6

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The table of contents for this title is as follows:

TITLE V—PREVENTING UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION

- Sec. 501. Notification regarding the authorized public disclosure of national intelligence.
- Sec. 502. Requirement to record authorized disclosures of classified information.
- Sec. 503. Procedures for conducting administrative investigations of unauthorized disclosures.
- Sec. 504. Assessment of procedures for detecting and preventing unauthorized disclosures.
- Sec. 505. Prohibition on certain individuals serving as consultants.
- Sec. 506. Limitation on persons authorized to communicate with the media.
- Sec. 507. Responsibilities of intelligence community personnel with access to classified information.
- Sec. 508. Report on improvements to the criminal process for investigating and prosecuting unauthorized disclosures of classified information.
- Sec. 509. Improving insider threat initiatives.
- Sec. 510. Automated insider threat detection program.
- Sec. 511. Surrender of certain benefits.
- Sec. 512. Prohibition on security clearances for individuals who disclose to the public evidence or information on United States covert actions.

2 TITLE V—PREVENTING UNAU 3 THORIZED DISCLOSURES OF 4 CLASSIFIED INFORMATION

5 SEC. 501. NOTIFICATION REGARDING THE AUTHORIZED

PUBLIC DISCLOSURE OF NATIONAL INTEL-

LIGENCE.

8 (a) NOTIFICATION.—Concurrent with an authorized 9 disclosure of national intelligence or intelligence related to 10 national security to the persons or entities described in 11 subsection (b), the government official responsible for au-12 thorizing the disclosure shall submit to the congressional 13 intelligence committees a notification of the disclosure if—

S.L.C.

1	(1) at the time of the disclosure—
2	(A) such intelligence is classified; or
3	(B) is declassified for the purpose of the
4	disclosure; and
5	(2) the disclosure will be made by an officer,
6	employee, or contractor of the Executive branch.
7	(b) PERSONS OR ENTITIES DESCRIBED.—The per-
8	sons or entities described in this subsection are as follows:
9	(1) Media personnel, including any person or
10	entity under contract or other binding agreement
11	with the media to provide analysis or commentary.
12	(2) Any person or entity, if the disclosure de-
13	scribed in subsection (a) is made with the intent or
14	knowledge that such information will be made pub-
15	licly available.
16	(c) CONTENT.—Each notification required under
17	subsection (a) shall—
18	(1) provide the specific title and authority of
19	the individual authorizing the disclosure;
20	(2) if applicable, provide the specific title and
21	authority of the individual who authorized the de-
22	classification of the intelligence disclosed; and
23	(3) describe the intelligence disclosed, including
24	the classification of the intelligence prior to its dis-

1	closure or declassification and the rationale for mak-
2	ing the disclosure.
3	(d) EXCEPTION.—The notification requirement in
4	this section does not apply to a disclosure made—
5	(1) pursuant to any statutory requirement, in-
6	cluding to section 552 of title 5, United States Code
7	(commonly referred to as the "Freedom of Informa-
8	tion Act");
9	(2) in connection with a civil, criminal, or ad-
10	ministrative proceeding;
11	(3) as a result of a declassification review proc-
12	ess under Executive Order 13526 (50 U.S.C. 435
13	note) or any successor order; or
14	(4) to any officer, employee, or contractor of
15	the Federal government or member of an advisory
16	board to an element of the intelligence community
17	who possesses an active security clearance and a
18	need to know the specific national intelligence or in-
19	telligence related to national security, as defined in
20	section $3(5)$ of the National Security Act of 1947
21	(50 U.S.C. 401a(5)).
22	SEC. 502. REQUIREMENT TO RECORD AUTHORIZED DISCLO-
23	SURES OF CLASSIFIED INFORMATION.
24	(a) RECORD REQUIREMENT.—The head of each ele-
25	ment of the intelligence community shall ensure that such

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element creates and maintains a record of all authorized
 disclosures of classified information to media personnel,
 including any person or entity under contract or other
 binding agreement with the media to provide analysis or
 commentary, or to any person or entity if the disclosure
 is made with the intent or knowledge that such informa tion will be made publicly available.

8 (b) REVIEW BY CONGRESSIONAL INTELLIGENCE 9 COMMITTEES.—A record under subsection (a) shall be 10 available for review by the congressional intelligence com-11 mittees in a manner jointly agreed to by the committee 12 and the head of such element.

13 SEC. 503. PROCEDURES FOR CONDUCTING ADMINISTRA-

14TIVE INVESTIGATIONS OF UNAUTHORIZED15DISCLOSURES.

16 (a) REQUIREMENT.—Not later than 90 days after the
17 date of the enactment of this Act, the Director of National
18 Intelligence shall—

(1) establish procedures as described in sub-section (b); and

21 (2) provide a copy of the procedures to the con-22 gressional intelligence committees.

(b) PROCEDURES.—The procedures described in this
subsection are procedures that shall be implemented by
each element of the intelligence community for the conduct

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of administrative investigations of unauthorized disclo-1 2 sures of classified information and shall include— 3 (1) designation of an office with responsibility 4 for proactively identifying unauthorized disclosures 5 of classified information; 6 (2) submission and prioritization of crimes re-7 ports to the Attorney General for purposes of crimi-8 nal investigation concerning unauthorized disclosures 9 of classified information; 10 (3) conduct of independent administrative in-11 vestigations of unauthorized disclosures of classified 12 information, if a criminal investigation is not pur-13 sued or is discontinued; 14 (4) guidelines approved by the Attorney General 15 that authorize the Director of the Federal Bureau of 16 Investigation to provide relevant documents and 17 other information in the Director's possession to ap-18 propriate elements of the intelligence community for 19 purposes of conducting administrative investigations 20 of the unauthorized disclosure of classified informa-21 tion; 22 (5) procedures for the heads of elements of the 23 intelligence community to apply disciplinary meas-24 ures, if appropriate, following an administrative in-

1	vestigation, up to and including termination of em-
2	ployment;
3	(6) in cases where an administrative investiga-
4	tion identifies information that may enable or inform
5	a criminal investigation, procedures for providing
6	such information to the Attorney General;
7	(7) procedures for keeping the National Coun-
8	terintelligence Executive and the congressional intel-
9	ligence committees informed of the status of all ad-
10	ministrative investigations and crimes reports; and
11	(8) other procedures as determined by the Di-
12	rector.
13	SEC. 504. ASSESSMENT OF PROCEDURES FOR DETECTING
13 14	SEC. 504. ASSESSMENT OF PROCEDURES FOR DETECTING AND PREVENTING UNAUTHORIZED DISCLO-
14	AND PREVENTING UNAUTHORIZED DISCLO-
14 15	AND PREVENTING UNAUTHORIZED DISCLO- SURES.
14 15 16	AND PREVENTING UNAUTHORIZED DISCLO- SURES. (a) Director of National Intelligence Assess-
14 15 16 17	AND PREVENTING UNAUTHORIZED DISCLO- SURES. (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS- MENT.—Not later than 120 days after the date of the en-
14 15 16 17 18	AND PREVENTING UNAUTHORIZED DISCLO- SURES. (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS- MENT.—Not later than 120 days after the date of the en- actment of this Act, the Director of National Intelligence
14 15 16 17 18 19	AND PREVENTING UNAUTHORIZED DISCLO- SURES. (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS- MENT.—Not later than 120 days after the date of the en- actment of this Act, the Director of National Intelligence shall provide the congressional intelligence committees
 14 15 16 17 18 19 20 	AND PREVENTING UNAUTHORIZED DISCLO- SURES. (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS- MENT.—Not later than 120 days after the date of the en- actment of this Act, the Director of National Intelligence shall provide the congressional intelligence committees with an assessment of—
 14 15 16 17 18 19 20 21 	AND PREVENTING UNAUTHORIZED DISCLO- SURES. (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS- MENT.—Not later than 120 days after the date of the en- actment of this Act, the Director of National Intelligence shall provide the congressional intelligence committees with an assessment of— (1) the practical feasibility of extending the use
 14 15 16 17 18 19 20 21 22 	AND PREVENTING UNAUTHORIZED DISCLO- SURES. (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS- MENT.—Not later than 120 days after the date of the en- actment of this Act, the Director of National Intelligence shall provide the congressional intelligence committees with an assessment of— (1) the practical feasibility of extending the use of the polygraph to additional Executive branch per-

7

1 (2) the benefits of extending the automated in-2 sider threat detection capabilities described in sec-3 tion 402 of the Intelligence Authorization Act of 4 Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 5 403–1 note) to sensitive compartmented information 6 level computer systems used by agencies or per-7 sonnel outside the intelligence community; and 8 (3) a description of actions that could be taken

9 to address improper classification of material.

10 (b) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY ASSESSMENT.—Not later than 120 days 11 12 after the date of the enactment of this Act, the Inspector 13 General of the Intelligence Community shall provide the congressional intelligence committees with an assessment 14 15 of the effectiveness of the process used by each element of the intelligence community for preventing, detecting, 16 17 and investigating unauthorized disclosures of classified in-18 formation and a description of any best practices that 19 could be replicated throughout the intelligence community. 20 SEC. 505. PROHIBITION ON CERTAIN INDIVIDUALS SERV-

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ING AS CONSULTANTS.

(a) PROHIBITION.—No person described in subsection (b) may enter into a contract or other binding
agreement with the media in order to provide, or otherwise
assist in providing, analysis or commentary on matters

concerning the classified intelligence activities of any ele ment of the intelligence community or intelligence related
 to national security, as defined in section 3(5) of the Na tional Security Act of 1947 (50 U.S.C. 401a(5)).

5 (b) PERSON DESCRIBED.—A person described in this6 subsection is—

7 (1) any officer, employee, or contractor of the
8 Federal government who possesses an active security
9 clearance;

10 (2) any member of an advisory board to an ele11 ment of the intelligence community who possesses an
12 active security clearance; or

(3) any former officer, employee, or contractor
of the Federal government or former member of an
advisory board to an element of the intelligence community who—

17 (A) has left the employment or service of
18 the Federal government during the previous 1
19 year period; and

20 (B) possessed a security clearance allowing
21 access to top secret, sensitive compartmented
22 information at any time during the 3 years
23 prior to leaving such employment or service.

SEC. 506. LIMITATION ON PERSONS AUTHORIZED TO COM MUNICATE WITH THE MEDIA.

3 (a) LIMITATION.—

4 (1) IN GENERAL.—For each element of the in-5 telligence community, only the Director and Deputy 6 Director of such element, or individuals in equivalent 7 positions within such element, and individuals in the 8 offices of public affairs who are specifically des-9 ignated by the Director (or the individual in an 10 equivalent position), may provide background or off-11 the-record information regarding intelligence activi-12 ties to the media, or to any person affiliated with 13 the media.

14 (2) DESIGNATION IN WRITING.—Each designa15 tion made under paragraph (1) by a Director (or an
16 individual in an equivalent position) shall be in writ17 ing.

(b) CONSTRUCTION.—Nothing in this section shall be
construed to prohibit an appropriate officer or employee
of an element of the intelligence community from providing authorized, unclassified, on-the-record briefings to
the media, or to any person affiliated with the media.

1SEC. 507. RESPONSIBILITIES OF INTELLIGENCE COMMU-2NITY PERSONNEL WITH ACCESS TO CLASSI-3FIED INFORMATION.

4 (a) IN GENERAL.—Not later than 120 days after the
5 date of the enactment of this Act, the Director of National
6 Intelligence shall—

7 (1) prescribe regulations outlining the respon8 sibilities of, and a process for, all covered persons to
9 report oral and written contact with the media to
10 the security office of the appropriate element of the
11 intelligence community;

(2) prescribe regulations that ensure that any
covered person, prior to leaving the employment or
services of the Federal Government, is informed of
the ongoing responsibility to comply with all provisions of the written nondisclosure agreements governing access to classified information;

18 (3) establish appropriate requirements for cov-19 ered persons to comply, during and subsequent to 20 any period of employment, with all prepublication re-21 view requirements contained in any nondisclosure 22 agreement between the covered person and any and 23 all elements of the intelligence community to which 24 such person has been assigned, employed, con-25 tracted, or detailed;

1 (4) establish appropriate requirements for cov-2 ered persons, during and subsequent to any period 3 of employment or service, to submit any written ma-4 terials and anticipated oral comments for prepublica-5 tion review; 6 (5) update, and require current acknowledg-7 ment of, the written nondisclosure agreements gov-8 erning access to classified information to comply 9 with the provisions of this Act; and 10 (6) prescribe regulations that specify appro-11 priate disciplinary actions to be taken against any 12 covered person, during and subsequent to any period 13 of employment or service, determined by the Direc-14 tor of National Intelligence to have violated a writ-15 ten agreement under this section, which may include— 16 17 (A) issuance of letters of reprimand; 18 (B) placing notices of violations in per-19 sonnel files and informing the congressional 20 oversight committees of such notices; 21 (C) revocation of security clearances; 22 (D) prohibition on obtaining new security 23 clearances; and

24 (E) termination of employment.

1 (b) COVERED PERSON DEFINED.—In this section, 2 the term "covered person" means a current employee or 3 contractor of, or member of an advisory board to, an ele-4 ment of the intelligence community who has an active se-5 curity clearance.

6 SEC. 508. REPORT ON IMPROVEMENTS TO THE CRIMINAL 7 PROCESS FOR INVESTIGATING AND PROS8 ECUTING UNAUTHORIZED DISCLOSURES OF 9 CLASSIFIED INFORMATION.

10 (a) REQUIREMENT FOR REPORT.—Not later than 11 180 days after the date of the enactment of this Act, the 12 Attorney General, in coordination with the Director of Na-13 tional Intelligence, shall submit to the congressional intel-14 ligence committees and the Committee on the Judiciary 15 of the Senate and the Committee on the Judiciary of the House of Representatives a report on the effectiveness of 16 17 and potential improvements to the process for investigating and prosecuting unauthorized disclosures of clas-18 19 sified information, which shall include—

(1) potential modifications to the process used
by elements of the intelligence community to submit
crimes reports of unauthorized disclosures of classified information to the Attorney General;

24 (2) potential modifications to the policies of the25 Department of Justice on issuing subpoenas directed

13 1 at members of the news media, as described in sec-2 tion 50.10(b) of title 28, Code of Federal Regula-3 tions (or any similar successor regulation); and 4 (3) potential modifications to the Classified In-5 formation Procedures Act (Public Law 96–456; 94 6 Stat. 2025). 7 SEC. 509. IMPROVING INSIDER THREAT INITIATIVES. 8 (a) Designation of Insider Threat Program 9 MANAGERS.— 10 (1) REQUIREMENT TO DESIGNATE.—Not later 11 than 90 days after the date of the enactment of this 12 Act, each head of an element of the intelligence com-13 munity shall designate an insider threat program 14 manager with responsibility for developing a com-15 prehensive insider threat program management plan 16 as described in subsection (b) for such element. 17 (2)INFORMATION ACCESS.—Each insider

18 threat program manager designated under para-19 graph (1) for an element of the intelligence commu-20 nity shall have access to all relevant information re-21 garding the allocation of resources to efforts by such 22 element to counter insider threats, including re-23 sources for counterintelligence, physical security, in-24 formation security, and human resources, except 25 that such relevant information shall not be deemed

to include information concerning specific counter intelligence or security investigations, unless the
 head of the element so directs.

4 (b) DEVELOPMENT OF A COMPREHENSIVE INSIDER5 THREAT PROGRAM MANAGEMENT PLAN.—

6 (1) REQUIREMENT TO DEVELOP.—Not later 7 than 1 year after the date of the enactment of this 8 Act, each insider threat program manager des-9 ignated under subsection (a)(1) for an element of 10 the intelligence community shall develop, in coordi-11 nation with the Office of the National Counterintel-12 ligence Executive and such other components of the 13 Office of the Director of National Intelligence as the 14 Director of National Intelligence deems appropriate, 15 a comprehensive insider threat program manage-16 ment plan for such element that describes a com-17 prehensive insider threat detection program for such 18 element.

(2) REVIEW AND APPROVAL.—Upon completion,
each comprehensive insider threat program management plan developed under paragraph (1) shall be
submitted to the head of the relevant element of the
intelligence community for review, modification, and
approval, and then to the Director of National Intelligence, for review, modification and approval.

1	(3) SUBMISSION TO CONGRESS.—A copy of
2	each comprehensive insider threat program manage-
3	ment plan approved by the Director of National In-
4	telligence under paragraph (2) shall be submitted—
5	(A) to the congressional intelligence com-
6	mittees, not later than 30 days after the date
7	such plan is approved; and
8	(B) if such plan involves a component of a
9	department of the United States Government,
10	to the committees of the Senate and of the
11	House of Representatives with jurisdiction over
12	such department simultaneously with submis-
13	sion of such copy to the congressional intel-
14	ligence committees under subparagraph (A).
15	(c) Implementing a Comprehensive Insider
16	THREAT DETECTION PROGRAM.—
17	(1) INITIAL OPERATING CAPABILITY.—Not later
18	than 18 months after the date of the enactment of
19	this Act, each head of an element of the intelligence
20	community, in coordination with the Office of the
21	National Counterintelligence Executive and the Of-
22	fice of the Director of National Intelligence, shall es-
23	tablish an initial operating capability for the com-
24	prehensive insider threat detection program for such
25	element as described in the comprehensive insider

S.L.C.

1	threat program management plan developed under
2	subsection (b).
3	(2) Full operating capability.—Not later
4	than 2 years after the date of the enactment of this
5	Act, the Director of National Intelligence shall—
6	(A) establish a full operating capability for
7	each comprehensive insider threat detection
8	program developed under subsection (b) for
9	each element of the intelligence community; and
10	(B) ensure that each such full operating
11	capability is reached.
12	SEC. 510. AUTOMATED INSIDER THREAT DETECTION PRO-
13	GRAM.
13 14	GRAM. Section 402 of the Intelligence Authorization Act for
14	Section 402 of the Intelligence Authorization Act for
14 15	Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403–
14 15 16	Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403– 1 note) is amended—
14 15 16 17	Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403– 1 note) is amended— (1) in subsection (a), by striking "October 1,
14 15 16 17 18	Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403– 1 note) is amended— (1) in subsection (a), by striking "October 1, 2012," and inserting "October 1, 2013,"; and
14 15 16 17 18 19	Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403– 1 note) is amended— (1) in subsection (a), by striking "October 1, 2012," and inserting "October 1, 2013,"; and (2) in subsection (b), by striking "October 1,
 14 15 16 17 18 19 20 	Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403– 1 note) is amended— (1) in subsection (a), by striking "October 1, 2012," and inserting "October 1, 2013,"; and (2) in subsection (b), by striking "October 1, 2013," and inserting "October 1, 2014,".
 14 15 16 17 18 19 20 21 	Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403– 1 note) is amended— (1) in subsection (a), by striking "October 1, 2012," and inserting "October 1, 2013,"; and (2) in subsection (b), by striking "October 1, 2013," and inserting "October 1, 2014,". SEC. 511. SURRENDER OF CERTAIN BENEFITS.
 14 15 16 17 18 19 20 21 22 	 Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403– 1 note) is amended— (1) in subsection (a), by striking "October 1, 2012," and inserting "October 1, 2013,"; and (2) in subsection (b), by striking "October 1, 2013," and inserting "October 1, 2014,". SEC. 511. SURRENDER OF CERTAIN BENEFITS. (a) REQUIREMENT FOR PROHIBITION.—Not later

the head of each element of the intelligence community,
 shall publish regulations that—

3 (1) are consistent with any procedures estab4 lished by Executive order or regulation under section
5 801 of the National Security Act of 1947 (50 U.S.C.
6 435);

7 (2) require each employee of an element of the
8 intelligence community to sign a written agreement
9 as described in subsection (b); and

10 (3) set forth the administrative procedures ap11 plicable to an employee who violates the terms of
12 such an agreement.

(b) AGREEMENT DESCRIBED.—An agreement described in this subsection is an agreement, with respect
to an individual employed by an element of the intelligence
community, that—

(1) prohibits the individual from disclosing classified information without authorization at any time
during or subsequent to employment with an element of the intelligence community;

(2) requires the individual to comply with all
prepublication review requirements contained in any
nondisclosure agreement between the individual and
an element of the intelligence community;

S.L.C.

18

1 (3) specifies appropriate disciplinary actions, in-2 cluding the surrender of any current or future Fed-3 eral Government pension benefit, to be taken against 4 the individual if the Director of National Intelligence 5 or the head of the appropriate element of the intel-6 ligence community determines that the individual 7 has knowingly violated the prepublication review re-8 quirements contained in a nondisclosure agreement 9 between the individual and an element of the intel-10 ligence community in a manner that disclosed classi-11 fied information to an unauthorized person or entity; 12 and

(4) describes procedures for making and reviewing determinations under paragraph (3) in a manner
that is consistent with the due process and appeal
rights otherwise available to an individual who is
subject to the same or similar disciplinary action
under other law.

(c) FEDERAL GOVERNMENT PENSION BENEFIT DESCRIBED.—In this section, the term "Federal Government
pension benefit" means the specific government contribution to a covered person's Federal Government pension
plan, in its fair market value, but does not include the
following:

1	(1) Any contributions by a person to a Federal
2	Government pension plan, in their fair market value.
3	(2) Any old age benefits payable to a person
4	under title II of the Social Security Act (42 U.S.C.
5	401 et seq.).
6	(3) Any employee benefits or contributions of a
7	person under the Thrift Savings Plan under sub-
8	chapter III of chapter 84 of title 5, United States
9	Code, or any successor benefit program.
10	SEC. 512. PROHIBITION ON SECURITY CLEARANCES FOR IN-
11	DIVIDUALS WHO DISCLOSE TO THE PUBLIC
12	EVIDENCE OR INFORMATION ON UNITED
13	STATES COVERT ACTIONS.
14	(a) PROHIBITION.—Consistent with administrative
15	procedures and due process afforded under otherwise ap-
16	plicable laws and regulations, an individual described in
17	subsection (b) may not receive, retain, or otherwise pos-
18	sess a security clearance for access to classified informa-
19	tion.
20	(b) COVERED INDIVIDUALS.—An individual described
21	in this subsection is any individual—
22	(1) who—
23	(A) serves as an officer, employee, con-
24	tractor, or member of an advisory board of the
25	Federal Government; or

S.L.C.

20

(B) otherwise possesses an active security
 clearance;

3 (2) who is known or determined, in accordance
4 with applicable law or regulations, to have knowingly
5 made a public disclosure of the existence of, or dis6 cussed classified details relating to, a classified cov7 ert action (as that term is defined in section 503(e)
8 of the National Security Act of 1947 (50 U.S.C.
9 413b(e)); and

10 (3) who makes the disclosure, or discusses the
11 details, described in paragraph (2) without prior au12 thorization from an original classification authority.