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

5   **SEC. 501. NOTIFICATION REGARDING THE AUTHORIZED**  
6                   **PUBLIC DISCLOSURE OF NATIONAL INTEL-**  
7                   **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—

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

1 element creates and maintains a record of all authorized  
2 disclosures of classified information to media personnel,  
3 including any person or entity under contract or other  
4 binding agreement with the media to provide analysis or  
5 commentary, or to any person or entity if the disclosure  
6 is made with the intent or knowledge that such informa-  
7 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-**  
14 **TIVE INVESTIGATIONS OF UNAUTHORIZED**  
15 **DISCLOSURES.**

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—

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

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

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

1 of administrative investigations of unauthorized disclo-  
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 investigation, 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**  
14 **AND PREVENTING UNAUTHORIZED DISCLO-**  
15 **SURES.**

16 (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS-  
17 MENT.—Not later than 120 days after the date of the en-  
18 actment of this Act, the Director of National Intelligence  
19 shall provide the congressional intelligence committees  
20 with an assessment of—

21 (1) the practical feasibility of extending the use  
22 of the polygraph to additional Executive branch per-  
23 sonnel and standardizing the questions used during  
24 polygraph examinations regarding disclosure of clas-  
25 sified information and contact with the media;



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

5 (b) PERSON DESCRIBED.—A person described in this  
6 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 ele-  
11 ment of the intelligence community who possesses an  
12 active security clearance; or

13 (3) any former officer, employee, or contractor  
14 of the Federal government or former member of an  
15 advisory board to an element of the intelligence com-  
16 munity 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.

1 **SEC. 506. LIMITATION ON PERSONS AUTHORIZED TO COM-**  
2 **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 designa-  
15 tion made under paragraph (1) by a Director (or an  
16 individual in an equivalent position) shall be in writ-  
17 ing.

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

1 **SEC. 507. RESPONSIBILITIES OF INTELLIGENCE COMMU-**  
2 **NITY PERSONNEL WITH ACCESS TO CLASSI-**  
3 **FIED 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 respon-  
8 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;

12 (2) prescribe regulations that ensure that any  
13 covered person, prior to leaving the employment or  
14 services of the Federal Government, is informed of  
15 the ongoing responsibility to comply with all provi-  
16 sions of the written nondisclosure agreements gov-  
17 erning 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 in-  
16          clude—

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 PROS-**  
8 **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  
16 House of Representatives a report on the effectiveness of  
17 and potential improvements to the process for inves-  
18 tigating and prosecuting unauthorized disclosures of clas-  
19 sified information, which shall include—

20 (1) potential modifications to the process used  
21 by elements of the intelligence community to submit  
22 crimes reports of unauthorized disclosures of classi-  
23 fied information to the Attorney General;

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

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

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

4 (b) DEVELOPMENT OF A COMPREHENSIVE INSIDER  
5 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.

19 (2) REVIEW AND APPROVAL.—Upon completion,  
20 each comprehensive insider threat program manage-  
21 ment plan developed under paragraph (1) shall be  
22 submitted to the head of the relevant element of the  
23 intelligence community for review, modification, and  
24 approval, and then to the Director of National Intel-  
25 ligence, 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

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.**

14 Section 402 of the Intelligence Authorization Act for  
15 Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403–  
16 1 note) is amended—

17 (1) in subsection (a), by striking “October 1,  
18 2012,” and inserting “October 1, 2013,”; and

19 (2) in subsection (b), by striking “October 1,  
20 2013,” and inserting “October 1, 2014,”.

21 **SEC. 511. SURRENDER OF CERTAIN BENEFITS.**

22 (a) REQUIREMENT FOR PROHIBITION.—Not later  
23 than 120 days after the date of the enactment of this Act,  
24 the Director of National Intelligence, in coordination with

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

3 (1) are consistent with any procedures estab-  
4 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 ap-  
11 plicable to an employee who violates the terms of  
12 such an agreement.

13 (b) AGREEMENT DESCRIBED.—An agreement de-  
14 scribed in this subsection is an agreement, with respect  
15 to an individual employed by an element of the intelligence  
16 community, that—

17 (1) prohibits the individual from disclosing clas-  
18 sified information without authorization at any time  
19 during or subsequent to employment with an ele-  
20 ment of the intelligence community;

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

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

13          (4) describes procedures for making and review-  
14          ing determinations under paragraph (3) in a manner  
15          that is consistent with the due process and appeal  
16          rights otherwise available to an individual who is  
17          subject to the same or similar disciplinary action  
18          under other law.

19          (c) FEDERAL GOVERNMENT PENSION BENEFIT DE-  
20          SCRIBED.—In this section, the term “Federal Government  
21          pension benefit” means the specific government contribu-  
22          tion to a covered person’s Federal Government pension  
23          plan, in its fair market value, but does not include the  
24          following:



1                   (B) otherwise possesses an active security  
2                   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 dis-  
6                   cussed classified details relating to, a classified cov-  
7                   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 au-  
12                  thorization from an original classification authority.