validate the credentials, capabilities, and character of applicants for positions involving trusted access to sensitive information;

(2) an analysis of private sector policies for holding supervisors and subordinates accountable for violations of established security protocols and whether the intelligence community should adopt similar policies for positions of trusted access to sensitive information;

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

(4) recommendations for how the intelligence community could utilize private sector risk indices, such as credit risk scores, to

make determinations about employee access to sensitive information.

**SEC. 309. PROCEDURES FOR THE RETENTION OF INCIDENTALLY ACQUIRED COMMUNICATIONS.**

(a) DEFINITIONS.—In this section:

(1) COVERED COMMUNICATION.—The term “covered communication” means any non-public telephone or electronic communication acquired without the consent of a person who is a party to the communication, including communications in electronic storage.

(2) HEAD OF AN ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term “head of an element of the intelligence community” means, as appropriate—

(A) the head of an element of the intelligence community; or

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

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

(b) PROCEDURES FOR COVERED COMMUNICATIONS.—

(1) REQUIREMENT TO ADOPT.—Not later than 2 years after the date of the enactment of this Act each head of an element of the intelligence community shall adopt procedures approved by the Attorney General for such element that ensure compliance with the requirements of paragraph (3).

(2) COORDINATION AND APPROVAL.—The procedures required by paragraph (1) shall be—

(A) prepared in coordination with the Director of National Intelligence; and

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

(3) PROCEDURES.—

(A) APPLICATION.—The procedures required by paragraph (1) shall apply to any intelligence collection activity not otherwise authorized by court order (including an order or certification issued by a court established under subsection (a) or (b) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803)), subpoena, or similar legal process that is reasonably anticipated to result in the acquisition of a covered communication to or from a United States person and shall permit the acquisition, retention, and dissemination of covered communications subject to the limitation in subparagraph (B).

(B) LIMITATION ON RETENTION.—A covered communication shall not be retained in excess of 5 years, unless—

(i) the communication has been affirmatively determined, in whole or in part, to constitute foreign intelligence or counterintelligence or is necessary to understand or assess foreign intelligence or counterintelligence;

(ii) the communication is reasonably believed to constitute evidence of a crime and is retained by a law enforcement agency;

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

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

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

(vi) retention is necessary for technical assurance or compliance purposes, including a court order or discovery obligation, in which case access to information retained for technical assurance or compliance purposes shall

be reported to the congressional intelligence committees on an annual basis; or

(vii) retention for a period in excess of 5 years is approved by the head of the element of the intelligence community responsible for such retention, based on a determination that retention is necessary to protect the national security of the United States, in which case the head of such element shall provide to the congressional intelligence committees a written certification describing—

(I) the reasons extended retention is necessary to protect the national security of the United States;

(II) the duration for which the head of the element is authorizing retention;

(III) the particular information to be retained; and

(IV) the measures the element of the intelligence community is taking to protect the privacy interests of United States persons or persons located inside the United States.

**SEC. 310. CLARIFICATION OF LIMITATION OF REVIEW TO RETALIATORY SECURITY CLEARANCE OR ACCESS DETERMINATIONS.**

Section 3001(b)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(b)(7)) is amended—

(1) in the matter preceding subparagraph (A), by striking “2014—” and inserting “2014, and consistent with subsection (j)—”;

(2) in subparagraph (A), by striking “to appeal a determination to suspend or revoke a security clearance or access to classified information” and inserting “alleging reprisal for having made a protected disclosure (provided the individual does not disclose classified information or other information contrary to law) to appeal any action affecting an employee’s access to classified information”;

(3) in subparagraph (B), by striking “information,” inserting “information following a protected disclosure.”.

**SEC. 311. FEASIBILITY STUDY ON CONSOLIDATING CLASSIFIED DATABASES OF CYBER THREAT INDICATORS AND MALWARE SAMPLES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the National Security Agency, the Director of the Central Intelligence Agency, and the Director of the Federal Bureau of Investigation, shall conduct a feasibility study on consolidating classified databases of cyber threat indicators and malware samples in the intelligence community.

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

(1) An inventory of classified databases of cyber threat indicators and malware samples in the intelligence community.

(2) An assessment of actions that could be carried out to consolidate such databases to achieve the greatest possible information sharing within the intelligence community and cost savings for the Federal Government.

(3) An assessment of any impediments to such consolidation.

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

(c) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Director of National Intelligence completes the feasibility study required by subsection (a), the Director shall submit to the congressional intelligence committees a written report that summarizes the feasibility study, including the information required under subsection (b).

**SEC. 312. SENSE OF CONGRESS ON CYBERSECURITY THREAT AND CYBERCRIME COOPERATION WITH UKRAINE.**

It is the sense of Congress that—

(1) cooperation between the intelligence and law enforcement agencies of the United States and Ukraine should be increased to improve cybersecurity policies between these two countries;

(2) the United States should pursue improved extradition procedures among the Governments of the United States, Ukraine, and other countries from which cybercriminals target United States citizens and entities;

(3) the President should—

(A) initiate a round of formal United States-Ukraine bilateral talks on cybersecurity threat and cybercrime cooperation, with additional multilateral talks that include other law enforcement partners such as Europol and Interpol; and

(B) work to obtain a commitment from the Government of Ukraine to end cybercrime directed at persons outside Ukraine and to work with the United States and other allies to deter and convict known cybercriminals;

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

(A) a joint effort to improve cyber capacity building, including intelligence and law enforcement services in Ukraine;

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

(C) agreements to improve communications networks to enhance law enforcement cooperation, such as a hotline directly connecting law enforcement agencies in the United States and Ukraine; and

(5) the President should establish and maintain an intelligence and law enforcement cooperation scorecard with metrics designed to measure the number of instances that intelligence and law enforcement agencies in the United States request assistance from intelligence and law enforcement agencies in Ukraine and the number and type of responses received to such requests.

**SEC. 313. REPLACEMENT OF LOCALLY EMPLOYED STAFF SERVING AT UNITED STATES DIPLOMATIC FACILITIES IN THE RUSSIAN FEDERATION.**

(a) EMPLOYMENT REQUIREMENT.—

(1) IN GENERAL.—The Secretary of State shall ensure that, not later than one year after the date of the enactment of this Act, every supervisory position at a United States diplomatic facility in the Russian Federation shall be occupied by a citizen of the United States who has passed, and shall be subject to, a thorough background check.

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

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

(b) PLAN FOR REDUCED USE OF LOCALLY EMPLOYED STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with other appropriate government agencies, shall submit to the appropriate congressional committees a plan to further reduce the reliance on locally employed staff in United States diplomatic facilities in the Russian Federation. The plan shall, at a minimum, include cost estimates, timelines, and numbers of employees to be replaced.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to infringe on the power of the President, by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers, and consuls.”

**SEC. 314. INCLUSION OF SENSITIVE COMPARTMENTED INFORMATION FACILITIES IN UNITED STATES DIPLOMATIC FACILITIES IN THE RUSSIAN FEDERATION AND ADJACENT COUNTRIES.**

(a) SENSITIVE COMPARTMENTED INFORMATION FACILITY REQUIREMENT.—Each United States diplomatic facility that, after the date of the enactment of this Act, is constructed in, or undergoes a construction upgrade in, the Russian Federation, any country that shares a land border with the Russian Federation, or any country that is a former member of the Soviet Union shall be constructed to include a Sensitive Compartmented Information Facility.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**Subtitle B—Reporting**

**SEC. 321. REPORT ON DECLASSIFICATION PROCESS.**

Not later than December 31, 2016, the Director of National Intelligence shall submit to Congress a report describing—

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

(2) steps the intelligence community could take, or legislation that may be necessary, to enable the National Declassification Center to better accomplish the missions assigned to the Center by Executive Order No. 13526 (75 Fed. Reg. 707).

**SEC. 322. REPORT ON INTELLIGENCE COMMUNITY EFFICIENT SPENDING TARGETS.**

(a) IN GENERAL.—Not later than April 1, 2016, and April 1, 2017, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the status and effectiveness of efforts to reduce administrative costs for the intelligence community during the preceding year.

(b) ELEMENTS.—Each report under subsection (a) shall include for each element of the intelligence community the following:

(1) A description of the status and effectiveness of efforts to devise alternatives to government travel and promote efficient travel spending, such as teleconferencing and video conferencing.

(2) A description of the status and effectiveness of efforts to limit costs related to hosting and attending conferences.

(3) A description of the status and effectiveness of efforts to assess information technology inventories and usage, and establish controls, to reduce costs related to underutilized information technology equipment, software, or services.

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

(5) A description of the status and effectiveness of efforts to improve the performance of Federal fleet motor vehicles and limit executive transportation.

(6) A description of the status and effectiveness of efforts to limit the purchase of extraneous promotional items, such as plaques, clothing, and commemorative items.

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

(8) Such other matters relating to efforts to reduce intelligence community administrative costs as the Director may specify for purposes of this section.

**SEC. 323. ANNUAL REPORT ON VIOLATIONS OF LAW OR EXECUTIVE ORDER.**

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

**“SEC. 511. ANNUAL REPORT ON VIOLATIONS OF LAW OR EXECUTIVE ORDER.**

“(a) ANNUAL REPORTS REQUIRED.—The Director of National Intelligence shall annually submit to the congressional intelligence committees a report on violations of law or executive order relating to intelligence activities by personnel of an element of the intelligence community that were identified during the previous calendar year.

“(b) ELEMENTS.—Each report submitted under subsection (a) shall, consistent with the need to preserve ongoing criminal investigations, include a description of, and any action taken in response to, any violation of law or executive order (including Executive Order No. 12333 (50 U.S.C. 3001 note)) relating to intelligence activities committed by personnel of an element of the intelligence community in the course of the employment of such personnel that, during the previous calendar year, was—

“(1) determined by the director, head, or general counsel of any element of the intelligence community to have occurred;

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

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

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

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

(1) issue guidelines to carry out section 511 of the National Security Act of 1947, as added by subsection (a); and

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

(d) TABLE OF CONTENTS AMENDMENT.—The table of sections in the first section of the

National Security Act of 1947 is amended by adding after the item relating to section 510 the following new item:

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

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to alter any requirement existing on the date of the enactment of this Act to submit a report under any provision of law.

**SEC. 324. ANNUAL REPORT ON INTELLIGENCE ACTIVITIES OF THE DEPARTMENT OF HOMELAND SECURITY.**

(a) IN GENERAL.—For each fiscal year and along with the budget materials submitted in support of the budget of the Department of Homeland Security pursuant to section 1105(a) of title 31, United States Code, the Under Secretary for Intelligence and Analysis of the Department shall submit to the congressional intelligence committees a report for such fiscal year on each intelligence activity of each intelligence component of the Department, as designated by the Under Secretary, that includes the following:

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

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

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

(4) A determination as to whether each such intelligence activity is predominantly in support of national intelligence or departmental missions.

(5) The total number of analysts of the Intelligence Enterprise of the Department that perform—

(A) strategic analysis; or

(B) operational analysis.

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

(1) examines the feasibility and advisability of including the budget request for all intelligence activities of each intelligence component of the Department that predominantly support departmental missions, as designated by the Under Secretary for Intelligence and Analysis, in the Homeland Security Intelligence Program; and

(2) includes a plan to enhance the coordination of department-wide intelligence activities to achieve greater efficiencies in the performance of the Department of Homeland Security intelligence functions.

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

**SEC. 325. REPORT ON POLITICAL PRISON CAMPS IN NORTH KOREA.**

(a) IN GENERAL.—The Director of National Intelligence, in consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on political prison camps in North Korea.

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

(1) describe the actions the United States is taking to support implementation of the recommendations of the United Nations Commission of Inquiry on Human Rights in

the Democratic People's Republic of Korea, including the eventual establishment of a tribunal to hold individuals accountable for abuses; and

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

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

(B) the geographical coordinates of each such camp;

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

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

(E) information regarding involvement of any non-North Korean entity or individual involved in the operations of each such camp, including as an end user or source of any good or products used in, or produced by, in such camp;

(F) information identifying individuals and agencies responsible for conditions in each such camp at all levels of the Government of North Korea;

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

(H) unclassified imagery, including satellite imagery, of each such camp.

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

**SEC. 326. ASSESSMENT OF SECURITY OF DOMESTIC OIL REFINERIES AND RELATED RAIL TRANSPORTATION INFRASTRUCTURE.**

(a) ASSESSMENT.—The Under Secretary of Homeland Security for Intelligence and Analysis shall conduct an intelligence assessment of the security of domestic oil refineries and related rail transportation infrastructure.

(b) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall submit to the congressional intelligence committees—

(1) the results of the assessment required under subsection (a); and

(2) any recommendations with respect to intelligence sharing or intelligence collection to improve the security of domestic oil refineries and related rail transportation infrastructure to protect the communities surrounding such refineries or such infrastructure from potential harm that the Under Secretary considers appropriate.

**SEC. 327. ENHANCED CONTRACTOR LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.**

Section 506B(c) of the National Security Act of 1947 (50 U.S.C. 3098(c)) is amended—

(1) in paragraph (11), by striking “or contracted”;

(2) by redesignating paragraph (12) as paragraph (13); and

(3) by inserting after paragraph (11) the following:

“(12) The best estimate of the number of intelligence collectors and analysts contracted by each element of the intelligence community and a description of the functions performed by such contractors.”.

**SEC. 328. ASSESSMENT OF THE EFFICACY OF MEMORANDA OF UNDERSTANDING TO FACILITATE INTELLIGENCE SHARING.**

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis, in consultation with the Director of the Federal Bureau of Investigation and

the Program Manager of the Information Sharing Environment, shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives an assessment of the efficacy of the memoranda of understanding signed between Federal, State, local, tribal, and territorial agencies to facilitate intelligence-sharing within and separate from the Joint Terrorism Task Force. Such assessment shall include—

(1) any language within such memoranda of understanding that prohibited or may be construed to prohibit intelligence-sharing between Federal, State, local, tribal, and territorial agencies; and

(2) any recommendations for memoranda of understanding to better facilitate intelligence-sharing between Federal, State, local, tribal, and territorial agencies.

#### **SEC. 329. REPORT ON FOREIGN MAN-MADE ELECTROMAGNETIC PULSE WEAPONS.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the threat posed by man-made electromagnetic pulse weapons to United States interests through 2025, including threats from foreign countries and foreign non-State actors.

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

#### **SEC. 330. REPORT ON UNITED STATES COUNTER-TERRORISM STRATEGY TO DISRUPT, DISMANTLE, AND DEFEAT AL-QAEDA AND ITS AFFILIATED OR ASSOCIATED GROUPS.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a comprehensive report on the United States counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda and its affiliated or associated groups.

(2) **COORDINATION.**—The report required by paragraph (1) shall be prepared in coordination with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Defense, and the head of any other department or agency of the United States Government that has responsibility for activities directed at combating al-Qaeda and its affiliated or associated groups.

(3) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A definition of—

(i) al-Qaeda core, including a list of which known individuals constitute al-Qaeda core;

(ii) an affiliated group of al-Qaeda, including a list of which known groups constitute an affiliate group of al-Qaeda;

(iii) an associated group of al-Qaeda, including a list of which known groups constitute an associated group of al-Qaeda; and

(iv) a group aligned with al-Qaeda, including a description of what actions a group takes or statements it makes that qualify it as a group aligned with al-Qaeda.

(B) A list of any other group, including the organization that calls itself the Islamic State (also known as “ISIS” or “ISIL”), that adheres to the core mission of al-Qaeda, or who espouses the same violent jihad ideology as al-Qaeda.

(C) An assessment of the relationship between al-Qaeda core and the groups referred to in subparagraph (B).

(D) An assessment of the strengthening or weakening of al-Qaeda and the groups referred to in subparagraph (B) from January 1, 2010, to the present, including a description of the metrics that are used to assess strengthening or weakening and an assessment of the relative increase or decrease in violent attacks attributed to such entities.

(E) An assessment of whether or not an individual can be a member of al-Qaeda core if such individual is not located in Afghanistan or Pakistan.

(F) An assessment of whether or not an individual can be a member of al-Qaeda core as well as a member of a group referred to in subparagraph (B).

(G) A definition of defeat of core al-Qaeda.

(H) An assessment of the extent or coordination, command, and control between core al-Qaeda and the groups referred to in subparagraph (B), specifically addressing each such group.

(I) An assessment of the effectiveness of counterterrorism operations against core al-Qaeda and the groups referred to in subparagraph (B), and whether such operations have had a sustained impact on the capabilities and effectiveness of core al-Qaeda and such groups.

(4) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

#### **SEC. 331. FEASIBILITY STUDY ON RETRAINING VETERANS IN CYBERSECURITY.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Homeland Security, shall submit to Congress a feasibility study on retraining veterans and retired members of elements of the intelligence community in cybersecurity.

### **NOTICE OF HEARING**

#### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, December 10, 2014, at 10 a.m., room SD-366 of the Dirksen Senate Office Building. The purpose of the business meeting is to consider the nomination of Colette D. Honorable to be a Member of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [sam\\_fowler@energy.senate.gov](mailto:sam_fowler@energy.senate.gov).

For further information, please contact Sam Fowler at (202) 224-7571.

### **AUTHORITY FOR COMMITTEES TO MEET**

#### **COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on December 9, 2014, at 6 p.m., in room S-216 of the Capitol Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON FINANCE**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 9, 2014, at 9:30 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Social Security: Is a Key Foundation of Economic Security Working for Women?”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON FOREIGN RELATIONS**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2014, at 2 p.m., to conduct a hearing entitled “Authorization for the use of Military Force Against ISIL.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON THE JUDICIARY**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 9, 2014, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Campus Sexual Assault: the Roles and Responsibilities of Law Enforcement.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate on December 9, 2014, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing entitled “The State of Civil and Human Rights in the United States.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT**

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on December 9, 2014, at 11 a.m., to conduct a