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[Report No. 111-55]

To authorize appropriations for fiscal year 2010 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.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2009

Mrs. FEINSTEIN, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2010 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.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 2010”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

- Sec. 101. Authorization of appropriations.
 Sec. 102. Classified Schedule of Authorizations.
 Sec. 103. Personnel ceiling adjustments.
 Sec. 104. Intelligence Community Management Account.
 Sec. 105. Restriction on conduct of intelligence activities.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.
 Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

- Sec. 301. Increase in employee compensation and benefits authorized by law.
 Sec. 302. Enhanced flexibility in details to elements of the intelligence community.
 Sec. 303. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.
 Sec. 304. Award of rank to members of the Senior National Intelligence Service.
 Sec. 305. Annual personnel level assessments for the intelligence community.
 Sec. 306. Temporary personnel authorizations for critical language training.

Subtitle B—Education Programs

- Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.
 Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.
 Sec. 313. Intelligence officer education programs.
 Sec. 314. Review and report on education programs.

Subtitle C—Acquisition Matters

- Sec. 321. Vulnerability assessments of major systems.
 Sec. 322. Intelligence community business system transformation.
 Sec. 323. Reports on the acquisition of major systems.
 Sec. 324. Excessive cost growth of major systems.
 Sec. 325. Future budget projections.
 Sec. 326. National Intelligence Program funded acquisitions.

Subtitle D—Congressional Oversight, Plans, and Reports

- Sec. 331. General congressional oversight.

- Sec. 332. Improvement of notification of Congress regarding intelligence activities of the United States.
- Sec. 333. Requirement to provide legal authority for intelligence activities.
- Sec. 334. Additional limitation on availability of funds for intelligence and intelligence-related activities.
- Sec. 335. Audits of intelligence community by Government Accountability Office.
- Sec. 336. Report on compliance with laws, international obligations, and Executive orders on the detention and interrogation activities of the intelligence community.
- Sec. 337. Reports on national security threat posed by Guantanamo Bay detainees.
- Sec. 338. Report on retirement benefits for former employees of Air America.
- Sec. 339. Report and strategic plan on biological weapons.
- Sec. 340. Cybersecurity oversight.
- Sec. 341. Sense of the Senate on a subcommittee related to intelligence appropriations.
- Sec. 342. Repeal or modification of certain reporting requirements.

Subtitle E—Other Matters

- Sec. 351. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 352. Exemption of dissemination of terrorist identity information from Freedom of Information Act.
- Sec. 353. Modification of availability of funds for different intelligence activities.
- Sec. 354. Limitation on reprogrammings and transfers of funds.
- Sec. 355. Protection of certain national security information.
- Sec. 356. National Intelligence Program budget request.
- Sec. 357. Improving the review authority of the Public Interest Declassification Board.
- Sec. 358. Authority to designate undercover operations to collect foreign intelligence or counterintelligence.
- Sec. 359. Correcting long-standing material weaknesses.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Accountability reviews by the Director of National Intelligence.
- Sec. 402. Authorities for intelligence information sharing.
- Sec. 403. Authorities for interagency funding.
- Sec. 404. Location of the Office of the Director of National Intelligence.
- Sec. 405. Additional duties of the Director of Science and Technology.
- Sec. 406. Title and appointment of Chief Information Officer of the Intelligence Community.
- Sec. 407. Inspector General of the Intelligence Community.
- Sec. 408. Chief Financial Officer of the Intelligence Community.
- Sec. 409. Leadership and location of certain offices and officials.
- Sec. 410. National Space Intelligence Office.
- Sec. 411. Operational files in the Office of the Director of National Intelligence.
- Sec. 412. Counterintelligence initiatives for the intelligence community.
- Sec. 413. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

- Sec. 414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
- Sec. 415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 416. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
- Sec. 417. Misuse of the Office of the Director of National Intelligence name, initials, or seal.

Subtitle B—Central Intelligence Agency

- Sec. 421. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
- Sec. 422. Appeals from decisions involving contracts of the Central Intelligence Agency.
- Sec. 423. Deputy Director of the Central Intelligence Agency.
- Sec. 424. Authority to authorize travel on a common carrier.
- Sec. 425. Inspector General for the Central Intelligence Agency.
- Sec. 426. Budget of the Inspector General for the Central Intelligence Agency.
- Sec. 427. Public availability of unclassified versions of certain intelligence products.

Subtitle C—Defense Intelligence Components

- Sec. 431. Inspector general matters.
- Sec. 432. Confirmation of appointment of heads of certain components of the intelligence community.
- Sec. 433. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
- Sec. 434. Defense Intelligence Agency counterintelligence and expenditures.

Subtitle D—Other Elements

- Sec. 441. Codification of additional elements of the intelligence community.
- Sec. 442. Authorization of appropriations for Coast Guard National Tactical Integration Office.
- Sec. 443. Retention and relocation bonuses for the Federal Bureau of Investigation.
- Sec. 444. Extending the authority of the Federal Bureau of Investigation to waive mandatory retirement provisions.
- Sec. 445. Report and assessments on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

- Sec. 501. Reorganization of the Diplomatic Telecommunications Service Program Office.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Findings.
- Sec. 604. Establishment and functions of the Commission.

- Sec. 605. Members and staff of the Commission.
- Sec. 606. Powers and duties of the Commission.
- Sec. 607. Report of the Commission.
- Sec. 608. Termination.
- Sec. 609. Nonapplicability of Federal Advisory Committee Act.
- Sec. 610. Funding.

TITLE VII—TECHNICAL AMENDMENTS

- Sec. 701. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
- Sec. 702. Technical amendments to the Central Intelligence Agency Act of 1949.
- Sec. 703. Technical amendments to title 10, United States Code.
- Sec. 704. Technical amendments to the National Security Act of 1947.
- Sec. 705. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 706. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 707. Technical amendments to the Executive Schedule.
- Sec. 708. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
- Sec. 709. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.
- Sec. 710. Technical amendments to section 403 of the Intelligence Authorization Act, Fiscal Year 1992.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
4 TEES.—The term “congressional intelligence com-
5 mittees” means—

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

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

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

1 **TITLE I—BUDGET AND**
2 **PERSONNEL AUTHORIZATIONS**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2010 for the conduct of the intelligence and
6 intelligence-related activities of the following elements of
7 the United States Government:

8 (1) The Office of the Director of National Intel-
9 ligence.

10 (2) The Central Intelligence Agency.

11 (3) The Department of Defense.

12 (4) The Defense Intelligence Agency.

13 (5) The National Security Agency.

14 (6) The Department of the Army, the Depart-
15 ment of the Navy, and the Department of the Air
16 Force.

17 (7) The Coast Guard.

18 (8) The Department of State.

19 (9) The Department of the Treasury.

20 (10) The Department of Energy.

21 (11) The Department of Justice.

22 (12) The Federal Bureau of Investigation.

23 (13) The Drug Enforcement Administration.

24 (14) The National Reconnaissance Office.

1 (15) The National Geospatial-Intelligence Agen-
2 cy.

3 (16) The Department of Homeland Security.

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

5 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
6 LEVELS.—The amounts authorized to be appropriated
7 under section 101 and, subject to section 103, the author-
8 ized personnel levels (expressed as full-time equivalent po-
9 sitions) as of September 30, 2010, for the conduct of the
10 intelligence activities of the elements listed in paragraphs
11 (1) through (16) of section 101, are those specified in the
12 classified Schedule of Authorizations prepared to accom-
13 pany the conference report on the bill _____ of the One
14 Hundred Eleventh Congress.

15 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
16 THORIZATIONS.—The classified Schedule of Authoriza-
17 tions referred to in subsection (a) shall be made available
18 to the Committee on Appropriations of the Senate, the
19 Committee on Appropriations of the House of Representa-
20 tives, and to the President. The President shall provide
21 for suitable distribution of the Schedule, or of appropriate
22 portions of the Schedule, within the executive branch.

23 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

24 (a) AUTHORITY FOR INCREASES.—The Director of
25 National Intelligence may authorize the employment of ci-

1 vilian personnel in excess of the number of full-time equiv-
2 alent positions for fiscal year 2010 authorized by the clas-
3 sified Schedule of Authorizations referred to in section
4 102(a) if the Director of National Intelligence determines
5 that such action is necessary to the performance of impor-
6 tant intelligence functions, except that the number of per-
7 sonnel employed in excess of the number authorized under
8 such section may not, for any element of the intelligence
9 community, exceed 5 percent of the number of civilian per-
10 sonnel authorized under such section for such element.

11 (b) AUTHORITY FOR CONVERSION OF ACTIVITIES
12 PERFORMED BY CONTRACT PERSONNEL.—

13 (1) IN GENERAL.—In addition to the authority
14 in subsection (a) and subject to paragraph (2), if the
15 head of an element of the intelligence community
16 makes a determination that activities currently being
17 performed by contract personnel should be per-
18 formed by employees of such element, the Director
19 of National Intelligence, in order to reduce a com-
20 parable number of contract personnel, may authorize
21 for that purpose employment of additional full-time
22 equivalent personnel in such element equal to the
23 number of full-time equivalent contract personnel
24 performing such activities.

1 (2) CONCURRENCE AND APPROVAL.—The au-
2 thority described in paragraph (1) may not be exer-
3 cised unless the Director of National Intelligence
4 concurs with the determination described in such
5 paragraph.

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

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

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

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

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

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

3 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
4 authorized to be appropriated for the Intelligence Commu-
5 nity Management Account of the Director of National In-
6 telligence for fiscal year 2010 the sum of \$786,812,000.
7 Within such amount, funds identified in the classified
8 Schedule of Authorizations referred to in section 102(a)
9 for advanced research and development shall remain avail-
10 able until September 30, 2011.

11 (b) **AUTHORIZED PERSONNEL LEVELS.**—The ele-
12 ments within the Intelligence Community Management
13 Account of the Director of National Intelligence are au-
14 thorized 792 full-time equivalent personnel as of Sep-
15 tember 30, 2010. Personnel serving in such elements may
16 be permanent employees of the Office of the Director of
17 National Intelligence or personnel detailed from other ele-
18 ments of the United States Government.

19 (c) **CONSTRUCTION OF AUTHORITIES.**—The authori-
20 ties available to the Director of National Intelligence
21 under section 103 are also available to the Director for
22 the adjustment of personnel levels within the Intelligence
23 Community Management Account.

24 (d) **CLASSIFIED AUTHORIZATIONS.**—

25 (1) **AUTHORIZATION OF APPROPRIATIONS.**—In
26 addition to amounts authorized to be appropriated

1 for the Intelligence Community Management Ac-
2 count by subsection (a), there are authorized to be
3 appropriated for the Community Management Ac-
4 count for fiscal year 2010 such additional amounts
5 as are specified in the classified Schedule of Author-
6 izations referred to in section 102(a). Such addi-
7 tional amounts for advanced research and develop-
8 ment shall remain available until September 30,
9 2011.

10 (2) AUTHORIZATION OF PERSONNEL.—In addi-
11 tion to the personnel authorized by subsection (b)
12 for elements of the Intelligence Community Manage-
13 ment Account as of September 30, 2010, there are
14 authorized such additional full-time equivalent per-
15 sonnel for the Community Management Account as
16 of that date as are specified in the classified Sched-
17 ule of Authorizations referred to in section 102(a).

18 **SEC. 105. RESTRICTION ON CONDUCT OF INTELLIGENCE**

19 **ACTIVITIES.**

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

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

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

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2010 the sum of \$290,900,000.

9 **SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RE-**
10 **TIREMENT PROVISION OF THE CENTRAL IN-**
11 **TELLIGENCE AGENCY RETIREMENT ACT.**

12 Subparagraph (A) of section 235(b)(1) of the Central
13 Intelligence Agency Retirement Act (50 U.S.C.
14 2055(b)(1)) is amended by striking “receiving compensa-
15 tion under the Senior Intelligence Service pay schedule at
16 the rate” and inserting “who is at the Senior Intelligence
17 Service rank”.

18 **TITLE III—GENERAL INTEL-**
19 **LIGENCE COMMUNITY MAT-**
20 **TERS**

21 **Subtitle A—Personnel Matters**

22 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
23 **BENEFITS AUTHORIZED BY LAW.**

24 Appropriations authorized by this Act for salary, pay,
25 retirement, and other benefits for Federal employees may

1 be increased by such additional or supplemental amounts
2 as may be necessary for increases in such compensation
3 or benefits authorized by law.

4 **SEC. 302. ENHANCED FLEXIBILITY IN DETAILS TO ELE-**
5 **MENTS OF THE INTELLIGENCE COMMUNITY.**

6 Except as provided in section 113 of the National Se-
7 curity Act of 1947 (50 U.S.C. 404h) and section
8 904(g)(2) of the Counterintelligence Enhancement Act of
9 2002 (title IX of Public Law 107–306; 50 U.S.C.
10 402c(g)(2)) and notwithstanding any other provision of
11 law, an officer or employee of the United States or mem-
12 ber of the Armed Forces may be detailed to the staff of
13 an element of the intelligence community funded through
14 the National Intelligence Program from another element
15 of the intelligence community or from another element of
16 the United States Government on a reimbursable or non-
17 reimbursable basis, as jointly agreed to by the head of the
18 receiving element and the head of the detailing element
19 (or the designees of such officials), for a period not to
20 exceed 3 years.

1 **SEC. 303. ENHANCEMENT OF AUTHORITY OF THE DIREC-**
2 **TOR OF NATIONAL INTELLIGENCE FOR**
3 **FLEXIBLE PERSONNEL MANAGEMENT**
4 **AMONG THE ELEMENTS OF THE INTEL-**
5 **LIGENCE COMMUNITY.**

6 Section 102A of the National Security Act of 1947
7 (50 U.S.C. 403–1) is amended by adding at the end the
8 following new subsections:

9 “(s) **AUTHORITY TO ESTABLISH POSITIONS IN EX-**
10 **CEPTED SERVICE.**—(1) The Director of National Intel-
11 ligence may, with the concurrence of the head of the de-
12 partment or agency concerned and in coordination with
13 the Director of the Office of Personnel Management—

14 “(A) convert competitive service positions, and
15 the incumbents of such positions, within an element
16 of the intelligence community to excepted service po-
17 sitions as the Director of National Intelligence deter-
18 mines necessary to carry out the intelligence func-
19 tions of such element; and

20 “(B) establish the classification and ranges of
21 rates of basic pay for positions so converted, not-
22 withstanding otherwise applicable laws governing the
23 classification and rates of basic pay for such posi-
24 tions.

25 “(2)(A) At the request of the Director of National
26 Intelligence, the head of a department or agency may es-

1 tablish new positions in the excepted service within an ele-
2 ment of such department or agency that is part of the
3 intelligence community if the Director determines that
4 such positions are necessary to carry out the intelligence
5 functions of such element.

6 “(B) The Director of National Intelligence may es-
7 tablish the classification and ranges of rates of basic pay
8 for any position established under subparagraph (A), not-
9 withstanding otherwise applicable laws governing the clas-
10 sification and rates of basic pay for such positions.

11 “(3) The head of the department or agency concerned
12 is authorized to appoint individuals for service in positions
13 converted under paragraph (1) or established under para-
14 graph (2) without regard to the provisions of chapter 33
15 of title 5, United States Code, governing appointments in
16 the competitive service, and to fix the compensation of
17 such individuals within the applicable ranges of rates of
18 basic pay established by the Director of National Intel-
19 ligence.

20 “(4) The maximum rate of basic pay established
21 under this subsection is the rate for level III of the Execu-
22 tive Schedule under section 5314 of title 5, United States
23 Code.

24 “(5) Not later than 60 days prior to the date that
25 Director of National Intelligence will convert a position

1 under paragraph (1) or establish a position under para-
2 graph (2), the Director shall submit to the congressional
3 intelligence committees a notification of such conversion
4 or establishment.

5 “(t) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1)
6 Notwithstanding any pay limitation established under any
7 other provision of law applicable to employees in elements
8 of the intelligence community, the Director of National In-
9 telligence may, in coordination with the Director of the
10 Office of Personnel Management and the Director of the
11 Office of Management and Budget, grant authority to fix
12 the rate of basic pay for 1 or more positions within the
13 intelligence community at a rate in excess of any applica-
14 ble limitation, subject to the provisions of this subsection.
15 The exercise of authority so granted is at the discretion
16 of the head of the department or agency employing the
17 individual in a position covered by such authority, subject
18 to the provisions of this subsection and any conditions es-
19 tablished by the Director of National Intelligence when
20 granting such authority.

21 “(2) Authority under this subsection may be granted
22 or exercised only—

23 “(A) with respect to a position which requires
24 an extremely high level of expertise and is critical to

1 successful accomplishment of an important mission;
2 and

3 “(B) to the extent necessary to recruit or retain
4 an individual exceptionally well qualified for the po-
5 sition.

6 “(3) A rate of basic pay may not be fixed under this
7 subsection at a rate greater than the rate payable for level
8 II of the Executive Schedule under section 5313 of title
9 5, United States Code, except upon written approval of
10 the Director of National Intelligence or as otherwise au-
11 thorized by law.

12 “(4) A rate of basic pay may not be fixed under this
13 subsection at a rate greater than the rate payable for level
14 I of the Executive Schedule under section 5312 of title
15 5, United States Code, except upon written approval of
16 the President in response to a request by the Director of
17 National Intelligence or as otherwise authorized by law.

18 “(5) Any grant of authority under this subsection for
19 a position shall terminate at the discretion of the Director
20 of National Intelligence.

21 “(6) The Director of National Intelligence shall notify
22 the congressional intelligence committees within 30 days
23 of any grant or exercise of authority under this subsection.

24 “(u) EXTENSION OF FLEXIBLE PERSONNEL MAN-
25 AGEMENT AUTHORITIES.—(1) Notwithstanding any other

1 provision of law, in order to ensure the equitable treat-
2 ment of employees across the intelligence community, the
3 Director of National Intelligence may, with the concur-
4 rence of the head of the department or agency concerned,
5 or for those matters that fall under the responsibilities of
6 the Office of Personnel Management under statute or ex-
7 ecutive order, in coordination with the Director of the Of-
8 fice of Personnel Management, authorize 1 or more ele-
9 ments of the intelligence community to adopt compensa-
10 tion authority, performance management authority, and
11 scholarship authority that have been authorized for an-
12 other element of the intelligence community if the Director
13 of National Intelligence—

14 “(A) determines that the adoption of such au-
15 thority would improve the management and perform-
16 ance of the intelligence community; and

17 “(B) submits to the congressional intelligence
18 committees, not later than 60 days before such au-
19 thority is to take effect, notice of the adoption of
20 such authority by such element or elements, includ-
21 ing the authority to be so adopted, and an estimate
22 of the costs associated with the adoption of such au-
23 thority.

24 “(2) To the extent that an existing compensation au-
25 thority within the intelligence community is limited to a

1 particular category of employees or a particular situation,
2 the authority may be adopted in another element of the
3 intelligence community under this subsection only for em-
4 ployees in an equivalent category or in an equivalent situa-
5 tion.

6 “(3) In this subsection, the term ‘compensation au-
7 thority’ means authority involving basic pay (including po-
8 sition classification), premium pay, awards, bonuses, in-
9 centives, allowances, differentials, student loan repay-
10 ments, and special payments, but does not include authori-
11 ties as follows:

12 “(A) Authorities related to benefits such as
13 leave, severance pay, retirement, and insurance.

14 “(B) Authority to grant a rank award by the
15 President under section 4507, 4507a, or 3151(c) of
16 title 5, United States Code, or any other provision
17 of law.

18 “(C) Compensation authorities and performance
19 management authorities provided under provisions of
20 law relating to the Senior Executive Service.”.

21 **SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR**
22 **NATIONAL INTELLIGENCE SERVICE.**

23 Section 102A of the National Security Act of 1947
24 (50 U.S.C. 403–1), as amended by section 303, is further
25 amended by adding at the end the following:

1 “(v) AWARD OF RANK TO MEMBERS OF THE SENIOR
 2 NATIONAL INTELLIGENCE SERVICE.—The President,
 3 based on the recommendations of the Director of National
 4 Intelligence, may award ranks to members of the Senior
 5 National Intelligence Service and other intelligence com-
 6 munity senior civilian officers not already covered by such
 7 a rank award program in a manner consistent with the
 8 provisions of section 4507 of title 5, United States Code.
 9 The award of such rank shall be made per the direction
 10 of the Director of National Intelligence and in a manner
 11 consistent with the provisions of such section 4507.”.

12 **SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
 13 **THE INTELLIGENCE COMMUNITY.**

14 (a) ASSESSMENT.—Title V of the National Security
 15 Act of 1947 (50 U.S.C. 413 et seq.) is amended by insert-
 16 ing after section 506A the following new section:

17 **“SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS**
 18 **FOR THE INTELLIGENCE COMMUNITY.**

19 “(a) REQUIREMENT TO PROVIDE.—The Director of
 20 National Intelligence shall for the Office of the Director
 21 of National Intelligence and, in consultation with the head
 22 of the element of the intelligence community concerned,
 23 prepare an annual personnel level assessment for such ele-
 24 ment of the intelligence community that assesses the per-
 25 sonnel levels for each such element for the fiscal year fol-

1 lowing the fiscal year in which the assessment is sub-
2 mitted.

3 “(b) SCHEDULE.—Each assessment required by sub-
4 section (a) shall be submitted to the congressional intel-
5 ligence committees each year along with the budget sub-
6 mitted by the President under section 1105 of title 31,
7 United States Code.

8 “(c) CONTENTS.—Each assessment required by sub-
9 section (a) submitted during a fiscal year shall contain the
10 following information for the element of the intelligence
11 community concerned:

12 “(1) The budget submission for personnel costs
13 for the upcoming fiscal year.

14 “(2) The dollar and percentage increase or de-
15 crease of such costs as compared to the personnel
16 costs of the current fiscal year.

17 “(3) The dollar and percentage increase or de-
18 crease of such costs as compared to the personnel
19 costs during the prior 5 fiscal years.

20 “(4) The number of full-time equivalent posi-
21 tions that is the basis for which personnel funds are
22 requested for the upcoming fiscal year.

23 “(5) The numerical and percentage increase or
24 decrease of such number as compared to the number

1 of full-time equivalent positions of the current fiscal
2 year.

3 “(6) The numerical and percentage increase or
4 decrease of such number as compared to the number
5 of full-time equivalent positions during the prior 5
6 fiscal years.

7 “(7) The best estimate of the number and costs
8 of contract personnel to be funded by the element
9 for the upcoming fiscal year.

10 “(8) The numerical and percentage increase or
11 decrease of such costs of contract personnel as com-
12 pared to the best estimate of the costs of contract
13 personnel of the current fiscal year.

14 “(9) The numerical and percentage increase or
15 decrease of such costs of contract personnel as com-
16 pared to the cost of contract personnel, and the
17 number of contract personnel, during the prior 5 fis-
18 cal years.

19 “(10) A justification for the requested per-
20 sonnel and contract personnel levels.

21 “(11) The number of intelligence collectors and
22 analysts employed or contracted by each element of
23 the intelligence community.

24 “(12) A list of all contract personnel who have
25 been the subject of an investigation or review com-

1 pleted by the inspector general of any element of the
2 intelligence community during the preceding fiscal
3 year, or are or have been the subject of an investiga-
4 tion or review by such an inspector general during
5 the current fiscal year.

6 “(13) A statement by the Director of National
7 Intelligence that, based on current and projected
8 funding, the element concerned will have sufficient—

9 “(A) internal infrastructure to support the
10 requested personnel and contract personnel lev-
11 els;

12 “(B) training resources to support the re-
13 quested personnel levels; and

14 “(C) funding to support the administrative
15 and operational activities of the requested per-
16 sonnel levels.”.

17 (b) **APPLICABILITY DATE.**—The first assessment re-
18 quired to be submitted under section 506B(b) of the Na-
19 tional Security Act of 1947, as added by subsection (a),
20 shall be submitted with the budget for fiscal year 2011
21 submitted to Congress by the President under section
22 1105 of title 31, United States Code.

23 (c) **TABLE OF CONTENTS AMENDMENT.**—The table
24 of contents in the first section of the National Security

1 Act of 1947 is amended by inserting after the item relat-
2 ing to section 506A the following new item:

“Sec. 506B. Annual personnel levels assessment for the intelligence commu-
nity.”.

3 **SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR**
4 **CRITICAL LANGUAGE TRAINING.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) In 2009, eight years after the terrorist at-
8 tacks of September 11, 2001, the intelligence com-
9 munity continues to lack an adequate supply of per-
10 sonnel trained in critical foreign languages.

11 (2) A number of elements of the intelligence
12 community are attempting to address that lack of
13 supply by recruiting applicants who can speak, read,
14 and understand critical foreign languages.

15 (3) Leaders in the intelligence community have
16 recognized that improved recruiting practices are
17 only a partial solution and that improved language
18 training for current intelligence community employ-
19 ees is also necessary.

20 (4) While language education and instruction
21 provides long-term benefits for both intelligence
22 agencies and individual employees, it has short-term
23 costs for supervisors whose staff are absent due to
24 language training and could provide supervisors with

1 an incentive to resist allowing individual employees
2 to pursue language training.

3 (5) If the head of an element of the intelligence
4 community was able to increase the number of per-
5 sonnel at that element during the period that an em-
6 ployee is participating in language training, that ele-
7 ment would not have to sacrifice short-term prior-
8 ities to address language training needs.

9 (6) The Director of National Intelligence is
10 uniquely situated to evaluate language training
11 needs across the intelligence community and assess
12 whether that training would be enhanced if elements
13 of the intelligence community were given temporary
14 additional personnel authorizations.

15 (7) The intelligence community has a difficult
16 time finding, training, and providing security clear-
17 ances to native foreign language speakers who are
18 able to serve as translators and it would be bene-
19 ficial if all elements of the intelligence community
20 were able to harness the capabilities of these individ-
21 uals.

22 (8) The Director of National Intelligence is
23 uniquely situated to identify translators within the
24 intelligence community and provide for their tem-

1 porary transfer from one element of the intelligence
2 community to another element.

3 (b) TEMPORARY PERSONNEL AUTHORIZATIONS.—

4 (1) AUTHORIZED ADDITIONAL FTES.—In addi-
5 tion to the number of full-time equivalent positions
6 authorized for the Office of the Director of National
7 Intelligence for a fiscal year, there is authorized for
8 such Office for each fiscal year an additional 100
9 full-time equivalent positions that may be utilized
10 only for the purposes described in paragraph (2).

11 (2) PURPOSES.—The Director of National In-
12 telligence may use a full-time equivalent position au-
13 thorized under paragraph (1) only for the purposes
14 of providing a temporary transfer of personnel made
15 pursuant to the authority in section 102A(e)(2) of
16 the National Security Act of 1947 (50 U.S.C. 403-
17 1(e)(2)) to an element of the intelligence community
18 to enable such element to increase its total author-
19 ized number of personnel, on a temporary basis—

20 (A) during a period in which a permanent
21 employee of such element is absent to partici-
22 pate in critical language training; or

23 (B) to accept a permanent employee of an-
24 other element of the intelligence community to

1 provide language-capable services a temporary
2 basis.

3 (c) INAPPLICABILITY OF OTHER LAW.—Subpara-
4 graph (B) of section 102A(e)(2) of the National Security
5 Act of 1947 (50 U.S.C. 403–1(e)(2)) shall not apply to
6 a transfer of personnel authorizations made under this
7 section.

8 (d) REPORTING REQUIREMENTS.—

9 (1) REPORT TO THE DIRECTOR OF NATIONAL
10 INTELLIGENCE.—An element of the intelligence com-
11 munity that receives a temporary transfer of per-
12 sonnel authorized under subsection (b) shall submit
13 to the Director of National Intelligence a report on
14 such transfer that includes the length of time of the
15 temporary transfer and which critical language need
16 of such element was fulfilled or partially fulfilled by
17 the transfer.

18 (2) ANNUAL REPORT TO CONGRESS.—The Di-
19 rector of National Intelligence shall submit to the
20 congressional intelligence committees an annual re-
21 port on this section. Each such report shall include
22 a description of—

23 (A) the number of transfers of personnel
24 made by the Director pursuant to subsection

1 (b), disaggregated by each element of the intel-
 2 ligence community;

3 (B) the critical language that needs were
 4 fulfilled or partially fulfilled through the use of
 5 such transfers; and

6 (C) the cost to carry out subsection (b).

7 **Subtitle B—Education Programs**

8 **SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROB-** 9 **ERTS INTELLIGENCE SCHOLARS PROGRAM.**

10 (a) IN GENERAL.—Subsection (a) of section 318 of
 11 the Intelligence Authorization Act for Fiscal Year 2004
 12 (Public Law 108–177; 50 U.S.C. 441g note) is amended—

13 (1) in the heading, by striking “PILOT PRO-
 14 GRAM” and inserting “IN GENERAL”;

15 (2) in paragraph (1)—

16 (A) by striking “pilot”; and

17 (B) by inserting “, acquisition, scientific,
 18 and technical, or other” after “analytic” in both
 19 places that term appears;

20 (3) in paragraph (2), by striking “pilot”; and

21 (4) in paragraph (3), by striking “pilot”.

22 (b) ELEMENTS.—Subsection (b) of section 318 of the
 23 Intelligence Authorization Act for Fiscal Year 2004 (Pub-
 24 lic Law 108–177; 50 U.S.C. 411g note) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “pilot”;

3 (2) in paragraph (1), by striking “analysts”
4 and inserting “professionals”; and

5 (3) in paragraph (2), by inserting “, acquisi-
6 tion, scientific, and technical, or other” after “ana-
7 lytic”.

8 (c) PERMANENT AUTHORIZATION.—Section 318 of
9 the Intelligence Authorization Act for Fiscal Year 2004
10 (Public Law 108–177; 50 U.S.C. 411g note) is amended
11 by striking subsections (c), (d), (e), (f), and (g).

12 (d) USE OF FUNDS.—Section 318 of the Intelligence
13 Authorization Act for Fiscal Year 2004 (Public Law 108–
14 177; 50 U.S.C. 411g note), as amended by subsection (c),
15 is further amended by adding at the end the following:

16 “(c) USE OF FUNDS.—Funds made available for the
17 program may be used for the following purposes:

18 “(1) To provide a monthly stipend for each
19 month that the individual is pursuing a course of
20 study described in subsection (a).

21 “(2) To pay such individual’s full tuition to per-
22 mit the individual to complete such a course of
23 study.

1 “(3) To provide an allowance for books and ma-
2 terials that such individual requires to complete such
3 a course of study.

4 “(4) To pay such individual’s expenses for trav-
5 el as requested by an element of the intelligence
6 community related to the program.”.

7 (e) CONFORMING AMENDMENTS.—

8 (1) SECTION HEADING.—The section heading of
9 section 318 of the Intelligence Authorization Act for
10 Fiscal Year 2004 (Public Law 108–177; 117 Stat.
11 2613) is amended to read as follows:

12 **“SEC. 318. PAT ROBERTS INTELLIGENCE SCHOLARS PRO-**
13 **GRAM.”.**

14 (2) TABLE OF CONTENTS.—The table of con-
15 tents in section 1(b) of the Intelligence Authoriza-
16 tion Act for Fiscal Year 2004 (Public Law 108–177;
17 117 Stat. 2599) is amended by striking the item re-
18 lating to section 318 and inserting the following:

“Sec. 318. Pat Roberts Intelligence Scholars Program.”.

19 **SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDU-**
20 **CATIONAL SCHOLARSHIP PROGRAM.**

21 (a) EXPANSION OF THE LOUIS STOKES EDU-
22 CATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STU-
23 DENTS.—Section 16 of the National Security Agency Act
24 of 1959 (50 U.S.C. 402 note) is amended—

25 (1) in subsection (a)—

1 (A) by inserting “and graduate” after “un-
2 dergraduate”; and

3 (B) by striking “the baccalaureate” and
4 inserting “a baccalaureate or graduate”;

5 (2) in subsection (b), by inserting “or grad-
6 uate” after “undergraduate”;

7 (3) in subsection (e)(2), by inserting “and grad-
8 uate” after “undergraduate”; and

9 (4) by adding at the end “Such program shall
10 be known as the Louis Stokes Educational Scholar-
11 ship Program.”.

12 (b) AUTHORITY FOR PARTICIPATION BY INDIVID-
13 UALS WHO ARE NOT EMPLOYED BY THE FEDERAL GOV-
14 ERNMENT.—

15 (1) IN GENERAL.—Subsection (b) of section 16
16 of the National Security Agency Act of 1959 (50
17 U.S.C. 402 note), as amended by subsection (a)(2),
18 is further amended by striking “civilian employees”
19 and inserting “civilians who may or may not be em-
20 ployees”.

21 (2) REPLACEMENT OF THE TERM “EM-
22 PLOYEE”.—Section 16 of the National Security
23 Agency Act of 1959 (50 U.S.C. 402 note), as
24 amended by subsection (a), is further amended—

1 (A) in subsection (c), by striking “employ-
2 ees” and inserting “program participants”;

3 (B) in subsection (d)—

4 (i) in paragraph (1)—

5 (I) in the matter preceding sub-
6 paragraph (A), strike “an employee of
7 the Agency” and insert “a program
8 participant”;

9 (II) in subparagraph (A), by
10 striking “employee” and inserting
11 “program participant”;

12 (III) in subparagraph (C)—

13 (aa) by striking “employee”
14 each place that term appears and
15 inserting “program participant”;
16 and

17 (bb) by striking “employ-
18 ee’s” each place that term ap-
19 pears and inserting “program
20 participant’s”; and

21 (IV) in subparagraph (D)—

22 (aa) by striking “employee”
23 each place that term appears and
24 inserting “program participant”;
25 and

1 (bb) by striking “employ-
2 ee’s” each place that term ap-
3 pears and inserting “program
4 participant’s”; and

5 (ii) in paragraph (3)(C)—

6 (I) by striking “employee” both
7 places that term appears and insert-
8 ing “program participant”; and

9 (II) by striking “employee’s” and
10 inserting “program participant’s”;
11 and

12 (C) in subsection (e)(1), by striking “em-
13 ployee” and inserting “program participant”.

14 (c) TERMINATION OF PROGRAM PARTICIPANTS.—

15 Subsection (d)(1)(C) of section 16 of the National Secu-
16 rity Agency Act of 1959 (50 U.S.C. 402 note), as amended
17 by subsection (b)(2)(B)(i)(III), is further amended by
18 striking “terminated” and all that follows and inserting
19 “terminated—

20 “(i) by the Agency due to misconduct by
21 the program participant;

22 “(ii) by the program participant volun-
23 tarily; or

24 “(iii) by the Agency for the failure of the
25 program participant to maintain such level of

1 academic standing in the educational course of
2 training as the Director of the National Security
3 Agency shall have specified in the agreement
4 of the program participant under this
5 subsection; and”.

6 (d) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of Section 16 of
7 the National Security Agency Act of 1959 (50 U.S.C. 402
8 note) is amended by striking “(1) When an employee” and
9 all that follows through “(2) Agency efforts” and inserting
10 “Agency efforts”.

12 (e) AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—Section 102A of the
13 National Security Act of 1947 (50 U.S.C. 403–1), as
14 amended by sections 303 and 304, is further amended by
15 adding at the end the following new subsection:

18 “(w) EDUCATIONAL SCHOLARSHIP PROGRAM.—The
19 head of a department or agency containing an element of
20 the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such
21 element similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 16 of the
22
23
24
25

1 National Security Agency Act of 1959 (50 U.S.C. 402
2 note) for civilian employees of the National Security Agen-
3 cy.”.

4 **SEC. 313. INTELLIGENCE OFFICER EDUCATION PROGRAMS.**

5 (a) **AUTHORITY.**—The Director may carry out, or
6 may authorize the head of an element of the intelligence
7 community to carry out, programs in accordance with this
8 section for the purposes described in subsection (c).

9 (b) **DEFINITIONS.**—In this section:

10 (1) **DIRECTOR.**—The term “Director” means
11 “the Director of National Intelligence”.

12 (2) **INSTITUTION OF HIGHER EDUCATION.**—The
13 term “institution of higher education” has the
14 meaning given the term in section 101 of the Higher
15 Education Act of 1965 (20 U.S.C. 1001).

16 (c) **PURPOSES.**—The purpose of a program carried
17 out under this section shall be—

18 (1) to encourage the preparation, recruitment,
19 and retention of civilian intelligence community per-
20 sonnel who possess language, analytic, scientific,
21 technical, or other skills necessary to meet the needs
22 of the intelligence community, as identified by the
23 Director; and

24 (2) to enhance recruitment and retention of an
25 ethnically and culturally diverse workforce for the

1 intelligence community with capabilities critical to
2 the national security interests of the United States.

3 (d) AUTHORIZED PROGRAMS.—The programs au-
4 thorized under this section are as follows:

5 (1) GRANTS TO INDIVIDUALS.—A program car-
6 ried out in accordance with subsection (e) to provide
7 financial aid to an individual to pursue a program
8 at an institution of higher education in language,
9 analysis, science, technical fields, or other skills nec-
10 essary to meet the needs of the intelligence commu-
11 nity, as identified by the Director.

12 (2) GRANTS TO INSTITUTIONS OF HIGHER EDU-
13 CATION.—A program carried out in accordance with
14 subsection (f) to provide a grant to an institution of
15 higher education to develop a program of study in
16 an area of study referred to paragraph (1).

17 (e) GRANTS TO INDIVIDUALS.—

18 (1) IN GENERAL.—The Director, or the head of
19 an element of the intelligence community authorized
20 by the Director under subsection (a), may award a
21 grant to an individual who is pursuing an associate,
22 baccalaureate, advanced degree, or certification in
23 an area of study referred to in subsection (e)(1) at
24 an institution of higher education.

1 (2) USE OR FUNDS.—A grant awarded to an
2 individual under this section to enroll in a program
3 at an institution of higher education may be used—

4 (A) to pay the tuition, fees, and other costs
5 of such program;

6 (B) to pay the living expenses of the indi-
7 vidual during the time the individual is enrolled
8 in such program; or

9 (C) to support internship activities of the
10 individual within the intelligence community
11 during the academic year or periods between
12 academic years in which the individual is en-
13 rolled in such program.

14 (3) ADMINISTRATION OF GRANTS.—A grant of
15 financial aid to an individual under this section shall
16 be administered through—

17 (A) the Pat Roberts Intelligence Scholars
18 Program carried out under section 318 of the
19 Intelligence Authorization Act for Fiscal Year
20 2004 (50 U.S.C. 441g note); or

21 (B) the Louis Stokes Educational Scholar-
22 ship Program carried out under section 16 of
23 the National Security Agency Act of 1959 (50
24 U.S.C. 402 note).

1 (4) SELECTION.—In selecting an individual to
2 receive a grant under this section to enroll in a pro-
3 gram at an institution of higher education, the Di-
4 rector or head of an element of the intelligence com-
5 munity, as appropriate, shall consider whether such
6 institution has been awarded a grant under this sec-
7 tion.

8 (5) AUTHORITY FOR SCREENING.—The Direc-
9 tor is authorized to screen and qualify each indi-
10 vidual selected to receive a grant under this section
11 for the appropriate security clearance without regard
12 to the date that the employment relationship be-
13 tween the individual and an element of the intel-
14 ligence community is formed, or whether it is ever
15 formed.

16 (f) GRANTS TO INSTITUTIONS OF HIGHER EDU-
17 CATION.—

18 (1) IN GENERAL.—The Director may award a
19 grant to an institution of higher education to sup-
20 port the establishment, continued development, im-
21 provement, or administration of a program of study
22 referred to in subsection (c)(1) at such institution.

23 (2) USE OF FUNDS.—A grant awarded to an in-
24 stitution of higher education under this section may
25 be used for the following:

1 (A) Curriculum or program development.

2 (B) Faculty development.

3 (C) Laboratory equipment or improve-
4 ments.

5 (D) Faculty research in language, analysis,
6 science, technical, or other fields that meet cur-
7 rent or emerging needs of the intelligence com-
8 munity as identified by the Director of National
9 Intelligence.

10 (3) REPORTS.—An institution of higher edu-
11 cation awarded a grant under this section shall sub-
12 mit to the Director regular reports regarding the use
13 of such grant, including—

14 (A) a description of the benefits to stu-
15 dents who participate in the course of study
16 funded by such grant;

17 (B) a description of the results and accom-
18 plishments related to such course of study; and

19 (C) any other information that the Direc-
20 tor may require.

21 (g) APPLICATION.—An individual or an institution of
22 higher education seeking a grant under this section shall
23 submit an application to the Director describing the pro-
24 posed use of the grant at such time and in such manner
25 as the Director may require.

1 (h) REGULATIONS.—The Director shall prescribe
2 such regulations as are necessary to carry out this section.

3 (i) REPEAL OF PRIOR PROGRAMS.—

4 (1) IN GENERAL.—The following provisions are
5 repealed:

6 (A) Section 319 of Intelligence Authoriza-
7 tion Act for Fiscal Year 2004 (Public Law
8 108–177; 50 U.S.C. 403 note).

9 (B) Section 1003 of the National Security
10 Act of 1947 (50 U.S.C. 441g–2).

11 (C) Section 922 of Ronald W. Reagan Na-
12 tional Defense Authorization Act for Fiscal
13 Year 2005 (Public Law 108–375; 50 U.S.C.
14 402 note).

15 (2) EFFECT ON PRIOR AGREEMENTS.—An
16 agreement, contract, or employment relationship
17 that was in effect pursuant to a provision repealed
18 by subparagraph (A), (B), or (C) of paragraph (1)
19 prior to the date of the enactment of this Act shall
20 remain in effect unless all parties mutually agree to
21 amend, modify, or abrogate such agreement, con-
22 tract, or relationship.

23 (3) TABLE OF CONTENTS AMENDMENTS.—

24 (A) INTELLIGENCE AUTHORIZATION ACT
25 FOR FISCAL YEAR 2004.—The Intelligence Au-

1 thorization Act for Fiscal Year 2004 is amend-
2 ed in the table of contents in section 1(b), by
3 striking the item relating to section 319.

4 (B) RONALD W. REAGAN NATIONAL DE-
5 FENSE AUTHORIZATION ACT FOR FISCAL YEAR
6 2005.—The Ronald W. Reagan National De-
7 fense Authorization Act for Fiscal Year 2005
8 (Public Law 108–375; 118 Stat. 1811) is
9 amended—

10 (i) in the table of contents in section
11 2(b), by striking the item relating to sec-
12 tion 922; and

13 (ii) in title IV in the table of contents
14 preceding subtitle A, by striking the item
15 relating to section 922.

16 (j) EFFECT OF OTHER LAW.—The Director shall ad-
17 minister the Intelligence Officer Training Program pursu-
18 ant to the provisions of chapter 63 of title 31, United
19 States Code and chapter 75 of such title, except that the
20 Comptroller General of the United States shall have no
21 authority, duty, or responsibility in matters related to this
22 program.

23 **SEC. 314. REVIEW AND REPORT ON EDUCATION PRO-**
24 **GRAMS.**

25 (a) REVIEW.—

1 (1) REQUIREMENT FOR REVIEW.—The Director
2 of National Intelligence shall review the programs
3 described in paragraph (2) to determine if such pro-
4 grams—

5 (A) meet the needs of the intelligence com-
6 munity to prepare, recruit, and retain a skilled
7 and diverse workforce;

8 (B) should be combined or otherwise inte-
9 grated; and

10 (C) constitute all the education programs
11 carried out by the Director of National Intel-
12 ligence or the head of an element of the intel-
13 ligence community and, if not, whether other
14 such educational programs could be combined
15 or otherwise integrated with the programs de-
16 scribed in paragraph (2).

17 (2) PROGRAMS DESCRIBED.—The programs de-
18 scribed in this paragraph are the following:

19 (A) The Pat Roberts Intelligence Scholars
20 Program carried out under section 318 of the
21 Intelligence Authorization Act for Fiscal Year
22 2004 (50 U.S.C. 441g note), as amended by
23 section 311.

24 (B) The Louis Stokes Educational Schol-
25 arship Program carried out section 16 of the

1 National Security Agency Act of 1959 (50
2 U.S.C. 402 note), as amended by section 312.

3 (C) The education grant programs carried
4 out under section 313.

5 (D) Any other program that provides for
6 education or training of personnel of an element
7 of the intelligence community.

8 (b) REPORT.—Not later than February 1, 2010, the
9 Director of National Intelligence shall submit to the con-
10 gressional intelligence committees a report on the results
11 of the review required by subsection (a).

12 **Subtitle C—Acquisition Matters**

13 **SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYS-** 14 **TEMS.**

15 (a) VULNERABILITY ASSESSMENTS OF MAJOR SYS-
16 TEMS.—

17 (1) IN GENERAL.—Title V of the National Se-
18 curity Act of 1947 (50 U.S.C. 413 et seq.), as
19 amended by section 305 of this Act, is further
20 amended by inserting after section 506B, as added
21 by section 305(a), the following new section:

22 “VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

23 “SEC. 506C. (a) INITIAL VULNERABILITY ASSESS-
24 MENTS.—

25 “(1) REQUIREMENT FOR INITIAL VULNER-
26 ABILITY ASSESSMENTS.—The Director of National

1 Intelligence shall conduct an initial vulnerability as-
2 sessment for any major system and its significant
3 items of supply that is proposed for inclusion in the
4 National Intelligence Program prior to completion of
5 Milestone B or an equivalent acquisition decision.
6 The initial vulnerability assessment of a major sys-
7 tem and its significant items of supply shall include
8 use of an analysis-based approach to—

9 “(A) identify vulnerabilities;

10 “(B) define exploitation potential;

11 “(C) examine the system’s potential effec-
12 tiveness;

13 “(D) determine overall vulnerability; and

14 “(E) make recommendations for risk re-
15 duction.

16 “(2) LIMITATION ON OBLIGATION OF FUNDS.—

17 For any major system for which an initial vulner-
18 ability assessment is required under paragraph (1)
19 on the date of the enactment of the Intelligence Au-
20 thorization Act for Fiscal Year 2010, such assess-
21 ment shall be submitted to the congressional intel-
22 ligence committees within 180 days of such date of
23 enactment. If such assessment is not submitted to
24 the congressional intelligence committees within 180
25 days of such date of enactment, funds appropriated

1 for the acquisition of the major system may not be
2 obligated for a major contract related to the major
3 system. Such prohibition on the obligation of funds
4 for the acquisition of the major system shall cease
5 to apply at the end of the 30-day period of a contin-
6 uous session of Congress that begins on the date on
7 which Congress receives the initial vulnerability as-
8 sessment.

9 “(b) SUBSEQUENT VULNERABILITY ASSESS-
10 MENTS.—(1) The Director of National Intelligence shall,
11 periodically throughout the life span of a major system
12 or if the Director determines that a change in cir-
13 cumstances warrants the issuance of a subsequent vulner-
14 ability assessment, conduct a subsequent vulnerability as-
15 sessment of each major system and its significant items
16 of supply within the National Intelligence Program.

17 “(2) Upon the request of a congressional intelligence
18 committee, the Director of National Intelligence may con-
19 duct a subsequent vulnerability assessment of a particular
20 major system and its significant items of supply within
21 the National Intelligence Program.

22 “(3) Any subsequent vulnerability assessment of a
23 major system and its significant items of supply shall in-
24 clude use of an analysis-based approach and, if applicable,
25 a testing-based approach, to monitor the exploitation po-

1 tential of such system and reexamine the factors described
2 in subparagraphs (A) through (E) of subsection (a)(1).

3 “(c) MAJOR SYSTEM MANAGEMENT.—The Director
4 of National Intelligence shall give due consideration to the
5 vulnerability assessments prepared for a given major sys-
6 tem when developing and determining the National Intel-
7 ligence Program budget.

8 “(d) CONGRESSIONAL OVERSIGHT.—(1) The Direc-
9 tor of National Intelligence shall provide to the congres-
10 sional intelligence committees a copy of each vulnerability
11 assessment conducted under subsection (a) or (b) not later
12 than 10 days after the date of the completion of such as-
13 sessment.

14 “(2) The Director of National Intelligence shall pro-
15 vide the congressional intelligence committees with a pro-
16 posed schedule for subsequent vulnerability assessments of
17 a major system under subsection (b) when providing such
18 committees with the initial vulnerability assessment under
19 subsection (a) of such system as required by paragraph
20 (1).

21 “(e) DEFINITIONS.—In this section:

22 “(1) The term ‘items of supply’—

23 “(A) means any individual part, compo-
24 nent, subassembly, assembly, or subsystem inte-
25 gral to a major system, and other property

1 which may be replaced during the service life of
2 the major system, including spare parts and re-
3 plenishment parts; and

4 “(B) does not include packaging or label-
5 ing associated with shipment or identification of
6 items.

7 “(2) The term ‘major system’ has the meaning
8 given that term in section 506A(e).

9 “(3) The term ‘Milestone B’ means a decision
10 to enter into system development and demonstration
11 pursuant to guidance prescribed by the Director of
12 National Intelligence.

13 “(4) The term ‘vulnerability assessment’ means
14 the process of identifying and quantifying
15 vulnerabilities in a major system and its significant
16 items of supply.”.

17 (2) TABLE OF CONTENTS AMENDMENT.—The
18 table of contents in the first section of the National
19 Security Act of 1947, as amended by section 305 of
20 this Act, is further amended by inserting after the
21 item relating to section 506B, as added by section
22 305(b), the following:

“Sec. 506C. Vulnerability assessments of major systems.”.

23 (b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3)
24 of section 506A(e) of the National Security Act of 1947
25 (50 U.S.C. 415a–1(e)) is amended to read as follows:

1 “(B) the certification is approved by the appro-
2 priate authorities within the intelligence community
3 business system transformation governance structure
4 identified in subsection (f).

5 “(2) The certification described in this paragraph for
6 an intelligence community business system transformation
7 is a certification, made by the approval authority des-
8 ignated by the Director under subsection (c)(2) that the
9 intelligence community business system transformation—

10 “(A) complies with the enterprise architecture
11 under subsection (b) and other Director of National
12 Intelligence policy and standards; or

13 “(B) is necessary—

14 “(i) to achieve a critical national security
15 capability or address a critical requirement in
16 an area such as safety or security; or

17 “(ii) to prevent a significant adverse effect
18 on a project that is needed to achieve an essen-
19 tial capability, taking into consideration the al-
20 ternative solutions for preventing such adverse
21 effect.

22 “(b) ENTERPRISE ARCHITECTURE FOR INTEL-
23 LIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Di-
24 rector of National Intelligence shall, acting through the
25 intelligence community business system transformation

1 governance structure identified in subsection (f), develop
2 and implement an enterprise architecture to cover all intel-
3 ligence community business systems, and the functions
4 and activities supported by such business systems. The en-
5 terprise architecture shall be sufficiently defined to effec-
6 tively guide, constrain, and permit implementation of
7 interoperable intelligence community business system solu-
8 tions, consistent with applicable policies and procedures
9 established by the Director of the Office of Management
10 and Budget.

11 “(2) The enterprise architecture under paragraph (1)
12 shall include the following—

13 “(A) An information infrastructure that, at a
14 minimum, will enable the intelligence community
15 to—

16 “(i) comply with all Federal accounting, fi-
17 nancial management, and reporting require-
18 ments;

19 “(ii) routinely produce timely, accurate,
20 and reliable financial information for manage-
21 ment purposes;

22 “(iii) integrate budget, accounting, and
23 program information and systems; and

1 “(iv) provide for the measurement of per-
2 formance, including the ability to produce time-
3 ly, relevant, and reliable cost information.

4 “(B) Policies, procedures, data standards, and
5 system interface requirements that apply uniformly
6 throughout the intelligence community.

7 “(c) RESPONSIBILITIES FOR INTELLIGENCE COMMU-
8 NITY BUSINESS SYSTEM TRANSFORMATION.—(1) The Di-
9 rector of National Intelligence shall be responsible for the
10 entire life cycle of an intelligence community business sys-
11 tem transformation, to include review, approval, and over-
12 sight of the planning, design, acquisition, deployment, op-
13 eration, and maintenance of the business system trans-
14 formation.

15 “(2) The Director shall designate one or more appro-
16 priate officials of the intelligence community to be respon-
17 sible for making certifications with respect to intelligence
18 community business system transformation under sub-
19 section (a)(2).

20 “(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM
21 INVESTMENT REVIEW.—(1) The approval authority des-
22 ignated under subsection (c)(2) shall establish and imple-
23 ment, not later than February 1, 2010, an investment re-
24 view process for the intelligence community business sys-
25 tems for which the approval authority is responsible.

1 “(2) The investment review process under paragraph
2 (1) shall—

3 “(A) meet the requirements of section 11312 of
4 title 40, United States Code; and

5 “(B) specifically set forth the responsibilities of
6 the approval authority under such review process.

7 “(3) The investment review process under paragraph
8 (1) shall include the following elements:

9 “(A) Review and approval by an investment re-
10 view board (consisting of appropriate representatives
11 of the intelligence community) of each intelligence
12 community business system as an investment before
13 the obligation of funds for such system.

14 “(B) Periodic review, but not less often than
15 annually, of every intelligence community business
16 system investment.

17 “(C) Thresholds for levels of review to ensure
18 appropriate review of intelligence community busi-
19 ness system investments depending on the scope,
20 complexity, and cost of the system involved.

21 “(D) Procedures for making certifications in
22 accordance with the requirements of subsection
23 (a)(2).

24 “(e) BUDGET INFORMATION.—For each fiscal year
25 after fiscal year 2011, the Director of National Intel-

1 ligen­ce shall include in the materials the Director submits
2 to Congress in support of the budget for such fiscal year
3 that is submitted to Congress under section 1105 of title
4 31, United States Code, the following information:

5 “(1) An identification of each intelligence com-
6 munity business system for which funding is pro-
7 posed in such budget.

8 “(2) An identification of all funds, by appro-
9 priation, proposed in such budget for each such sys-
10 tem, including—

11 “(A) funds for current services to operate
12 and maintain such system;

13 “(B) funds for business systems mod-
14 ernization identified for each specific appropria-
15 tion; and

16 “(C) funds for associated business process
17 improvement or reengineering efforts.

18 “(3) For each such system, identification of ap-
19 proval authority designated for such system under
20 subsection (c)(2).

21 “(4) The certification, if any, made under sub-
22 section (a)(2) with respect to each such system.

23 “(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM
24 TRANSFORMATION GOVERNANCE BOARD.—

1 “(1) The Director of National Intelligence shall
2 establish a board within the intelligence community
3 business system transformation governance structure
4 (in this subsection referred to as the ‘Board’).

5 “(2) The Board shall—

6 “(A) recommend to the Director policies
7 and procedures necessary to effectively inte-
8 grate all business activities and any trans-
9 formation, reform, reorganization, or process
10 improvement initiatives under taken within the
11 intelligence community;

12 “(B) review and approve any major update
13 of—

14 “(i) the enterprise architecture devel-
15 oped under subsection (b); and

16 “(ii) any plans for an intelligence
17 community business systems moderniza-
18 tion;

19 “(C) manage cross-domain integration con-
20 sistent with such enterprise architecture;

21 “(D) be responsible for coordinating initia-
22 tives for intelligence community business system
23 transformation to maximize benefits and mini-
24 mize costs for the intelligence community, and
25 periodically report to the Director on the status

1 of efforts to carry out an intelligence commu-
2 nity business system transformation;

3 “(E) ensure that funds are obligated for
4 intelligence community business system trans-
5 formation in a manner consistent with sub-
6 section (a); and

7 “(F) carry out such other duties as the Di-
8 rector shall specify.

9 “(g) RELATION TO ANNUAL REGISTRATION RE-
10 QUIREMENTS.—Nothing in this section shall be construed
11 to alter the requirements of section 8083 of the Depart-
12 ment of Defense Appropriations Act, 2005 (Public Law
13 108–287; 118 Stat. 989), with regard to information tech-
14 nology systems (as defined in subsection (d) of such sec-
15 tion).

16 “(h) RELATIONSHIP TO DEFENSE BUSINESS ENTER-
17 PRISE ARCHITECTURE.—Nothing in this section, or the
18 amendments made by this section, shall be construed to
19 exempt funds authorized to be appropriated to the Depart-
20 ment of Defense from the requirements of section 2222
21 of title 10, United States Code, to the extent that such
22 requirements are otherwise applicable.

23 “(i) RELATION TO CLINGER-COHEN ACT.—(1) Exec-
24 utive agency responsibilities in chapter 113 of title 40,

1 United States Code, for any intelligence community busi-
2 ness system transformation shall be exercised jointly by—

3 “(A) the Director of National Intelligence and
4 the Chief Information Officer of the Intelligence
5 Community; and

6 “(B) the head of the executive agency that con-
7 tains the element of the intelligence community in-
8 volved and the chief information officer of that exec-
9 utive agency.

10 “(2) The Director of National Intelligence and the
11 head of the executive agency shall enter a Memorandum
12 of Understanding to carry out the requirements of this
13 section in a manner that best meets the needs of the intel-
14 ligence community and the executive agency.

15 “(j) REPORTS.—Not later than March 15 of each of
16 the years 2011 through 2015, the Director of National
17 Intelligence shall submit to the congressional intelligence
18 committees a report on the compliance of the intelligence
19 community with the requirements of this section. Each
20 such report shall—

21 “(1) describe actions taken and proposed for
22 meeting the requirements of subsection (a), includ-
23 ing—

24 “(A) specific milestones and actual per-
25 formance against specified performance meas-

1 ures, and any revision of such milestones and
2 performance measures; and

3 “(B) specific actions on the intelligence
4 community business system transformations
5 submitted for certification under such sub-
6 section; and

7 “(2) identify the number of intelligence commu-
8 nity business system transformations that received a
9 certification described in subsection (a)(2)(B); and

10 “(3) describe specific improvements in business
11 operations and cost savings resulting from successful
12 intelligence community business systems trans-
13 formation efforts.

14 “(k) DEFINITIONS.—In this section:

15 “(1) ENTERPRISE ARCHITECTURE.—The term
16 ‘enterprise architecture’ has the meaning given that
17 term in section 3601(4) of title 44, United States
18 Code.

19 “(2) INFORMATION SYSTEM; INFORMATION
20 TECHNOLOGY.—The terms ‘information system’ and
21 ‘information technology’ have the meanings given
22 those terms in section 11101 of title 40, United
23 States Code.

24 “(3) INTELLIGENCE COMMUNITY BUSINESS
25 SYSTEM.—The term ‘intelligence community busi-

1 ness system’ means an information system, including
2 national security systems, that are operated by, for,
3 or on behalf of the intelligence community or ele-
4 ments of the intelligence community as defined by
5 law and Executive Order, including financial sys-
6 tems, mixed systems, financial data feeder systems,
7 and the business infrastructure capabilities shared
8 by the systems of the business enterprise architec-
9 ture, including people, process, and technology, that
10 build upon the core infrastructure used to support
11 business activities, such as acquisition, financial
12 management, logistics, strategic planning and budg-
13 eting, installations and environment, and human re-
14 source management.

15 “(4) INTELLIGENCE COMMUNITY BUSINESS
16 SYSTEM TRANSFORMATION.—The term ‘intelligence
17 community business system transformation’
18 means—

19 “(A) the acquisition or development of a
20 new intelligence community business system; or

21 “(B) any significant modification or en-
22 hancement of an existing intelligence commu-
23 nity business system (other than necessary to
24 maintain current services).

1 “(5) NATIONAL SECURITY SYSTEM.—The term
2 ‘national security system’ has the meaning given
3 that term in section 3542 of title 44, United States
4 Code.”.

5 (2) TABLE OF CONTENTS AMENDMENT.—The
6 table of contents in the first section of that Act, as
7 amended by sections 305 and 321 of this Act, is fur-
8 ther amended by inserting after the item relating to
9 section 506C, as added by section 321(a)(2), the fol-
10 lowing new item:

“Sec. 506D. Intelligence community business systems transformation.”.

11 (b) IMPLEMENTATION.—

12 (1) CERTAIN DUTIES.—Not later than 60 days
13 after the date of the enactment of this Act, the Di-
14 rector of National Intelligence shall—

15 (A) complete the delegation of responsi-
16 bility for the review, approval, and oversight of
17 intelligence community business systems re-
18 quired by subsection (c) of section 506D of the
19 National Security Act of 1947 (as added by
20 subsection (a)); and

21 (B) designate a chairman and personnel to
22 serve on the appropriate intelligence community
23 business system transformation governance
24 board established under subsection (f) of such
25 section 506D (as so added).

1 (2) ENTERPRISE ARCHITECTURE.—

2 (A) SCHEDULE FOR DEVELOPMENT.—The
3 Director shall develop the enterprise architec-
4 ture required by subsection (b) of such section
5 506D (as so added) to include the initial Busi-
6 ness Enterprise Architecture for business trans-
7 formation by December 31, 2009.

8 (B) REQUIREMENT FOR IMPLEMENTATION
9 PLAN.—In developing such an enterprise archi-
10 tecture, the Director shall develop an implemen-
11 tation plan for such enterprise architecture that
12 includes the following:

13 (i) An acquisition strategy for new
14 systems that are expected to be needed to
15 complete such enterprise architecture, in-
16 cluding specific time-phased milestones,
17 performance metrics, and a statement of
18 the financial and nonfinancial resource
19 needs.

20 (ii) An identification of the intel-
21 ligence community business systems in op-
22 eration or planned as of September 30,
23 2009, that will not be a part of such enter-
24 prise architecture, together with the sched-

1 ule for the phased termination of the utili-
2 zation of any such systems.

3 (iii) An identification of the intel-
4 ligence community business systems in op-
5 eration or planned as of September 30,
6 2009, that will be a part of such enterprise
7 architecture, together with a strategy for
8 modifying such systems to ensure that
9 such systems comply with such enterprise
10 architecture.

11 (C) SUBMISSION OF ACQUISITION STRAT-
12 EGY.—Based on the results of an enterprise
13 process management review and the availability
14 of funds, the Director shall submit the acquisi-
15 tion strategy described in subparagraph (B)(i)
16 to the congressional intelligence committees not
17 later than December 31, 2009.

18 **SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYS-**
19 **TEMS.**

20 (a) REPORTS.—

21 (1) IN GENERAL.—Title V of the National Se-
22 curity Act of 1947 (50 U.S.C. 413 et seq.), as
23 amended by sections 305, 321, and 322 of this Act,
24 is further amended by inserting after section 506D,

1 as added by section 322(a)(1), the following new
2 section:

3 “REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

4 “SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1)

5 The Director of National Intelligence shall submit to the
6 congressional intelligence committees each year, at the
7 same time the budget of the President for the fiscal year
8 beginning in such year is submitted to Congress pursuant
9 to section 1105 of title 31, United States Code, a separate
10 report on each acquisition of a major system by an ele-
11 ment of the intelligence community.

12 “(2) Each report under this section shall be known
13 as a ‘Report on the Acquisition of Major Systems’.

14 “(b) ELEMENTS.—Each report under this section
15 shall include, for the acquisition of a major system, infor-
16 mation on the following:

17 “(1) The current total acquisition cost for such
18 system, and the history of such cost from the date
19 the system was first included in a report under this
20 section to the end of the fiscal year immediately pre-
21 ceding the submission of the report under this sec-
22 tion.

23 “(2) The current development schedule for the
24 system, including an estimate of annual development
25 costs until development is completed.

1 “(3) The planned procurement schedule for the
2 system, including the best estimate of the Director
3 of National Intelligence of the annual costs and
4 units to be procured until procurement is completed.

5 “(4) A full life-cycle cost analysis for such sys-
6 tem.

7 “(5) The result of any significant test and eval-
8 uation of such major system as of the date of the
9 submission of such report, or, if a significant test
10 and evaluation has not been conducted, a statement
11 of the reasons therefor and the results of any other
12 test and evaluation that has been conducted of such
13 system.

14 “(6) The reasons for any change in acquisition
15 cost, or schedule, for such system from the previous
16 report under this section, if applicable.

17 “(7) The major contracts or subcontracts re-
18 lated to the major system.

19 “(8) If there is any cost or schedule variance
20 under a contract referred to in paragraph (7) since
21 the previous report under this section, the reasons
22 for such cost or schedule variance.

23 “(c) DETERMINATION OF INCREASE IN COSTS.—Any
24 determination of a percentage increase in the acquisition
25 costs of a major system for which a report is filed under

1 this section shall be stated in terms of constant dollars
2 from the first fiscal year in which funds are appropriated
3 for such contract.

4 “(d) SUBMISSION TO THE CONGRESSIONAL ARMED
5 SERVICES COMMITTEES.—To the extent that the report
6 required by subsection (a) addresses an element of the in-
7 telligence community within the Department of Defense,
8 the Director of National Intelligence shall submit that por-
9 tion of the report, and any associated material that is nec-
10 essary to make that portion understandable, to the Com-
11 mittee on Armed Services of the Senate and the Com-
12 mittee on Armed Services of the House of Representatives.

13 “(e) DEFINITIONS.—In this section:

14 “(1) The term ‘acquisition cost’, with respect to
15 a major system, means the amount equal to the total
16 cost for development and procurement of, and sys-
17 tem-specific construction for, such system.

18 “(2) The term ‘full life-cycle cost’, with respect
19 to the acquisition of a major system, means all costs
20 of development, procurement, construction, deploy-
21 ment, and operation and support for such program,
22 without regard to funding source or management
23 control, including costs of development and procure-
24 ment required to support or utilize such system.

1 “(3) The term ‘major contract,’ with respect to
2 a major system acquisition, means each of the 6
3 largest prime, associate, or government-furnished
4 equipment contracts under the program that is in
5 excess of \$40,000,000 and that is not a firm, fixed
6 price contract.

7 “(4) The term ‘major system’ has the meaning
8 given that term in section 506A(e).

9 “(5) The term ‘significant test and evaluation’
10 means the functional or environmental testing of a
11 major system or of the subsystems that combine to
12 create a major system.”.

13 (2) APPLICABILITY DATE.—The first report re-
14 quired to be submitted under section 506E(a) of the
15 National Security Act of 1947, as added by para-
16 graph (1), shall be submitted with the budget for fis-
17 cal year 2011 submitted by the President under sec-
18 tion 1105 of title 31, United States Code.

19 (3) TABLE OF CONTENTS AMENDMENT.—The
20 table of contents in the first section of that Act, as
21 amended by sections 305, 321, and 322 of this Act,
22 is further amended by inserting after the item relat-
23 ing to section 506D, as added by section 322(a)(2),
24 the following new item:

“Sec. 506E. Reports on the acquisition of major systems.”.

1 (b) MAJOR DEFENSE ACQUISITION PROGRAMS.—
2 Nothing in this section, section 324, or an amendment
3 made by this section or section 324, shall be construed
4 to exempt an acquisition program of the Department of
5 Defense from the requirements of chapter 144 of title 10,
6 United States Code or Department of Defense Directive
7 5000, to the extent that such requirements are otherwise
8 applicable.

9 **SEC. 324. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.**

10 (a) NOTIFICATION.—Title V of the National Security
11 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-
12 tions 305, 321, 322, and 323 of this Act, is further
13 amended by inserting after section 506E, as added by sec-
14 tion 323(a), the following new section:

15 “EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

16 “SEC. 506F. (a) COST INCREASES OF AT LEAST 25
17 PERCENT.—(1)(A) On a continuing basis, and separate
18 from the submission of any report on a major system re-
19 quired by section 506E of this Act, the program manager
20 shall determine if the acquisition cost of such major sys-
21 tem has increased by at least 25 percent as compared to
22 the baseline cost of such major system.

23 “(B) Not later than 10 days after the date that a
24 program manager determines that an increase described
25 in subparagraph (A) has occurred, the program manager

1 shall submit to the Director of National Intelligence notifi-
2 cation of such increase.

3 “(2)(A) If, after receiving a notification described in
4 paragraph (1)(B), the Director of National Intelligence
5 determines that the acquisition cost of a major system has
6 increased by at least 25 percent, the Director shall submit
7 to the congressional intelligence committees a written noti-
8 fication of such determination as described in subpara-
9 graph (B), a description of the amount of the increase in
10 the acquisition cost of such major system, and a certifi-
11 cation as described in subparagraph (C).

12 “(B) The notification required by subparagraph (A)
13 shall include—

14 “(i) an updated cost estimate;

15 “(ii) the date on which the determination cov-
16 ered by such notification was made;

17 “(iii) contract performance assessment informa-
18 tion with respect to each significant contract or sub-
19 contract related to such major system, including the
20 name of the contractor, the phase of the contract at
21 the time of the report, the percentage of work under
22 the contract that has been completed, any change in
23 contract cost, the percentage by which the contract
24 is currently ahead or behind schedule, and a sum-
25 mary explanation of significant occurrences, such as

1 cost and schedule variances, and the effect of such
2 occurrences on future costs and schedules;

3 “(iv) the prior estimate of the full life-cycle cost
4 for such major system, expressed in constant dollars
5 and in current year dollars;

6 “(v) the current estimated full life-cycle cost of
7 such major system, expressed in constant dollars
8 and current year dollars;

9 “(vi) a statement of the reasons for any in-
10 creases in the full life-cycle cost of such major sys-
11 tem;

12 “(vii) the current change and the total change,
13 in dollars and expressed as a percentage, in the full
14 life-cycle cost applicable to such major system, stat-
15 ed both in constant dollars and current year dollars;

16 “(viii) the completion status of such major sys-
17 tem expressed as the percentage—

18 “(I) of the total number of years for which
19 funds have been appropriated for such major
20 system compared to the number of years for
21 which it is planned that such funds will be ap-
22 propriated; and

23 “(II) of the amount of funds that have
24 been appropriated for such major system com-

1 pared to the total amount of such funds which
2 it is planned will be appropriated;

3 “(ix) the action taken and proposed to be taken
4 to control future cost growth of such major system;
5 and

6 “(x) any changes made in the performance or
7 schedule of such major system and the extent to
8 which such changes have contributed to the increase
9 in full life-cycle costs of such major system.

10 “(C) The certification described in this subparagraph
11 is a written certification made by the Director and sub-
12 mitted to the congressional intelligence committees that—

13 “(i) the acquisition of such major system is es-
14 sential to the national security;

15 “(ii) there are no alternatives to such major
16 system that will provide equal or greater intelligence
17 capability at equal or lesser cost to completion;

18 “(iii) the new estimates of the full life-cycle cost
19 for such major system are reasonable; and

20 “(iv) the management structure for the acquisi-
21 tion of such major system is adequate to manage
22 and control full life-cycle cost of such major system.

23 “(b) COST INCREASES OF AT LEAST 50 PERCENT.—

24 (1)(A) On a continuing basis, and separate from the sub-
25 mission of any report on a major system required by sec-

1 tion 506E of this Act, the program manager shall deter-
2 mine if the acquisition cost of such major system has in-
3 creased by at least 50 percent as compared to the baseline
4 cost of such major system.

5 “(B) Not later than 10 days after the date that a
6 program manager determines that an increase described
7 in subparagraph (A) has occurred, the program manager
8 shall submit to the Director of National Intelligence notifi-
9 cation of such increase.

10 “(2) If, after receiving a notification described in
11 paragraph (1)(B), the Director of National Intelligence
12 determines that the acquisition cost of a major system has
13 increased by at least 50 percent as compared to the base-
14 line cost of such major system, the Director shall submit
15 to the congressional intelligence committees a written cer-
16 tification stating that—

17 “(A) the acquisition of such major system is es-
18 sential to the national security;

19 “(B) there are no alternatives to such major
20 system that will provide equal or greater intelligence
21 capability at equal or lesser cost to completion;

22 “(C) the new estimates of the full life-cycle cost
23 for such major system are reasonable; and

24 “(D) the management structure for the acquisi-
25 tion of such major system is adequate to manage

1 and control the full life-cycle cost of such major sys-
2 tem.

3 “(3) In addition to the certification required by para-
4 graph (2), the Director of National Intelligence shall sub-
5 mit to the congressional intelligence committees an up-
6 dated notification, with current accompanying informa-
7 tion, as required by subsection (a)(2).

8 “(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1)
9 If a written certification required under subsection
10 (a)(2)(A) is not submitted to the congressional intelligence
11 committees within 90 days of the notification made under
12 subsection (a)(1)(B), funds appropriated for the acquisi-
13 tion of a major system may not be obligated for a major
14 contract under the program. Such prohibition on the obli-
15 gation of funds shall cease to apply at the end of the 30-
16 day period of a continuous session of Congress that begins
17 on the date on which Congress receives the notification
18 required under subsection (a)(2).

19 “(2) If a written certification required under sub-
20 section (b)(2) is not submitted to the congressional intel-
21 ligence committees within 90 days of the notification made
22 under subsection (b)(1)(B), funds appropriated for the ac-
23 quisition of a major system may not be obligated for a
24 major contract under the program. Such prohibition on
25 the obligation of funds for the acquisition of a major sys-

1 tem shall cease to apply at the end of the 30-day period
2 of a continuous session of Congress that begins on the
3 date on which Congress receives the notification required
4 under subsection (b)(3).

5 “(d) INITIAL CERTIFICATIONS.—Notwithstanding
6 subsection (c), for any major system for which a written
7 certification is required under either subsection (a)(2) or
8 (b)(2) on the date of the enactment of the Intelligence Au-
9 thorization Act for Fiscal Year 2010, such written certifi-
10 cation shall be submitted to the congressional intelligence
11 committees within 180 days of such date of enactment.
12 If such written certification is not submitted to the con-
13 gressional intelligence committees within 180 days of such
14 date of enactment, funds appropriated for the acquisition
15 of a major system may not be obligated for a major con-
16 tract under the program. Such prohibition on the obliga-
17 tion of funds for the acquisition of a major system shall
18 cease to apply at the end of the 30-day period of a contin-
19 uous session of Congress that begins on the date on which
20 Congress receives the notification required under sub-
21 section (a)(2) or (b)(3).

22 “(e) SUBMISSION TO THE CONGRESSIONAL ARMED
23 SERVICES COMMITTEES.—To the extent that a submission
24 required to be made to the congressional intelligence com-
25 mittees under this section addresses an element of the in-

1 telligence community within the Department of Defense,
2 the Director of National Intelligence shall submit that por-
3 tion of the submission, and any associated material that
4 is necessary to make that portion understandable, to the
5 Committee on Armed Services of the Senate and the Com-
6 mittee on Armed Services of the House of Representatives.

7 “(f) DEFINITIONS.—In this section:

8 “(1) The term ‘acquisition cost’ has the mean-
9 ing given that term in section 506E(d).

10 “(2) The term ‘baseline cost’, with respect to a
11 major system, means the projected acquisition cost
12 of such system that is approved by the Director of
13 National Intelligence at Milestone B or an equivalent
14 acquisition decision for the development, procure-
15 ment, and construction of such system. The baseline
16 cost may be in the form of an independent cost esti-
17 mate.

18 “(3) The term ‘cost estimate’—

19 “(A) means an assessment and quantifica-
20 tion of all costs and risks associated with the
21 acquisition of a major system based upon rea-
22 sonably available information at the time a
23 written certification is required under either
24 subsection (a)(2) or (b)(2); and

1 “(B) does not mean an ‘independent cost
2 estimate’.

3 “(4) The term ‘full life-cycle cost’ has the
4 meaning given that term in section 506E(d).

5 “(5) The term ‘independent cost estimate’ has
6 the meaning given that term in section 506A(e).

7 “(6) The term ‘major system’ has the meaning
8 given that term in section 506A(e).

9 “(7) The term ‘Milestone B’ means a decision
10 to enter into system development and demonstration
11 pursuant to guidance prescribed by the Director of
12 National Intelligence.

13 “(8) The term ‘program manager’, with respect
14 to a major system, means—

15 “(A) the head of the element of the intel-
16 ligence community which is responsible for the
17 budget, cost, schedule, and performance of the
18 major system; or

19 “(B) in the case of a major system within
20 the Office of the Director of National Intel-
21 ligence, the deputy who is responsible for the
22 budget, cost, schedule, and performance of the
23 major system.”.

24 (b) TABLE OF CONTENTS AMENDMENT.—The table
25 of contents in the first section of that Act, as amended

1 by sections 305, 321, 322, and 323 of this Act, is further
 2 amended by inserting after the items relating to section
 3 506E, as added by section 323(a)(3), the following new
 4 item:

“Sec. 506F. Excessive cost growth of major systems.”.

5 **SEC. 325. FUTURE BUDGET PROJECTIONS.**

6 (a) IN GENERAL.—Title V of the National Security
 7 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sec-
 8 tions 305, 321, 322, 323, and 324 of this Act, is further
 9 amended by inserting after section 506F, as added by sec-
 10 tion 324(a), the following new section:

11 “FUTURE BUDGET PROJECTIONS

12 “SEC. 506G. (a) FUTURE YEAR INTELLIGENCE
 13 PLANS.—(1) The Director of National Intelligence, with
 14 the concurrence of the Office of Management and Budget,
 15 shall provide to the congressional intelligence committees
 16 a Future Year Intelligence Plan, as described in para-
 17 graph (2), for—

18 “(A) each expenditure center in the National
 19 Intelligence Program; and

20 “(B) each major system in the National Intel-
 21 ligence Program.

22 “(2)(A) A Future Year Intelligence Plan submitted
 23 under this subsection shall include the year-by-year pro-
 24 posed funding for each center or system referred to in sub-
 25 paragraph (A) or (B) of paragraph (1), for the budget

1 year for which the Plan is submitted and not less than
2 the 4 subsequent budget years.

3 “(B) A Future Year Intelligence Plan submitted
4 under subparagraph (B) of paragraph (1) for a major sys-
5 tem shall include—

6 “(i) the estimated total life-cycle cost of such
7 major system; and

8 “(ii) any major acquisition or programmatic
9 milestones for such major system.

10 “(b) LONG-TERM BUDGET PROJECTIONS.—(1) The
11 Director of National Intelligence, with the concurrence of
12 the Director of the Office of Management and Budget,
13 shall provide to the congressional intelligence committees
14 a Long-term Budget Projection for each element of the
15 National Intelligence Program acquiring a major system
16 that includes the budget for such element for the 5-year
17 period following the last budget year for which proposed
18 funding was submitted under subsection (a)(2)(A).

19 “(2) A Long-term Budget Projection submitted
20 under paragraph (1) shall include projections for the ap-
21 propriate element of the intelligence community for—

22 “(A) pay and benefits of officers and employees
23 of such element;

24 “(B) other operating and support costs and
25 minor acquisitions of such element;

1 “(C) research and technology required by such
2 element;

3 “(D) current and planned major system acqui-
4 sitions for such element; and

5 “(E) any unplanned but necessary next-genera-
6 tion major system acquisitions for such element.

7 “(c) SUBMISSION TO CONGRESS.—Each Future Year
8 Intelligence Plan or Long-term Budget Projection re-
9 quired under subsection (a) or (b) shall be submitted to
10 Congress along with the budget for a fiscal year submitted
11 to Congress by the President pursuant to section 1105 of
12 title 31, United States Code.

13 “(d) CONTENT OF LONG-TERM BUDGET PROJEC-
14 TIONS.—(1) Each Long-term Budget Projection sub-
15 mitted under subsection (b) shall include—

16 “(A) a budget projection based on constrained
17 budgets, effective cost and schedule execution of cur-
18 rent or planned major system acquisitions, and mod-
19 est or no cost-growth for undefined, next-generation
20 systems; and

21 “(B) a budget projection based on constrained
22 budgets, modest cost increases in executing current
23 and planned programs, and more costly next-genera-
24 tion systems.

1 “(2) Each budget projection required by paragraph
2 (1) shall include a description of whether, and to what
3 extent, the total projection for each year exceeds the level
4 that would result from applying the most recent Office of
5 Management and Budget inflation estimate to the budget
6 of that element of the intelligence community.

7 “(e) NEW MAJOR SYSTEM AFFORDABILITY RE-
8 PORT.—(1) Beginning on February 1, 2010, not later
9 than 30 days prior to the date that an element of the intel-
10 ligence community may proceed to Milestone A, Milestone
11 B, or an analogous stage of system development, in the
12 acquisition of a major system in the National Intelligence
13 Program, the Director of National Intelligence, with the
14 concurrence of the Director of the Office of Management
15 and Budget, shall provide a report on such major system
16 to the congressional intelligence committees.

17 “(2)(A) A report submitted under paragraph (1)
18 shall include an assessment of whether, and to what ex-
19 tent, such acquisition, if developed, procured, and oper-
20 ated, is projected to cause an increase in the most recent
21 Future Year Intelligence Plan and Long-term Budget
22 Projection for that element of the intelligence community.

23 “(B) If an increase is projected under subparagraph
24 (A), the report required by this subsection shall include
25 a specific finding, and the reasons therefor, by the Direc-

1 tor of National Intelligence and the Director of the Office
2 of Management and Budget that such increase is nec-
3 essary for national security.

4 “(f) DEFINITIONS.—In this section:

5 “(1) The term ‘major system’ has the meaning
6 given that term in section 506A(e).

7 “(2) The term ‘Milestone A’ means a decision
8 to enter into concept refinement and technology ma-
9 turity demonstration pursuant to guidance issued by
10 the Director of National Intelligence.

11 “(3) The term ‘Milestone B’ means a decision
12 to enter into system development, integration, and
13 demonstration pursuant to guidance prescribed by
14 the Director of National Intelligence.”.

15 (b) APPLICABILITY DATE.—The first Future Year
16 Intelligence Plan or Long-term Budget Projection re-
17 quired to be submitted under subsection (a) or (b) of sec-
18 tion 506G of the National Security Act of 1947, as added
19 by subsection (a), shall be submitted with the budget for
20 fiscal year 2011 submitted by the President under section
21 1105 of title 31, United States Code.

22 (c) TABLE OF CONTENTS AMENDMENT.—The table
23 of contents in the first section of that Act, as amended
24 by sections 305, 321, 322, 323, and 324 of this Act, is
25 further amended by inserting after the items relating to

1 section 506F, as added by section 324(b), the following
2 new item:

“Sec. 506G. Future budget projections.”.

3 **SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED AC-**
4 **QUISITIONS.**

5 Subsection (n) of section 102A of the National Secu-
6 rity Act of 1947 (50 U.S.C. 403–1) is amended by adding
7 at the end the following:

8 “(4)(A) In addition to the authority referred to in
9 paragraph (1), the Director of National Intelligence may
10 authorize the head of an element of the intelligence com-
11 munity to exercise an acquisition authority referred to in
12 section 3 or 8(a) of the Central Intelligence Agency Act
13 of 1949 (50 U.S.C. 403e and 403j(a)) for an acquisition
14 by such element that is more than 50 percent funded by
15 the National Intelligence Program.

16 “(B) The head of an element of the intelligence com-
17 munity may not exercise an authority referred to in sub-
18 paragraph (A) until—

19 “(i) the head of such element (without delega-
20 tion) submits to the Director of National Intelligence
21 a written request that includes—

22 “(I) a description of such authority re-
23 quested to be exercised;

1 “(II) an explanation of the need for such
2 authority, including an explanation of the rea-
3 sons that other authorities are insufficient; and

4 “(III) a certification that the mission of
5 such element would be—

6 “(aa) impaired if such authority is not
7 exercised; or

8 “(bb) significantly and measurably en-
9 hanced if such authority is exercised; and

10 “(ii) the Director of National Intelligence or the
11 Principal Deputy Director of National Intelligence
12 or a Deputy Director of National Intelligence des-
13 ignated by the Director or the Principal Director
14 issues a written authorization that includes—

15 “(I) a description of the authority referred
16 to in subparagraph (A) that is authorized to be
17 exercised; and

18 “(II) a justification to support the exercise
19 of such authority.

20 “(C) A request and authorization to exercise an au-
21 thority referred to in subparagraph (A) may be made with
22 respect to individual acquisitions or with respect to a spe-
23 cific class of acquisitions described in the request and au-
24 thorization referred to in subparagraph (B).

1 “(D)(i) A request from a head of an element of the
2 intelligence community located within one of the depart-
3 ments described in clause (ii) to exercise an authority re-
4 ferred to in subparagraph (A) shall be transmitted to the
5 Director of National Intelligence in accordance with any
6 procedures established by the head of such department.

7 “(ii) The departments described in this clause are the
8 Department of Defense, the Department of Energy, the
9 Department of Homeland Security, the Department of
10 Justice, the Department of State, and the Department of
11 the Treasury.

12 “(E)(i) The head of an element of the intelligence
13 community may not be authorized to utilize an authority
14 referred to in subparagraph (A) for a class of acquisitions
15 for a period of more than 3 years, except that the Director
16 of National Intelligence may authorize the use of such an
17 authority for not more than 6 years.

18 “(ii) Each such authorizations may be extended for
19 successive 3- or 6-year periods, in accordance with require-
20 ments of subparagraph (B).

21 “(F) The Director of National Intelligence shall sub-
22 mit—

23 “(i) to the congressional intelligence committees
24 a notification of an authorization to exercise an au-
25 thority referred to in subparagraph (A) or an exten-

1 sion of such authorization that includes the written
2 authorization referred to in subparagraph (B)(ii);
3 and

4 “(ii) to the Director of the Office of Manage-
5 ment and Budget a notification of an authorization
6 to exercise an authority referred to in subparagraph
7 (A) for an acquisition or class of acquisitions that
8 will exceed \$50,000,000 annually.

9 “(G) Requests and authorizations to exercise an au-
10 thority referred to in subparagraph (A) shall remain avail-
11 able within the Office of the Director of National Intel-
12 ligence for a period of at least 6 years following the date
13 of such request or authorization.

14 “(H) Nothing in this paragraph may be construed to
15 alter or otherwise limit the authority of the Central Intel-
16 ligence Agency to independently exercise an authority
17 under section 3 or 8(a) of the Central Intelligence Agency
18 Act of 1949 (50 U.S.C. 403c and 403j(a)).”.

19 **Subtitle D—Congressional** 20 **Oversight, Plans, and Reports**

21 **SEC. 331. GENERAL CONGRESSIONAL OVERSIGHT.**

22 Section 501(a) of the National Security Act of 1947
23 (50 U.S.C. 413(a)) is amended by inserting at the end
24 the following:

1 “(3) There shall be no exception to the requirements
2 in this title to inform the congressional intelligence com-
3 mittees of all intelligence activities and covert actions.”.

4 **SEC. 332. IMPROVEMENT OF NOTIFICATION OF CONGRESS**
5 **REGARDING INTELLIGENCE ACTIVITIES OF**
6 **THE UNITED STATES.**

7 (a) NOTICE ON INFORMATION NOT DISCLOSED.—

8 (1) IN GENERAL.—Section 502 of the National
9 Security Act of 1947 (50 U.S.C. 413a) is amend-
10 ed—

11 (A) by redesignating subsections (b) and
12 (c) as subsections (e) and (d), respectively; and

13 (B) by inserting after subsection (a) the
14 following:

15 “(b) NOTICE ON INFORMATION NOT DISCLOSED.—

16 (1) If the Director of National Intelligence or the head
17 of a department, agency, or other entity of the United
18 States Government does not provide information required
19 by subsection (a) in full or to all the members of the con-
20 gressional intelligence committees and requests that such
21 information not be so provided, the Director shall, in a
22 timely fashion, notify such committees of the determina-
23 tion not to provide such information in full or to all mem-
24 bers of such committees. Such notice shall—

1 “(A) be submitted in writing in a classified
2 form;

3 “(B) include—

4 “(i) a statement of the reasons for such
5 determination; and

6 “(ii) a description that provides the main
7 features of the intelligence activities covered by
8 such determination; and

9 “(C) contain no restriction on access to such
10 notice by all members of the committee.

11 “(2) Nothing in this subsection shall be construed as
12 authorizing less than full and current disclosure to all the
13 members of the congressional intelligence committees of
14 any information necessary to keep all such members fully
15 and currently informed on all intelligence activities de-
16 scribed in subsection (a).”.

17 (2) CONFORMING AMENDMENT.—Subsection (d)
18 of such section, as redesignated by paragraph (1)(A)
19 of this subsection, is amended by striking “sub-
20 section (b)” and inserting “subsections (b) and (c)”.

21 (b) REPORTS AND NOTICE ON COVERT ACTIONS.—

22 (1) FORM AND CONTENT OF CERTAIN RE-
23 PORTS.—Subsection (b) of section 503 of such Act
24 (50 U.S.C. 413b) is amended—

1 (A) by redesignating paragraphs (1) and
2 (2) as subparagraphs (A) and (B), respectively;
3 (B) by inserting “(1)” after “(b)”; and
4 (C) by adding at the end the following:

5 “(2) Any information relating to a covert action that
6 is submitted to the congressional intelligence committees
7 for the purposes of paragraph (1) shall be in writing and
8 shall contain the following:

9 “(A) A concise statement of any facts pertinent
10 to such covert action.

11 “(B) An explanation of the significance of such
12 covert action.”.

13 (2) NOTICE ON INFORMATION NOT DIS-
14 CLOSED.—Subsection (c) of such section is amended
15 by adding at the end the following:

16 “(5) If the Director of National Intelligence or the
17 head of a department, agency, or other entity of the
18 United States Government does not provide information
19 required by subsection (b) in full or to all the members
20 of the congressional intelligence committees, and requests
21 that such information not be so provided, the Director
22 shall, in a timely fashion, notify such committees of the
23 determination not to provide such information in full or
24 to all members of such committees. Such notice shall—

1 “(A) be submitted in writing in a classified
2 form;

3 “(B) include—

4 “(i) a statement of the reasons for such
5 determination; and

6 “(ii) a description that provides the main
7 features of the covert action covered by such
8 determination; and

9 “(C) contain no restriction on access to such
10 notice by all members of the committee.”.

11 (3) MODIFICATION OF NATURE OF CHANGE OF
12 COVERT ACTION TRIGGERING NOTICE REQUIRE-
13 MENTS.—Subsection (d) of such section is amended
14 by striking “significant” the first place that term
15 appears.

16 **SEC. 333. REQUIREMENT TO PROVIDE LEGAL AUTHORITY**
17 **FOR INTELLIGENCE ACTIVITIES.**

18 (a) GENERAL INTELLIGENCE ACTIVITIES.—Section
19 501(a) of the National Security Act of 1947 (50
20 U.S.C.413(a)), as amended by section 331, is further
21 amended by adding at the end the following:

22 “(4) In carrying out paragraph (1), the President
23 shall provide to the congressional intelligence committees
24 the legal authority under which the intelligence activity is
25 or was conducted.”.

1 (b) ACTIONS OTHER THAN COVERT ACTIONS.—Sec-
2 tion 502(a)(2) of the National Security Act of 1947 (50
3 U.S.C. 413a(a)(2)) is amended by striking “activities,”
4 and inserting “activities (including the legal authority
5 under which an intelligence activity is or was con-
6 ducted),”.

7 (c) COVERT ACTIONS.—Paragraph (1)(B) of section
8 503(b) of the National Security Act of 1947 (50 U.S.C.
9 413b(b)), as redesignated by section 332 (b)(1), is amend-
10 ed by inserting “(including the legal authority under which
11 a covert action is or was conducted)” after “concerning
12 covert actions”.

13 **SEC. 334. ADDITIONAL LIMITATION ON AVAILABILITY OF**
14 **FUNDS FOR INTELLIGENCE AND INTEL-**
15 **LIGENCE-RELATED ACTIVITIES.**

16 Section 504 of the National Security Act of 1947 (50
17 U.S.C. 414) is amended—

18 (1) in subsection (a), in the matter preceding
19 paragraph (1), by inserting “the congressional intel-
20 ligence committees have been fully and currently in-
21 formed of such activity and if” after “only if”;

22 (2) by redesignating subsections (b), (c), (d),
23 and (e) as subsections (c), (d), (e), and (f), respec-
24 tively; and

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) In any case in which notice to the congressional
4 intelligence committees of an intelligence or intelligence-
5 related activity is covered by section 502(b), or in which
6 notice to the congressional intelligence committees on a
7 covert action is covered by section 503(c)(5), the congres-
8 sional intelligence committees shall be treated as being
9 fully and currently informed on such activity or covert ac-
10 tion, as the case may be, for purposes of subsection (a)
11 if the requirements of such section 502(b) or 503(c)(5),
12 as applicable, have been met.”.

13 **SEC. 335. AUDITS OF INTELLIGENCE COMMUNITY BY GOV-**
14 **ERNMENT ACCOUNTABILITY OFFICE.**

15 (a) IN GENERAL.—Chapter 35 of title 31, United
16 States Code, is amended by inserting after section 3523
17 the following:

18 **“§ 3523A. Audits of intelligence community by Gov-**
19 **ernment Accountability Office**

20 “(a) In this section, the term ‘intelligence community’
21 has the meaning given that term in section 3(4) of the
22 National Security Act of 1947 (50 U.S.C. 401a(4)).

23 “(b) Congress finds that—

24 “(1) the authority of the Comptroller General
25 to perform audits and evaluations of financial trans-

1 actions, programs, and activities of elements of the
2 intelligence community under sections 712, 717,
3 3523, and 3524, and to obtain access to records for
4 purposes of such audits and evaluations under sec-
5 tion 716, is reaffirmed for matters referred to in
6 paragraph (2); and

7 “(2) such audits and evaluations may be re-
8 quested by a congressional committee of jurisdiction
9 (such as the Select Committee on Intelligence of the
10 Senate and the Permanent Select Committee on In-
11 telligence of the House of Representatives), and may
12 include matters relating to the management and ad-
13 ministration of elements of the intelligence commu-
14 nity in areas such as strategic planning, financial
15 management, information technology, human capital,
16 knowledge management, and information sharing.

17 “(c)(1) The Comptroller General may conduct an
18 audit or evaluation involving intelligence sources and
19 methods or covert actions only upon request of the Select
20 Committee on Intelligence of the Senate or the Permanent
21 Select Committee on Intelligence of the House of Rep-
22 resentatives.

23 “(2)(A) Whenever the Comptroller General conducts
24 an audit or evaluation under paragraph (1), the Comp-
25 troller General shall provide the results of such audit or

1 evaluation only to the Select Committee on Intelligence of
2 the Senate, the Permanent Select Committee on Intel-
3 ligence of the House of Representatives, the Director of
4 National Intelligence, and the head of the relevant element
5 of the intelligence community.

6 “(B) The Comptroller General may only provide in-
7 formation obtained in the course of an audit or evaluation
8 under paragraph (1) to the Select Committee on Intel-
9 ligence of the Senate, the Permanent Select Committee on
10 Intelligence of the House of Representatives, the Director
11 of National Intelligence, and the head of the relevant ele-
12 ment of the intelligence community.

13 “(3)(A) Notwithstanding any other provision of law,
14 the Comptroller General may inspect records of any ele-
15 ment of the intelligence community relating to intelligence
16 sources and methods, or covert actions in order to conduct
17 audits and evaluations under paragraph (1).

18 “(B) If, in the conduct of an audit or evaluation
19 under paragraph (1), an agency record is not made avail-
20 able to the Comptroller General in accordance with section
21 716, the Comptroller General shall consult with the origi-
22 nal requestor before filing a report under subsection (b)(1)
23 of such section.

24 “(4)(A) The Comptroller General shall maintain the
25 same level of confidentiality for a record made available

1 for conducting an audit under paragraph (1) as is required
2 of the head of the element of the intelligence community
3 from which it is obtained. Officers and employees of the
4 Government Accountability Office are subject to the same
5 statutory penalties for unauthorized disclosure or use as
6 officers or employees of the intelligence community ele-
7 ment that provided the Comptroller General or officers
8 and employees of the Government Accountability Office
9 with access to such records.

10 “(B) All workpapers of the Comptroller General and
11 all records and property of any element of the intelligence
12 community that the Comptroller General uses during an
13 audit or evaluation under paragraph (1) shall remain in
14 facilities provided by that element of the intelligence com-
15 munity. Elements of the intelligence community shall give
16 the Comptroller General suitable and secure offices and
17 furniture, telephones, and access to copying facilities, for
18 purposes of audits and evaluations under paragraph (1).

19 “(C) After consultation with the Select Committee on
20 Intelligence of the Senate and with the Permanent Select
21 Committee on Intelligence of the House of Representa-
22 tives, the Comptroller General shall establish procedures
23 to protect from unauthorized disclosure all classified and
24 other sensitive information furnished to the Comptroller
25 General or any representative of the Comptroller General

1 for conducting an audit or evaluation under paragraph
2 (1).

3 “(D) Before initiating an audit or evaluation under
4 paragraph (1), the Comptroller General shall provide the
5 Director of National Intelligence and the head of the rel-
6 evant element with the name of each officer and employee
7 of the Government Accountability Office who has obtained
8 appropriate security clearance and to whom, upon proper
9 identification, records, and information of the element of
10 the intelligence community shall be made available in con-
11 ducting the audit or evaluation.

12 “(d) Elements of the intelligence community shall co-
13 operate fully with the Comptroller General and provide
14 timely responses to Comptroller General requests for docu-
15 mentation and information made pursuant to this section.

16 “(e) With the exception of the types of audits and
17 evaluations specified in subsection (c)(1), nothing in this
18 section or any other provision of law shall be construed
19 as restricting or limiting the authority of the Comptroller
20 General to audit, evaluate, or obtain access to the records
21 of elements of the intelligence community absent specific
22 statutory language restricting or limiting such audits,
23 evaluations, or access to records.”.

24 (b) TABLE OF SECTIONS AMENDMENT.—The table of
25 sections for chapter 35 of title 31, United States Code,

1 is amended by inserting after the item relating to section
2 3523 the following:

“3523A. Audits of intelligence community by Government Accountability Of-
fice.”.

3 **SEC. 336. REPORT ON COMPLIANCE WITH LAWS, INTER-**
4 **NATIONAL OBLIGATIONS, AND EXECUTIVE**
5 **ORDERS ON THE DETENTION AND INTERRO-**
6 **GATION ACTIVITIES OF THE INTELLIGENCE**
7 **COMMUNITY.**

8 (a) REPORT REQUIRED.—Not later than December
9 1, 2009, the Director shall submit to the congressional in-
10 telligence committees a comprehensive report on all meas-
11 ures taken by the Office of the Director of National Intel-
12 ligence and by each element, if any, of the intelligence
13 community with relevant responsibilities to comply with
14 the provisions of applicable law, international obligations,
15 and executive orders relating to the detention or interroga-
16 tion activities, if any, of any element of the intelligence
17 community, including the Detainee Treatment Act of 2005
18 (title X of division A of Public Law 109–148; 119 Stat.
19 2739), related provisions of the Military Commissions Act
20 of 2006 (Public Law 109–366; 120 Stat. 2600), common
21 Article 3, the Convention Against Torture, Executive
22 Order 13491 (74 Fed. Reg. 4893; relating to ensuring
23 lawful interrogations), and Executive Order 13493 (74
24 Fed. Reg. 4901; relating to detention policy options).

1 (b) DEFINITIONS.—In this Act:

2 (1) COMMON ARTICLE 3.—The term “common
3 Article 3” means Article 3 of each of the Geneva
4 Conventions.

5 (2) CONVENTION AGAINST TORTURE.—The
6 term “Convention Against Torture” means the
7 United Nations Convention Against Torture and
8 Other Cruel, Inhuman or Degrading Treatment or
9 Punishment, done at New York on December 10,
10 1984.

11 (3) DIRECTOR.—The term “Director” means
12 the Director of National Intelligence.

13 (4) GENEVA CONVENTIONS.—The term “Gene-
14 va Conventions” means the following:

15 (A) The Convention for the Amelioration
16 of the Condition of the Wounded and Sick in
17 Armed Forces in the Field, done at Geneva Au-
18 gust 12, 1949 (6 UST 3114).

19 (B) The Convention for the Amelioration
20 of the Condition of Wounded, Sick and Ship-
21 wrecked Members of Armed Forces at Sea,
22 done at Geneva August 12, 1949 (6 UST
23 3217).

1 (C) The Convention Relative to the Treat-
2 ment of Prisoners of War, done at Geneva Au-
3 gust 12, 1949 (6 UST 3316).

4 (D) The Convention Relative to the Protec-
5 tion of Civilian Persons in Time of War, done
6 at Geneva August 12, 1949 (6 UST 3516).

7 (c) ELEMENTS.—The report required by subsection
8 (a) shall include the following:

9 (1) A description of the detention or interroga-
10 tion methods, if any, that have been determined to
11 comply with applicable law, international obligations,
12 and Executive orders, and, with respect to each such
13 method—

14 (A) an identification of the official making
15 such determination; and

16 (B) a statement of the basis for such de-
17 termination.

18 (2) A description of any recommendations of a
19 task force submitted pursuant to—

20 (A) section 5(g) of Executive Order 13491
21 (74 Fed. Reg. 4893; relating to ensuring lawful
22 interrogations); or

23 (B) section 1(g) of Executive Order 13493
24 (74 Fed. Reg. 4901; relating to detention policy
25 options).

1 (3) A description of any actions taken pursuant
2 to Executive Order 13491 or the recommendations
3 of a task force issued pursuant to section 5(g) of
4 Executive Order 13491 or section 1(g) of Executive
5 Order 13493 relating to detention or interrogation
6 activities, if any, of any element of the intelligence
7 community.

8 (4) A description of any actions that have been
9 taken to implement section 1004 of the Detainee
10 Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.
11 2000dd-1), and, with respect to each such action—

12 (A) an identification of the official taking
13 such action; and

14 (B) a statement of the basis for such ac-
15 tion.

16 (5) Any other matters that the Director con-
17 siders necessary to fully and currently inform the
18 congressional intelligence committees about the im-
19 plementation of applicable law, international obliga-
20 tions, and Executive orders relating to the detention
21 or interrogation activities, if any, of any element of
22 the intelligence community, including the Detainee
23 Treatment Act of 2005 (title X of division A of Pub-
24 lic Law 109-148; 119 Stat. 2739), related provi-
25 sions of the Military Commissions Act of 2006 (Pub-

1 lic Law 109–366; 120 Stat. 2600), common Article
2 3, the Convention Against Torture, Executive Order
3 13491, and Executive Order 13493.

4 (6) An appendix containing—

5 (A) all guidelines for the application of ap-
6 plicable law, international obligations, or Execu-
7 tive orders to the detention or interrogation ac-
8 tivities, if any, of any element of the intelligence
9 community; and

10 (B) the legal justifications of the Depart-
11 ment of Justice about the meaning or applica-
12 tion of applicable law, international obligations,
13 or Executive orders, with respect to the deten-
14 tion or interrogation activities, if any, of any
15 element of the intelligence community.

16 (d) FORM.—The report required by subsection (a)
17 shall be submitted in unclassified form, but may include
18 a classified annex.

19 (e) SUBMISSION TO THE CONGRESSIONAL ARMED
20 SERVICES COMMITTEES.—To the extent that the report
21 required by subsection (a) addresses an element of the in-
22 telligence community within the Department of Defense,
23 the Director shall submit that portion of the report, and
24 any associated material that is necessary to make that
25 portion understandable, to the Committee on Armed Serv-

1 ices of the Senate and the Committee on Armed Services
2 of the House of Representatives.

3 **SEC. 337. REPORTS ON NATIONAL SECURITY THREAT**
4 **POSED BY GUANTANAMO BAY DETAINEES.**

5 In addition to the reports required by section 319 of
6 the Supplemental Appropriations Act of 2009 (Public Law
7 111–32) and on the schedule required for such reports,
8 the Director of National Intelligence shall submit to the
9 congressional intelligence committees a report outlining
10 the Director’s assessment of the suitability for release or
11 transfer for detainees previously released or transferred,
12 or to be released or transferred, from the Naval Detention
13 Facility at Guantanamo Bay, Cuba to the United States
14 or any other country. Each such report shall include—

15 (1) a description of any objection to the release
16 or recommendation against the release of such an in-
17 dividual made by any element of the intelligence
18 community that determined the potential threat
19 posed by a particular individual warranted the indi-
20 vidual’s continued detention;

21 (2) a detailed description of the intelligence in-
22 formation that led to such an objection or deter-
23 mination;

24 (3) if an element of the intelligence community
25 previously recommended against the release of such

1 an individual and later retracted that recommenda-
2 tion, a detailed explanation of the reasoning for the
3 retraction; and

4 (4) an assessment of lessons learned from pre-
5 vious releases and transfers of individuals for whom
6 the intelligence community objected or recommended
7 against release.

8 **SEC. 338. REPORT ON RETIREMENT BENEFITS FOR**
9 **FORMER EMPLOYEES OF AIR AMERICA.**

10 (a) REQUIREMENT FOR REPORT.—Not later than
11 180 days after the date of the enactment of this Act, the
12 Director of National Intelligence shall submit to Congress
13 a report on the advisability of providing Federal retire-
14 ment benefits to United States citizens for the service of
15 such citizens prior to 1977 as employees of Air America
16 or an associated company during a period when Air Amer-
17 ica or the associated company was owned or controlled by
18 the United States Government and operated or managed
19 by the Central Intelligence Agency.

20 (b) DEFINITIONS.—In this section:

21 (1) AIR AMERICA.—The term “Air America”
22 means Air America, Incorporated.

23 (2) ASSOCIATED COMPANY.—The term “associ-
24 ated company” means any entity associated with,
25 predecessor to, or subsidiary to Air America, includ-

1 ing Air Asia Company Limited, CAT Incorporated,
2 Civil Air Transport Company Limited, and the Pa-
3 cific Division of Southern Air Transport during the
4 period when such an entity was owned and con-
5 trolled by the United States Government.

6 (c) REPORT ELEMENTS.—The report required by
7 subsection (a) shall include the following:

8 (1) The history of Air America and the associ-
9 ated companies prior to 1977, including a descrip-
10 tion of—

11 (A) the relationship between Air America
12 and the associated companies and the Central
13 Intelligence Agency or other elements of the
14 United States Government;

15 (B) the workforce of Air America and the
16 associated companies;

17 (C) the missions performed by Air Amer-
18 ica, the associated companies, and their employ-
19 ees for the United States; and

20 (D) the casualties suffered by employees of
21 Air America and the associated companies in
22 the course of their employment.

23 (2) A description of—

1 (A) the retirement benefits contracted for,
2 or promised to, the employees of Air America
3 and the associated companies prior to 1977;

4 (B) the contributions made by such em-
5 ployees for such benefits;

6 (C) the retirement benefits actually paid to
7 such employees;

8 (D) the entitlement of such employees to
9 the payment of future retirement benefits; and

10 (E) the likelihood that former employees of
11 such companies will receive any future retire-
12 ment benefits.

13 (3) An assessment of the difference between—

14 (A) the retirement benefits that former
15 employees of Air America and the associated
16 companies have received or will receive by virtue
17 of their employment with Air America and the
18 associated companies; and

19 (B) the retirement benefits that such em-
20 ployees would have received or be eligible to re-
21 ceive if such employment was deemed to be em-
22 ployment by the United States Government and
23 their service during such employment was cred-
24 ited as Federal service for the purpose of Fed-
25 eral retirement benefits.

1 (4)(A) Any recommendations regarding the ad-
2 visability of legislative action to treat such employ-
3 ment as Federal service for the purpose of Federal
4 retirement benefits in light of the relationship be-
5 tween Air America and the associated companies
6 and the United States Government and the services
7 and sacrifices of such employees to and for the
8 United States.

9 (B) If legislative action is considered advisable
10 under subparagraph (A), a proposal for such action
11 and an assessment of its costs.

12 (5) The opinions of the Director of the Central
13 Intelligence Agency, if any, on the matters covered
14 by the report that the Director of the Central Intel-
15 ligence Agency considers appropriate.

16 (d) ASSISTANCE OF COMPTROLLER GENERAL.—The
17 Comptroller General of the United States shall, upon the
18 request of the Director of National Intelligence and in a
19 manner consistent with the protection of classified infor-
20 mation, assist the Director in the preparation of the report
21 required by subsection (a).

22 (e) FORM.—The report required by subsection (a)
23 shall be submitted in unclassified form, but may include
24 a classified annex.

1 **SEC. 339. REPORT AND STRATEGIC PLAN ON BIOLOGICAL**
2 **WEAPONS.**

3 (a) REQUIREMENT FOR REPORT.—Not later than
4 180 days after the date of the enactment of this Act, the
5 Director of National Intelligence shall submit to the con-
6 gressional intelligence committees a report on—

7 (1) the intelligence collection efforts of the
8 United States dedicated to assessing the threat from
9 biological weapons from state, non-state, or rogue
10 actors, either foreign or domestic; and

11 (2) efforts to protect the United States bio-
12 defense knowledge and infrastructure.

13 (b) CONTENT.—The report required by subsection
14 (a) shall include—

15 (1) an accurate assessment of the intelligence
16 collection efforts of the United States dedicated to
17 detecting the development or use of biological weap-
18 ons by state, non-state, or rogue actors, either for-
19 eign or domestic;

20 (2) detailed information on fiscal, human, tech-
21 nical, open source, and other intelligence collection
22 resources of the United States dedicated for use
23 against biological weapons;

24 (3) an assessment of any problems that may re-
25 duce the overall effectiveness of United States intel-

1 intelligence collection and analysis to identify and protect
2 biological weapons targets, including—

3 (A) intelligence collection gaps or ineffi-
4 ciencies;

5 (B) inadequate information sharing prac-
6 tices; or

7 (C) inadequate cooperation among agencies
8 or departments of the United States;

9 (4) a strategic plan prepared by the Director of
10 National Intelligence, in coordination with the Attor-
11 ney General, the Secretary of Defense, and the Sec-
12 retary of Homeland Security, that provides for ac-
13 tions for the appropriate elements of the intelligence
14 community to close important intelligence gaps re-
15 lated to biological weapons;

16 (5) a description of appropriate goals, sched-
17 ules, milestones, or metrics to measure the long-term
18 effectiveness of actions implemented to carry out the
19 plan described in paragraph (4); and

20 (6) any long-term resource and human capital
21 issues related to the collection of intelligence regard-
22 ing biological weapons, including any recommenda-
23 tions to address shortfalls of experienced and quali-
24 fied staff possessing relevant scientific, language,
25 and technical skills.

1 (c) IMPLEMENTATION OF STRATEGIC PLAN.—Not
2 later than 30 days after the date that the Director of Na-
3 tional Intelligence submits the report required by sub-
4 section (a), the Director shall begin implementation of the
5 strategic plan referred to in subsection (b)(4).

6 **SEC. 340. CYBERSECURITY OVERSIGHT.**

7 (a) DEFINITIONS.—In this section:

8 (1) CYBERSECURITY PROGRAM.—The term “cy-
9 bersecurity program” means a class or collection of
10 similar cybersecurity operations of an agency or de-
11 partment of the United States that involves person-
12 ally identifiable data that is—

13 (A) screened by a cybersecurity system
14 outside of the agency or department of the
15 United States that was the intended recipient;

16 (B) transferred, for the purpose of cyberse-
17 curity, outside the agency or department of the
18 United States that was the intended recipient;

19 or

20 (C) transferred, for the purpose of cyberse-
21 curity, to an element of the intelligence commu-
22 nity.

23 (2) NATIONAL CYBER INVESTIGATIVE JOINT
24 TASK FORCE.—The term “National Cyber Investiga-
25 tive Joint Task Force” means the multi-agency

1 cyber investigation coordination organization over-
2 seen by the Director of the Federal Bureau of Inves-
3 tigation known as the Nation Cyber Investigative
4 Joint Task Force that coordinates, integrates, and
5 provides pertinent information related to cybersecu-
6 rity investigations.

7 (3) CRITICAL INFRASTRUCTURE.—The term
8 “critical infrastructure” has the meaning given that
9 term in section 1016 of the USA PATRIOT Act (42
10 U.S.C. 5195c).

11 (b) NOTIFICATION OF CYBERSECURITY PRO-
12 GRAMS.—

13 (1) REQUIREMENT FOR NOTIFICATION.—

14 (A) EXISTING PROGRAMS.—Not later than
15 30 days after the date of the enactment of this
16 Act, the President shall submit to Congress a
17 notification for each cybersecurity program in
18 operation on such date that includes the docu-
19 mentation referred to in subparagraphs (A)
20 through (E) of paragraph (2).

21 (B) NEW PROGRAMS.—Not later than 30
22 days after the date of the commencement of op-
23 erations of a new cybersecurity program, the
24 President shall submit to Congress a notifica-
25 tion of such commencement that includes the

1 documentation referred to in subparagraphs (A)
2 through (E) of paragraph (2).

3 (2) DOCUMENTATION.—A notification required
4 by paragraph (1) for a cybersecurity program shall
5 include—

6 (A) the legal justification for the cyberse-
7 curity program;

8 (B) the certification, if any, made pursu-
9 ant to section 2511(2)(a)(ii)(B) of title 18,
10 United States Code, or other statutory certifi-
11 cation of legality for the cybersecurity program;

12 (C) the concept for the operation of the cy-
13 bersecurity program that is approved by the
14 head of the appropriate agency or department;

15 (D) the assessment, if any, of the privacy
16 impact of the cybersecurity program prepared
17 by the privacy or civil liberties protection officer
18 or comparable officer of such agency or depart-
19 ment; and

20 (E) the plan, if any, for independent audit
21 or review of the cybersecurity program to be
22 carried out by the head of the relevant depart-
23 ment or agency of the United States, in con-
24 junction with the appropriate inspector general.

25 (c) PROGRAM REPORTS.—

1 (1) REQUIREMENT FOR REPORTS.—The head of
2 a department or agency of the United States with
3 responsibility for a cybersecurity program for which
4 a notification was submitted under subsection (b), in
5 conjunction with the inspector general for that de-
6 partment or agency, shall submit to Congress and
7 the President, in accordance with the schedule set
8 out in paragraph (2), a report on such cybersecurity
9 program that includes—

10 (A) the results of any audit or review of
11 the cybersecurity program carried out under the
12 plan referred to in subsection (b)(2)(E), if any;
13 and

14 (B) an assessment of whether the imple-
15 mentation of the cybersecurity program—

16 (i) is in compliance with—

17 (I) the legal justification referred
18 to in subsection (b)(2)(A); and

19 (II) the assessment referred to in
20 subsection (b)(2)(D), if any;

21 (ii) is adequately described by the con-
22 cept of operation referred to in subsection
23 (b)(2)(C), if any; and

24 (iii) includes an adequate independent
25 audit or review system and whether im-

1 provements to such independent audit or
2 review system are necessary.

3 (2) SCHEDULE FOR SUBMISSION OF RE-
4 PORTS.—The reports required by paragraph (1)
5 shall be submitted to Congress and the President ac-
6 cording to the following schedule:

7 (A) An initial report shall be submitted not
8 later than 6 months after the date of the enact-
9 ment of this Act.

10 (B) A second report shall be submitted not
11 later than 1 year after the date of the enact-
12 ment of this Act.

13 (C) Additional reports shall be submitted
14 periodically thereafter, as necessary, as deter-
15 mined by the head of the relevant department
16 or agency of the United States in conjunction
17 with the inspector general of that department
18 or agency.

19 (3) COOPERATION AND COORDINATION.—

20 (A) COOPERATION.—The head of each de-
21 partment or agency of the United States and
22 inspector general required to submit a report
23 under paragraph (1) shall work in conjunction,
24 to the extent practicable, with any other such

1 head or inspector general required to submit
2 such a report.

3 (B) COORDINATION.—The heads of each
4 department or agency of the United States and
5 inspectors general required to submit reports
6 under paragraph (1) shall designate one such
7 head and one such inspector general to coordi-
8 nate the conduct of such reports.

9 (d) INFORMATION SHARING REPORT.—Not later
10 than 1 year after the date of the enactment of this Act,
11 the Inspector General of the Department of Homeland Se-
12 curity and the Inspector General of the Intelligence Com-
13 munity shall, jointly, submit to Congress and the Presi-
14 dent a report on the status of the sharing of cyber threat
15 information, including—

16 (1) a description of how cyber threat intel-
17 ligence information, including classified information,
18 is shared among the agencies and departments of
19 the United States and with persons responsible for
20 critical infrastructure;

21 (2) a description of the mechanisms by which
22 classified cyber threat information is distributed;

23 (3) an assessment of the effectiveness of such
24 information sharing and distribution; and

1 (4) any other matters identified by such Inspec-
2 tors General that would help to fully inform Con-
3 gress or the President regarding the effectiveness
4 and legality of cybersecurity programs.

5 (e) PERSONNEL DETAILS.—

6 (1) AUTHORITY TO DETAIL.—Notwithstanding
7 any other provision of law, the head of an element
8 of the intelligence community that is funded through
9 the National Intelligence Program may detail an of-
10 ficer or employee of such element to the National
11 Cyber Investigative Joint Task Force or to the De-
12 partment of Homeland Security to assist the Task
13 Force or the Department with cybersecurity, as
14 jointly agreed by the head of such element and the
15 Task Force or the Department.

16 (2) BASIS FOR DETAIL.—A personnel detail
17 made under paragraph (1) may be made—

18 (A) for a period of not more than 3 years;

19 and

20 (B) on a reimbursable or nonreimbursable
21 basis.

22 (f) SUNSET.—The requirements and authorities of
23 this section shall terminate on December 31, 2012.

1 **SEC. 341. SENSE OF THE SENATE ON A SUBCOMMITTEE RE-**
2 **LATED TO INTELLIGENCE APPROPRIATIONS.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The Select Committee on Intelligence of the
6 Senate was created by Senate Resolution 400 in the
7 94th Congress to oversee and make continuing stud-
8 ies of the intelligence activities of the United States.

9 (2) Senate Resolution 400 specifically required
10 that the Select Committee on Intelligence be com-
11 posed of at least two cross-over members, with one
12 such member from each party, from the Committee
13 on Appropriations, the Committee on Armed Serv-
14 ices, Committee on Foreign Relations, and the Com-
15 mittee on the Judiciary of the Senate, which would
16 provide such Committees with member insight into
17 intelligence oversight matters.

18 (3) The National Commission on Terrorist At-
19 tacks Upon the United States (referred to in this
20 section as the “9/11 Commission”) conducted a
21 lengthy review of the facts and circumstances relat-
22 ing to the terrorist attacks of September 11, 2001,
23 including those relating to the intelligence commu-
24 nity, law enforcement agencies, and the role of con-
25 gressional oversight and resource allocation.

1 (4) In its final report, the 9/11 Commission
2 found that under the Rules of the Senate and the
3 House of Representatives in effect at the time the
4 report was completed, the committees of Congress
5 charged with oversight of the intelligence activities
6 lacked the power, influence, and sustained capability
7 to meet the daunting challenges faced by the intel-
8 ligence community of the United States.

9 (5) In its final report, the 9/11 Commission
10 further found that as long as oversight is governed
11 by such rules of the Senate and the House of Rep-
12 resentatives, the people of the United States will not
13 get the security they want and need.

14 (6) In its final report, the 9/11 Commission
15 further found that a strong, stable, and capable con-
16 gressional committee structure is needed to give the
17 intelligence community of the United States appro-
18 priate oversight, support, and leadership.

19 (7) In its final report, the 9/11 Commission
20 further found that the reforms recommended by the
21 9/11 Commission in its final report will not succeed
22 if congressional oversight of the intelligence commu-
23 nity in the United States is not changed.

1 (8) The 9/11 Commission recommended struc-
2 tural changes to Congress to improve the oversight
3 of intelligence activities.

4 (9) Congress has enacted some of the rec-
5 ommendations made by the 9/11 Commission and is
6 considering implementing additional recommenda-
7 tions of the 9/11 Commission.

8 (10) The Senate adopted Senate Resolution 445
9 in the 108th Congress to address some of the intel-
10 ligence oversight recommendations of the 9/11 Com-
11 mission by abolishing term limits for the members of
12 the Select Committee on Intelligence, clarifying ju-
13 risdiction for intelligence-related nominations, and
14 streamlining procedures for the referral of intel-
15 ligence-related legislation, but other aspects of the 9/
16 11 Commission recommendations regarding fiscal
17 oversight of intelligence have not been implemented.

18 (11) In Senate Resolution 445 in the 108th
19 Congress, the Senate provided for the establishment
20 of a Subcommittee on Intelligence of the Committee
21 on Appropriations and gave it jurisdiction over fund-
22 ing for intelligence matters.

23 (12) There remains a need to improve congres-
24 sional oversight of the intelligence activities of the
25 United States and provide a strong, stable, and ca-

1 pable congressional committee structure to provide
2 the intelligence community appropriate oversight,
3 support, and leadership.

4 (13) There also remains a need to implement a
5 key 9/11 Commission recommendation to make
6 structural changes within Congress to improve the
7 oversight of intelligence activities and provide vigi-
8 lant legislative oversight to assure that such activi-
9 ties are in conformity with the Constitution and laws
10 of the United States.

11 (b) SENSE OF THE SENATE ON A SUBCOMMITTEE
12 RELATED TO INTELLIGENCE APPROPRIATIONS.—It is the
13 sense of the Senate that the Senate should agree to a Res-
14 olution that amends section 402 of Senate Resolution 445,
15 108th Congress, agreed to October 9, 2004, as proposed
16 in Senate Resolution 665, 110th Congress, introduced on
17 September 11, 2008, to establish within the Committee
18 on Appropriations of the Senate a Subcommittee on Intel-
19 ligence.

20 **SEC. 342. REPEAL OR MODIFICATION OF CERTAIN REPORT-**
21 **ING REQUIREMENTS.**

22 (a) ANNUAL REPORT ON INTELLIGENCE.—

23 (1) REPEAL.—Section 109 of the National Se-
24 curity Act of 1947 (50 U.S.C. 404d) is repealed.

1 (2) TABLE OF CONTENTS AMENDMENT.—The
2 table of contents in the first section of the National
3 Security Act of 1947 is amended by striking the
4 item relating to section 109.

5 (b) ANNUAL AND SPECIAL REPORTS ON INTEL-
6 LIGENCE SHARING WITH THE UNITED NATIONS.—Sec-
7 tion 112 of the National Security Act of 1947 (50 U.S.C.
8 404g) is amended—

9 (1) by striking subsection (b); and

10 (2) by redesignating subsections (c), (d), and
11 (e) as subsections (b), (c), and (d), respectively.

12 (c) ANNUAL REPORT ON PROGRESS IN AUDITABLE
13 FINANCIAL STATEMENTS.—

14 (1) REPEAL.—Section 114A of the National Se-
15 curity Act of 1947 (50 U.S.C. 404i–1) is repealed.

16 (2) TABLE OF CONTENTS AMENDMENT.—The
17 table of contents in the first section of the National
18 Security Act of 1947 is amended by striking the
19 item relating to section 114A.

20 (d) ELIMINATION OF REPORTING REQUIREMENT ON
21 FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—

22 (1) IN GENERAL.—Section 118 of the National
23 Security Act of 1947 (50 U.S.C. 404m) is amend-
24 ed—

1 (A) in the section heading, by striking
 2 “**SEMIANNUAL REPORT ON**” and inserting
 3 “**EMERGENCY NOTIFICATION REGARDING**”;

4 (B) by striking subsection (a);

5 (C) by redesignating subsection (b) as sub-
 6 section (a);

7 (D) by striking subsection (c); and

8 (E) by redesignating subsection (d) as sub-
 9 section (b).

10 (2) TABLE OF CONTENTS AMENDMENT.—The
 11 table of contents in the first section of the National
 12 Security Act of 1947 is amended by striking the
 13 item related to section 118 and inserting the fol-
 14 lowing:

“Sec. 118. Emergency notification regarding financial intelligence on terrorist
 assets.”.

15 (e) ANNUAL CERTIFICATION ON COUNTERINTEL-
 16 LIGENCE INITIATIVES.—Section 1102(b) of the National
 17 Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

18 (1) by striking “(1)”; and

19 (2) by striking paragraph (2).

20 (f) REPORT AND CERTIFICATION UNDER TERRORIST
 21 IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343
 22 of the Intelligence Authorization Act for Fiscal Year 2003
 23 (50 U.S.C. 404n–2) is amended—

24 (1) by striking subsection (d); and

1 (2) by redesignating subsections (e), (f), (g),
2 and (h) as subsections (d), (e), (f), and (g), respec-
3 tively.

4 (g) ANNUAL REPORT ON COUNTERDRUG INTEL-
5 LIGENCE MATTERS.—Section 826 of the Intelligence Au-
6 thorization Act for Fiscal Year 2003 (Public Law 107-
7 306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

8 (h) BIENNIAL REPORT ON FOREIGN INDUSTRIAL ES-
9 PIONAGE.—Subsection (b) of section 809 of the Intel-
10 ligence Authorization Act for Fiscal Year 1995 (50 U.S.C.
11 App. 2170b) is amended—

12 (1) in the heading, by striking “ANNUAL UP-
13 DATE” and inserting “BIENNIAL REPORT”;

14 (2) by striking paragraphs (1) and (2) and in-
15 serting the following:

16 “(1) REQUIREMENT TO SUBMIT.—Not later
17 than February 1, 2010 and once every two years
18 thereafter, the President shall submit to the congres-
19 sional intelligence committees and congressional
20 leadership a report updating the information re-
21 ferred to in subsection (a) (1) (D) not later than
22 February 1, 2010 and every two years thereafter.”;
23 and

24 (3) by redesignating paragraph (3) as para-
25 graph (2).

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

4 (1) in paragraph (1)—

5 (A) by striking subparagraphs (A) and
6 (B); and

7 (B) by redesignating subparagraphs (C)
8 through (N) as subparagraphs (A) through (L),
9 respectively; and

10 (2) in paragraph (2), by striking subparagraph
11 (D).

12 **Subtitle E—Other Matters**

13 **SEC. 351. EXTENSION OF AUTHORITY TO DELETE INFORMA-** 14 **TION ABOUT RECEIPT AND DISPOSITION OF** 15 **FOREIGN GIFTS AND DECORATIONS.**

16 Paragraph (4) of section 7342(f) of title 5, United
17 States Code, is amended to read as follows:

18 “(4)(A) In transmitting such listings for an element
19 of the intelligence community, the head of such element
20 may delete the information described in subparagraph (A)
21 or (C) of paragraph (2) or in subparagraph (A) or (C)
22 of paragraph (3) if the head of such element certifies in
23 writing to the Secretary of State that the publication of
24 such information could adversely affect United States in-
25 telligence sources or methods.

1 “(B) Any information not provided to the Secretary
2 of State pursuant to the authority in subparagraph (A)
3 shall be transmitted to the Director of National Intel-
4 ligence who shall keep a record of such information.

5 “(C) In this paragraph, the term ‘element of the in-
6 telligence community’ means an element of the intelligence
7 community listed in or designated under section 3(4) of
8 the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

9 **SEC. 352. EXEMPTION OF DISSEMINATION OF TERRORIST**
10 **IDENTITY INFORMATION FROM FREEDOM OF**
11 **INFORMATION ACT.**

12 Section 119 of the National Security Act of 1947 (50
13 U.S.C. Section 404o) is amended by adding at the end
14 the following new subsection:

15 “(k) EXEMPTION OF DISSEMINATION OF TERRORIST
16 IDENTITY INFORMATION FROM FREEDOM OF INFORMA-
17 TION ACT.—(1) Terrorist identity information dissemi-
18 nated for terrorist screening purposes shall be exempt
19 from disclosure under section 552 of title 5, United States
20 Code.

21 “(2) In this section, the term ‘terrorist identity infor-
22 mation’ means—

23 “(A) information from a database maintained
24 by any element of the Federal Government that
25 would reveal whether an individual has or has not

1 been determined to be a known or suspected ter-
2 rorist or has or has not been determined to be with-
3 in the networks of contacts and support of a known
4 or suspected terrorist; and

5 “(B) information related to a determination as
6 to whether or not an individual is or should be in-
7 cluded in the Terrorist Screening Database or other
8 screening databases based on a determination that
9 the individual is a known or suspected terrorist.”.

10 **SEC. 353. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
11 **DIFFERENT INTELLIGENCE ACTIVITIES.**

12 Subparagraph (B) of section 504(a)(3) of the Na-
13 tional Security Act of 1947 (50 U.S.C. 414(a)(3)) is
14 amended to read as follows:

15 “(B) the use of such funds for such activity
16 supports an emergent need, improves program effec-
17 tiveness, or increases efficiency; and”.

18 **SEC. 354. LIMITATION ON REPROGRAMMINGS AND TRANS-**
19 **FERS OF FUNDS.**

20 (a) IN GENERAL.—Paragraph (3) of section 504 of
21 the National Security Act of 1947 (50 U.S.C. 414) is
22 amended—

23 (1) in subparagraph (B), as amended by section
24 353, by striking “and” at the end;

1 (2) in subparagraph (C), by adding “and” at
2 the end; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(D) the making available of such funds
6 for such activity complies with the requirements
7 in subsection (d);”.

8 (b) PROCEDURES.—Such section 504 is further
9 amended—

10 (1) by redesignating subsections (c), (d), (e),
11 and (f), as redesignated by section 334(2), as sub-
12 sections (d), (e), (f), and (g), respectively; and

13 (2) by inserting after subsection (b) the fol-
14 lowing new subsection (c):

15 “(c)(1) Except as provided in paragraph (2), if fol-
16 lowing a notice of intent to make funds available for a
17 different activity under subsection (a)(3)(C) one of the
18 congressional intelligence committees submits to the ele-
19 ment of the intelligence community that will carry out
20 such activity a request for additional information on such
21 activity, such funds may not be made available for such
22 activity under subsection (a)(3) until such date, up to 90
23 days after the date of such request, as specified by such
24 congressional intelligence committee.

1 “(2) The President may waive the requirements of
2 paragraph (1) and make funds available for an element
3 of the intelligence community to carry out a different ac-
4 tivity under subsection (a)(3) if the President submits to
5 the congressional intelligence committees a certification
6 providing that—

7 “(A) the use of such funds for such activity is
8 necessary to fulfill an urgent operational require-
9 ment, excluding a cost overrun on the acquisition of
10 a major system, of an element of the intelligence
11 community; and

12 “(B) such waiver is necessary so that an ele-
13 ment of the intelligence community may carry out
14 such activity prior to the date that funds would be
15 made available under paragraph (1).”.

16 (c) DEFINITIONS.—Subsection (g) of such section
17 504, as redesignated by subsection (b)(1) of this section,
18 is amended—

19 (1) by redesignating paragraph (3) as para-
20 graph (4);

21 (2) by redesignating paragraphs (1) and (2) as
22 paragraphs (1) and (2), respectively;

23 (3) by striking “and” at the end of paragraph
24 (1), as redesignated by paragraph (2) of this sub-
25 section; and

1 (4) by inserting after paragraph (2), as redesignig-
2 nated by paragraph (2) of this subsection, the fol-
3 lowing:

4 “(3) the term ‘major system’ has the meaning
5 given that term in section 4 of the Office of Federal
6 Procurement Policy Act (41 U.S.C. 403); and”.

7 **SEC. 355. PROTECTION OF CERTAIN NATIONAL SECURITY**
8 **INFORMATION.**

9 (a) INCREASE IN PENALTIES FOR DISCLOSURE OF
10 UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

11 (1) DISCLOSURE OF AGENT AFTER ACCESS TO
12 INFORMATION IDENTIFYING AGENT.—Subsection (a)
13 of section 601 of the National Security Act of 1947
14 (50 U.S.C. 421) is amended by striking “ten years”
15 and inserting “15 years”.

16 (2) DISCLOSURE OF AGENT AFTER ACCESS TO
17 CLASSIFIED INFORMATION.—Subsection (b) of such
18 section is amended by striking “five years” and in-
19 serting “10 years”.

20 (b) MODIFICATIONS TO ANNUAL REPORT ON PRO-
21 TECTION OF INTELLIGENCE IDENTITIES.—The first sen-
22 tence of section 603(a) of the National Security Act of
23 1947 (50 U.S.C. 423(a)) is amended by inserting “includ-
24 ing an assessment of the need for any modification of this
25 title for the purpose of improving legal protections for cov-

1 ert agents,” after “measures to protect the identities of
2 covert agents,”.

3 **SEC. 356. NATIONAL INTELLIGENCE PROGRAM BUDGET RE-**
4 **QUEST.**

5 (a) FINDING.—Congress finds that the Report of the
6 National Commission on Terrorist Attacks Upon the
7 United States (the “9/11 Commission”) recommended
8 that “the overall amounts of money being appropriated for
9 national intelligence and to its component agencies should
10 no longer be kept secret” and that “Congress should pass
11 a separate appropriations act for intelligence, defending
12 the broad allocation of how these tens of billions of dollars
13 have been assigned among the varieties of intelligence
14 work.”.

15 (b) NATIONAL INTELLIGENCE PROGRAM BUDGET
16 REQUEST.—Section 601 of the Implementing Rec-
17 ommendations of the 9/11 Commission Act of 2007 (50
18 U.S.C. 415c) is amended by striking subsection (b) and
19 inserting the following:

20 “(b) BUDGET REQUEST.—On the date that the
21 President submits to Congress the budget for a fiscal year
22 required under section 1105 of title 31, United States
23 Code, the President shall disclose to the public the aggre-
24 gate amount of appropriations requested for that fiscal
25 year for the National Intelligence Program.”.

1 **SEC. 357. IMPROVING THE REVIEW AUTHORITY OF THE**
2 **PUBLIC INTEREST DECLASSIFICATION**
3 **BOARD.**

4 Paragraph (5) of section 703(b) of the Public Inter-
5 est Declassification Act of 2000 (50 U.S.C. 435 note) is
6 amended—

7 (1) by striking “jurisdiction,” and inserting
8 “jurisdiction or by a member of the committee of ju-
9 risdiction,”; and

10 (2) by inserting “, evaluate the proper classi-
11 fication of certain records,” after “certain records”.

12 **SEC. 358. AUTHORITY TO DESIGNATE UNDERCOVER OPER-**
13 **ATIONS TO COLLECT FOREIGN INTEL-**
14 **LIGENCE OR COUNTERINTELLIGENCE.**

15 Paragraph (1) of section 102(b) of the Department
16 of Justice and Related Agencies Appropriations Act, 1993
17 (Public Law 102–395; 28 U.S.C. 533 note) is amended
18 in the flush text following subparagraph (D) by striking
19 “(or, if designated by the Director, the Assistant Director,
20 Intelligence Division) and the Attorney General (or, if des-
21 ignated by the Attorney General, the Assistant Attorney
22 General for National Security)” and inserting “(or a des-
23 ignee of the Director who is in a position not lower than
24 Deputy Assistant Director in the National Security
25 Branch or a similar successor position) and the Attorney
26 General (or a designee of the Attorney General who is in

1 the National Security Division in a position not lower than
2 Deputy Assistant Attorney General or a similar successor
3 position)”.
4

4 **SEC. 359. CORRECTING LONG-STANDING MATERIAL WEAK-**
5 **NESSES.**

6 (a) DEFINITIONS.—In this section:

7 (1) COVERED ELEMENT OF THE INTELLIGENCE
8 COMMUNITY.—The term “covered element of the in-
9 telligence community” means—

10 (A) the Central Intelligence Agency;

11 (B) the Defense Intelligence Agency;

12 (C) the National Geospatial-Intelligence
13 Agency;

14 (D) the National Reconnaissance Office; or

15 (E) the National Security Agency.

16 (2) INDEPENDENT AUDITOR.—The term “inde-
17 pendent auditor” means an individual who—

18 (A)(i) is a Federal, State, or local govern-
19 ment auditor who meets the independence
20 standards included in generally accepted gov-
21 ernment auditing standards; or

22 (ii) is a public accountant who meets such
23 independence standards; and

24 (B) is designated as an auditor by the Di-
25 rector of National Intelligence or the head of a

1 covered element of the intelligence community,
2 as appropriate.

3 (3) LONG-STANDING, CORRECTABLE MATERIAL
4 WEAKNESS.—The term “long-standing, correctable
5 material weakness” means a material weakness—

6 (A) that was first reported in the annual
7 financial report of a covered element of the in-
8 telligence community for a fiscal year prior to
9 fiscal year 2007; and

10 (B) the correction of which is not substan-
11 tially dependent on a business system that will
12 not be implemented prior to the end of fiscal
13 year 2010.

14 (4) MATERIAL WEAKNESS.—The term “mate-
15 rial weakness” has the meaning given that term
16 under the Office of Management and Budget Cir-
17 cular A–123, entitled “Management’s Responsibility
18 for Internal Control,” revised December 21, 2004.

19 (5) COVERED PROGRAM.—The term “covered
20 program” means—

21 (A) the Central Intelligence Agency Pro-
22 gram;

23 (B) the Consolidated Cryptologic Program;

24 (C) the General Defense Intelligence Pro-
25 gram;

1 (D) the National Geospatial-Intelligence
2 Program; or

3 (E) the National Reconnaissance Program.

4 (6) SENIOR INTELLIGENCE MANAGEMENT OFFI-
5 CIAL.—The term “senior intelligence management
6 official” means an official within a covered element
7 of the intelligence community who holds a position—

8 (A)(i) for which the level of the duties and
9 responsibilities and the rate of pay are com-
10 parable to that of a position—

11 (I) above grade 15 of the General
12 Schedule (as described in section 5332 of
13 title 5, United States Code); or

14 (II) at or above level IV of the Execu-
15 tive Level (as described in section 5315 of
16 title 5, United States Code); or

17 (ii) as the head of a covered element of the
18 intelligence community; and

19 (B) which is compensated for employment
20 with funds appropriated pursuant to an author-
21 ization of appropriations in this Act.

22 (b) IDENTIFICATION OF SENIOR INTELLIGENCE
23 MANAGEMENT OFFICIALS.—

24 (1) REQUIREMENT TO IDENTIFY.—Not later
25 than 30 days after the date of the enactment of this

1 Act, the head of a covered element of the intelligence
2 community shall identify each senior intelligence
3 management official of such element who is respon-
4 sible for correcting a long-standing, correctable ma-
5 terial weakness.

6 (2) HEAD OF A COVERED ELEMENT OF THE IN-
7 TELLIGENCE COMMUNITY.—The head of a covered
8 element of the intelligence community may designate
9 himself or herself as the senior intelligence manage-
10 ment official responsible for correcting a long-stand-
11 ing, correctable material weakness.

12 (3) REQUIREMENT TO UPDATE DESIGNATION.—
13 In the event a senior intelligence management offi-
14 cial identified under paragraph (1) is determined by
15 the head of the appropriate covered element of the
16 intelligence community to no longer be responsible
17 for correcting a long-standing, correctable material
18 weakness, the head of such element shall identify the
19 successor to such official not later than 10 days
20 after the date of such determination.

21 (c) NOTIFICATION.—Not later than 10 days after the
22 date that the head of a covered element of the intelligence
23 community has identified a senior intelligence manage-
24 ment official pursuant to subsection (b)(1), the head of
25 such element shall provide written notification of such

1 identification to the Director of National Intelligence and
2 to such senior intelligence management official.

3 (d) INDEPENDENT REVIEW.—

4 (1) NOTIFICATION OF CORRECTION OF DEFICI-
5 CIENCY.—A senior intelligence management official
6 who has received a notification under subsection (c)
7 regarding a long-standing, correctable material
8 weakness shall notify the head of the appropriate
9 covered element of the intelligence community, not
10 later than 5 days after the date that such official de-
11 termines that the specified material weakness is cor-
12 rected.

13 (2) REQUIREMENT FOR INDEPENDENT RE-
14 VIEW.—

15 (A) IN GENERAL.—Not later than 10 days
16 after the date a notification is provided under
17 paragraph (1), the head of the appropriate cov-
18 ered element of the intelligence community shall
19 appoint an independent auditor to conduct an
20 independent review to determine whether the
21 specified long-standing, correctable material
22 weakness has been corrected.

23 (B) REVIEW ALREADY IN PROCESS.—If an
24 independent review is already being conducted
25 by an independent auditor, the head of the cov-

1 ered element of the intelligence community may
2 approve the continuation of such review to com-
3 ply with subparagraph (A).

4 (C) CONDUCT OF REVIEW.—A review con-
5 ducted under subparagraph (A) or (B) shall be
6 conducted as expeditiously as possible and in
7 accordance with generally accepted accounting
8 principles.

9 (3) NOTIFICATION OF RESULTS OF REVIEW.—
10 Not later than 5 days after the date that a review
11 required by paragraph (2) is completed, the inde-
12 pendent auditor shall submit to the head of the cov-
13 ered element of the intelligence community, the Di-
14 rector of National Intelligence, and the senior intel-
15 ligence management official involved a notification of
16 the results of such review.

17 (e) CONGRESSIONAL OVERSIGHT.—The head of a
18 covered element of the intelligence community shall notify
19 the congressional intelligence committees not later than 30
20 days after the date of—

21 (1) that a senior intelligence management offi-
22 cial is identified under subsection (b)(1) and notified
23 under subsection (c); or

1 (2) the correction of a long-standing, correct-
 2 able material weakness, as verified by an inde-
 3 pendent review under subsection (d)(2).

4 **TITLE IV—MATTERS RELATING**
 5 **TO ELEMENTS OF THE INTEL-**
 6 **LIGENCE COMMUNITY**

7 **Subtitle A—Office of the Director**
 8 **of National Intelligence**

9 **SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF**
 10 **NATIONAL INTELLIGENCE.**

11 (a) RESPONSIBILITY OF THE DIRECTOR OF NA-
 12 TIONAL INTELLIGENCE.—Subsection (b) of section 102 of
 13 the National Security Act of 1947 (50 U.S.C. 403) is
 14 amended—

15 (1) in paragraph (2), by striking “and” at the
 16 end;

17 (2) in paragraph (3)—

18 (A) by striking “2004,” and inserting
 19 “2004 (Public Law 108–458; 50 U.S.C. 403
 20 note),”; and

21 (B) by striking the period at the end and
 22 inserting “; and”; and

23 (3) by adding at the end the following new
 24 paragraph:

1 “(4) conduct accountability reviews of elements
2 of the intelligence community and the personnel of
3 such elements, if appropriate.”.

4 (b) TASKING AND OTHER AUTHORITIES.—Sub-
5 section (f) of section 102A of the National Security Act
6 of 1947 (50 U.S.C. 403–1) is amended—

7 (1) by redesignating paragraphs (7) and (8) as
8 paragraphs (8) and (9), respectively; and

9 (2) by inserting after paragraph (6) the fol-
10 lowing new paragraph:

11 “(7)(A) The Director of National Intelligence shall,
12 if the Director determines it is necessary, or may, if re-
13 quested by a congressional intelligence committee, conduct
14 an accountability review of an element of the intelligence
15 community or the personnel of such element in relation
16 to a failure or deficiency within the intelligence commu-
17 nity.

18 “(B) The Director of National Intelligence, in con-
19 sultation with the Attorney General, shall establish guide-
20 lines and procedures for conducting an accountability re-
21 view under subparagraph (A).

22 “(C)(i) The Director of National Intelligence shall
23 provide the findings of an accountability review conducted
24 under subparagraph (A) and the Director’s recommenda-
25 tions for corrective or punitive action, if any, to the head

1 of the applicable element of the intelligence community.
2 Such recommendations may include a recommendation for
3 dismissal of personnel.

4 “(ii) If the head of such element does not implement
5 a recommendation made by the Director under clause (i),
6 the head of such element shall submit to the congressional
7 intelligence committees a notice of the determination not
8 to implement the recommendation, including the reasons
9 for the determination.

10 “(D) The requirements of this paragraph shall not
11 limit any authority of the Director of National Intelligence
12 under subsection (m) or with respect to supervision of the
13 Central Intelligence Agency.”.

14 **SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION**
15 **SHARING.**

16 (a) **AUTHORITIES FOR INTERAGENCY FUNDING.—**
17 Section 102A(g)(1) of the National Security Act of 1947
18 (50 U.S.C. 403–1(g)(1)) is amended—

19 (1) in subparagraph (E), by striking “and” at
20 the end;

21 (2) in subparagraph (F), by striking the period
22 and inserting a semicolon; and

23 (3) by adding at the end the following new sub-
24 paragraphs:

1 “(G) in carrying out this subsection, without re-
2 gard to any other provision of law (other than this
3 Act and the National Security Intelligence Reform
4 Act of 2004 (title I of Public Law 108–458; 118
5 Stat. 3643)), expend funds and make funds available
6 to other departments or agencies of the United
7 States for, and direct the development and fielding
8 of, systems of common concern related to the collec-
9 tion, processing, analysis, exploitation, and dissemi-
10 nation of intelligence information; and

11 “(H) for purposes of addressing critical gaps in
12 intelligence information sharing or access capabili-
13 ties, have the authority to transfer funds appro-
14 priated for a program within the National Intel-
15 ligence Program to a program funded by appropria-
16 tions not within the National Intelligence Program,
17 consistent with paragraphs (3) through (7) of sub-
18 section (d).”.

19 (b) **AUTHORITIES OF HEADS OF OTHER DEPART-**
20 **MENTS AND AGENCIES.**—Notwithstanding any other pro-
21 vision of law, the head of any department or agency of
22 the United States is authorized to receive and utilize funds
23 made available to the department or agency by the Direc-
24 tor of National Intelligence pursuant to section
25 102A(g)(1) of the National Security Act of 1947 (50

1 U.S.C. 403–1(g)(1)), as amended by subsection (a), and
2 receive and utilize any system referred to in such section
3 that is made available to the department or agency.

4 (c) REPORTS.—

5 (1) REQUIREMENT FOR REPORTS.—Not later
6 than February 1 of each of the fiscal years 2011
7 through 2014, the Director of National Intelligence
8 shall submit to the congressional intelligence com-
9 mittees a report detailing the distribution of funds
10 and systems during the preceding fiscal year pursu-
11 ant to subparagraph (G) or (H) of section
12 102A(g)(1) of the National Security Act of 1947 (50
13 U.S.C. 403–1(g)(1)), as added by subsection (a).

14 (2) CONTENT.—Each such report shall in-
15 clude—

16 (A) a listing of the agencies or depart-
17 ments to which such funds or systems were dis-
18 tributed;

19 (B) a description of the purpose for which
20 such funds or systems were distributed; and

21 (C) a description of the expenditure of
22 such funds, and the development, fielding, and
23 use of such systems by the receiving agency or
24 department.

1 **SEC. 403. AUTHORITIES FOR INTERAGENCY FUNDING.**

2 (a) IN GENERAL.—Section 102A of the National Se-
3 curity Act of 1947 (50 U.S.C. 403–1), as amended by sec-
4 tions 303, 304, and 312, is further amended by adding
5 at the end the following new subsection:

6 “(x) AUTHORITIES FOR INTERAGENCY FUNDING.—

7 (1) Notwithstanding section 1346 of title 31, United
8 States Code, or any other provision of law prohibiting the
9 interagency financing of activities described in subpara-
10 graph (A) or (B), upon the request of the Director of Na-
11 tional Intelligence, any element of the intelligence commu-
12 nity may use appropriated funds to support or participate
13 in the interagency activities of the following:

14 “(A) National intelligence centers established
15 by the Director under section 119B.

16 “(B) Boards, commissions, councils, commit-
17 tees, and similar groups that are established—

18 “(i) for a term of not more than 2 years;

19 and

20 “(ii) by the Director.

21 “(2) No provision of law enacted after the date of
22 the enactment of the Intelligence Authorization Act for
23 Fiscal Year 2010 shall be construed to limit or supersede
24 the authority in paragraph (1) unless such provision
25 makes specific reference to the authority in that para-
26 graph.”.

1 (b) REPORTS.—Not later than February 1 of each
2 fiscal year 2011 through 2014, the Director of National
3 Intelligence shall submit to the congressional intelligence
4 committees a report detailing the exercise of any authority
5 pursuant to subsection (x) of section 102A of the National
6 Security Act of 1947 (50 U.S.C. 403–1), as added by sub-
7 section (a), during the preceding fiscal year.

8 **SEC. 404. LOCATION OF THE OFFICE OF THE DIRECTOR OF**
9 **NATIONAL INTELLIGENCE.**

10 Subsection (e) of section 103 of the National Security
11 Act of 1947 (50 U.S.C. 403–3) is amended to read as
12 follows:

13 “(e) LOCATION OF THE OFFICE OF THE DIRECTOR
14 OF NATIONAL INTELLIGENCE.—The headquarters of the
15 Office of the Director of National Intelligence may be lo-
16 cated in the Washington metropolitan region, as that term
17 is defined in section 8301 of title 40, United States
18 Code.”.

19 **SEC. 405. ADDITIONAL DUTIES OF THE DIRECTOR OF**
20 **SCIENCE AND TECHNOLOGY.**

21 (a) IN GENERAL.—Section 103E of the National Se-
22 curity Act of 1947 (50 U.S.C. 403–3e) is amended—

23 (1) in subsection (c)—

24 (A) by redesignating paragraph (5) as
25 paragraph (7);

1 (B) in paragraph (4), by striking “and” at
2 the end; and

3 (C) by inserting after paragraph (4) the
4 following:

5 “(5) assist the Director in establishing goals for
6 basic, applied, and advanced research to meet the
7 technology needs of the intelligence community and
8 to be executed by elements of the intelligence com-
9 munity by—

10 (A) systematically identifying, assessing,
11 and prioritizing the most significant intelligence
12 challenges that require technical solutions; and

13 (B) examining options to enhance the re-
14 sponsiveness of research programs;

15 “(6) submit to Congress an annual report on
16 the science and technology strategy of the Director;
17 and”; and

18 (2) in paragraph (3) of subsection (d)—

19 (A) by redesignating subparagraphs (A)
20 and (B) as subparagraphs (B) and (C), respec-
21 tively;

22 (B) in subparagraph (B), as so redesign-
23 ated, by inserting “and prioritize” after “co-
24 ordinate”; and

1 (C) by inserting before subparagraph (B),
2 as so redesignated, the following new subpara-
3 graph:

4 “(A) identify basic, advanced, and applied
5 research programs to be executed by elements
6 of the intelligence community;”.

7 (b) SENSE OF CONGRESS ON SUPERVISION OF THE
8 DIRECTOR OF SCIENCE AND TECHNOLOGY.—It is the
9 sense of Congress that the Director of Science and Tech-
10 nology of the Office of the Director of National Intel-
11 ligence should report only to a member of such Office who
12 is appointed by the President, by and with the consent
13 of the Senate.

14 **SEC. 406. TITLE AND APPOINTMENT OF CHIEF INFORMA-**
15 **TION OFFICER OF THE INTELLIGENCE COM-**
16 **MUNITY.**

17 Section 103G of the National Security Act of 1947
18 (50 U.S.C. 403–3g) is amended—

19 (1) in subsection (a)—

20 (A) by inserting “of the Intelligence Com-
21 munity” after “Chief Information Officer”; and

22 (B) by striking “President,” and all that
23 follows and inserting “President.”;

1 (2) by striking subsection (b) and redesignating
2 subsections (c) and (d) as subsections (b) and (c),
3 respectively;

4 (3) in subsection (b) (as so redesignated), by
5 inserting “of the Intelligence Community” after
6 “Chief Information Officer”; and

7 (4) in subsection (c) (as so redesignated), by in-
8 serting “of the Intelligence Community” after
9 “Chief Information Officer” the first place it ap-
10 pears.

11 **SEC. 407. INSPECTOR GENERAL OF THE INTELLIGENCE**
12 **COMMUNITY.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—Title I of the National Secu-
15 rity Act of 1947 (50 U.S.C. 402 et seq.) is amended
16 by inserting after section 103G the following new
17 section:

18 “INSPECTOR GENERAL OF THE INTELLIGENCE
19 COMMUNITY

20 “SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL
21 OF THE INTELLIGENCE COMMUNITY.—There is within the
22 Office of the Director of National Intelligence an Office
23 of the Inspector General of the Intelligence Community.

24 “(b) PURPOSE.—The purpose of the Office of the In-
25 spector General of the Intelligence Community is—

1 “(1) to create an objective and effective office,
2 appropriately accountable to Congress, to initiate
3 and conduct independently investigations, inspec-
4 tions, audits, and reviews on programs and activities
5 within the responsibility and authority of the Direc-
6 tor of National Intelligence;

7 “(2) to provide leadership and coordination and
8 recommend policies for activities designed—

9 “(A) to promote economy, efficiency, and
10 effectiveness in the administration and imple-
11 mentation of such programs and activities; and

12 “(B) to prevent and detect fraud and
13 abuse in such programs and activities;

14 “(3) to provide a means for keeping the Direc-
15 tor of National Intelligence fully and currently in-
16 formed about—

17 “(A) problems and deficiencies relating to
18 the administration of programs and activities
19 within the responsibility and authority of the
20 Director of National Intelligence; and

21 “(B) the necessity for, and the progress of,
22 corrective actions; and

23 “(4) in the manner prescribed by this section,
24 to ensure that the congressional intelligence commit-
25 tees are kept similarly informed of—

1 “(A) significant problems and deficiencies
2 relating to programs and activities within the
3 responsibility and authority of the Director of
4 National Intelligence; and

5 “(B) the necessity for, and the progress of,
6 corrective actions.

7 “(c) INSPECTOR GENERAL OF THE INTELLIGENCE
8 COMMUNITY.—(1) There is an Inspector General of the
9 Intelligence Community, who shall be the head of the Of-
10 fice of the Inspector General of the Intelligence Commu-
11 nity, who shall be appointed by the President, by and with
12 the advice and consent of the Senate.

13 “(2) The nomination of an individual for appointment
14 as Inspector General shall be made—

15 “(A) without regard to political affiliation;

16 “(B) on the basis of integrity, compliance with
17 security standards of the intelligence community,
18 and prior experience in the field of intelligence or
19 national security; and

20 “(C) on the basis of demonstrated ability in ac-
21 counting, financial analysis, law, management anal-
22 ysis, public administration, or investigations.

23 “(3) The Inspector General shall report directly to
24 and be under the general supervision of the Director of
25 National Intelligence.

1 “(4) The Inspector General may be removed from of-
2 fice only by the President. The President shall commu-
3 nicate in writing to the congressional intelligence commit-
4 tees the reasons for the removal not later than 30 days
5 prior to the effective date of such removal.

6 “(d) ASSISTANT INSPECTORS GENERAL.—Subject to
7 applicable law and the policies of the Director of National
8 Intelligence, the Inspector General shall—

9 “(1) appoint an Assistant Inspector General for
10 Audit who shall have the responsibility for super-
11 vising the performance of auditing activities relating
12 to programs and activities within the responsibility
13 and authority of the Director;

14 “(2) appoint an Assistant Inspector General for
15 Investigations who shall have the responsibility for
16 supervising the performance of investigative activi-
17 ties relating to such programs and activities; and

18 “(3) appoint other Assistant Inspectors General
19 that, in the judgment of the Inspector General, are
20 necessary to carry out the duties of the Inspector
21 General.

22 “(e) DUTIES AND RESPONSIBILITIES.—It shall be
23 the duty and responsibility of the Inspector General of the
24 Intelligence Community—

1 “(1) to provide policy direction for, and to plan,
2 conduct, supervise, and coordinate independently,
3 the investigations, inspections, audits, and reviews
4 relating to programs and activities within the re-
5 sponsibility and authority of the Director of Na-
6 tional Intelligence;

7 “(2) to keep the Director of National Intel-
8 ligence fully and currently informed concerning vio-
9 lations of law and regulations, fraud and other seri-
10 ous problems, abuses, and deficiencies relating to the
11 programs and activities within the responsibility and
12 authority of the Director, to recommend corrective
13 action concerning such problems, and to report on
14 the progress made in implementing such corrective
15 action;

16 “(3) to take due regard for the protection of in-
17 telligence sources and methods in the preparation of
18 all reports issued by the Inspector General, and, to
19 the extent consistent with the purpose and objective
20 of such reports, take such measures as may be ap-
21 propriate to minimize the disclosure of intelligence
22 sources and methods described in such reports; and

23 “(4) in the execution of the duties and respon-
24 sibilities under this section, to comply with generally
25 accepted government auditing.

1 “(f) LIMITATIONS ON ACTIVITIES.—(1) The Director
2 of National Intelligence may prohibit the Inspector Gen-
3 eral of the Intelligence Community from initiating, car-
4 rying out, or completing any investigation, inspection,
5 audit, or review if the Director determines that such prohi-
6 bition is necessary to protect vital national security inter-
7 ests of the United States.

8 “(2) If the Director exercises the authority under
9 paragraph (1), the Director shall submit an appropriately
10 classified statement of the reasons for the exercise of such
11 authority within 7 days to the congressional intelligence
12 committees.

13 “(3) The Director shall advise the Inspector General
14 at the time a statement under paragraph (2) is submitted,
15 and, to the extent consistent with the protection of intel-
16 ligence sources and methods, provide the Inspector Gen-
17 eral with a copy of such statement.

18 “(4) The Inspector General may submit to the con-
19 gressional intelligence committees any comments on the
20 statement of which the Inspector General has notice under
21 paragraph (3) that the Inspector General considers appro-
22 priate.

23 “(g) AUTHORITIES.—(1) The Inspector General of
24 the Intelligence Community shall have direct and prompt
25 access to the Director of National Intelligence when nec-

1 essary for any purpose pertaining to the performance of
2 the duties of the Inspector General.

3 “(2)(A) The Inspector General shall, subject to the
4 limitations in subsection (f), make such investigations and
5 reports relating to the administration of the programs and
6 activities within the authorities and responsibilities of the
7 Director as are, in the judgment of the Inspector General,
8 necessary or desirable.

9 “(B) The Inspector General shall have access to any
10 employee, or any employee of contract personnel, of any
11 element of the intelligence community needed for the per-
12 formance of the duties of the Inspector General.

13 “(C) The Inspector General shall have direct access
14 to all records, reports, audits, reviews, documents, papers,
15 recommendations, or other material which relate to the
16 programs and activities with respect to which the Inspec-
17 tor General has responsibilities under this section.

18 “(D) The level of classification or compartmentation
19 of information shall not, in and of itself, provide a suffi-
20 cient rationale for denying the Inspector General access
21 to any materials under subparagraph (C).

22 “(E) The Director, or on the recommendation of the
23 Director, another appropriate official of the intelligence
24 community, shall take appropriate administrative actions
25 against an employee, or an employee of contract personnel,

1 of an element of the intelligence community that fails to
2 cooperate with the Inspector General. Such administrative
3 action may include loss of employment or the termination
4 of an existing contractual relationship.

5 “(3) The Inspector General is authorized to receive
6 and investigate, pursuant to subsection (h), complaints or
7 information from any person concerning the existence of
8 an activity within the authorities and responsibilities of
9 the Director of National Intelligence constituting a viola-
10 tion of laws, rules, or regulations, or mismanagement,
11 gross waste of funds, abuse of authority, or a substantial
12 and specific danger to the public health and safety. Once
13 such complaint or information has been received from an
14 employee of the intelligence community—

15 “(A) the Inspector General shall not disclose
16 the identity of the employee without the consent of
17 the employee, unless the Inspector General deter-
18 mines that such disclosure is unavoidable during the
19 course of the investigation or the disclosure is made
20 to an official of the Department of Justice respon-
21 sible for determining whether a prosecution should
22 be undertaken; and

23 “(B) no action constituting a reprisal, or threat
24 of reprisal, for making such complaint or disclosing
25 such information to the Inspector General may be

1 taken by any employee in a position to take such ac-
2 tions, unless the complaint was made or the infor-
3 mation was disclosed with the knowledge that it was
4 false or with willful disregard for its truth or falsity.

5 “(4) The Inspector General shall have authority to
6 administer to or take from any person an oath, affirma-
7 tion, or affidavit, whenever necessary in the performance
8 of the duties of the Inspector General, which oath, affir-
9 mation, or affidavit when administered or taken by or be-
10 fore an employee of the Office of the Inspector General
11 of the Intelligence Community designated by the Inspector
12 General shall have the same force and effect as if adminis-
13 tered or taken by, or before, an officer having a seal.

14 “(5)(A) Except as provided in subparagraph (B), the
15 Inspector General is authorized to require by subpoena the
16 production of all information, documents, reports, an-
17 swers, records, accounts, papers, and other data in any
18 medium (including electronically stored information, as
19 well as any tangible thing) and documentary evidence nec-
20 essary in the performance of the duties and responsibilities
21 of the Inspector General.

22 “(B) In the case of departments, agencies, and other
23 elements of the United States Government, the Inspector
24 General shall obtain information, documents, reports, an-
25 swers, records, accounts, papers, and other data and evi-

1 dence for the purpose specified in subparagraph (A) using
2 procedures other than by subpoenas.

3 “(C) The Inspector General may not issue a subpoena
4 for, or on behalf of, any component of the Office of the
5 Director of National Intelligence or any element of the in-
6 telligence community, including the Office of the Director
7 of National Intelligence.

8 “(D) In the case of contumacy or refusal to obey a
9 subpoena issued under this paragraph, the subpoena shall
10 be enforceable by order of any appropriate district court
11 of the United States.

12 “(6) The Inspector General may obtain services as
13 authorized by section 3109 of title 5, United States Code,
14 at daily rates not to exceed the equivalent rate prescribed
15 for grade 15 of the General Schedule (as described in sec-
16 tion 5332 of title 5, United States Code).

17 “(7) The Inspector General may, to the extent and
18 in such amounts as may be provided in appropriations,
19 enter into contracts and other arrangements for audits,
20 studies, analyses, and other services with public agencies
21 and with private persons, and to make such payments as
22 may be necessary to carry out the provisions of this sec-
23 tion.

24 “(h) COORDINATION AMONG INSPECTORS GEN-
25 ERAL.—(1)(A) In the event of a matter within the jurisdic-

1 diction of the Inspector General of the Intelligence Com-
2 munity that may be subject to an investigation, inspection,
3 audit, or review by both the Inspector General of the Intel-
4 ligence Community and an inspector general, whether
5 statutory or administrative, with oversight responsibility
6 for an element or elements of the intelligence community,
7 the Inspector General of the Intelligence Community and
8 such other inspector or inspectors general shall expedi-
9 tiously resolve the question of which inspector general
10 shall conduct such investigation, inspection, audit, or re-
11 view to avoid unnecessary duplication of the activities of
12 the Offices of the Inspectors General.

13 “(B) In attempting to resolve a question under sub-
14 paragraph (A), the inspectors general concerned may re-
15 quest the assistance of the Intelligence Community Inspec-
16 tors General Forum established under paragraph (2). In
17 the event of a dispute between an inspector general within
18 an agency or department of the United States Government
19 and the Inspector General of the Intelligence Community
20 that has not been resolved with the assistance of such
21 Forum, the inspectors general shall submit the question
22 to the Director of National Intelligence and the head of
23 the affected agency or department for resolution.

24 “(2)(A) There is established the Intelligence Commu-
25 nity Inspectors General Forum, which shall consist of all

1 statutory or administrative inspectors general with over-
2 sight responsibility for an element or elements of the intel-
3 ligence community.

4 “(B) The Inspector General of the Intelligence Com-
5 munity shall serve as the Chair of the Forum established
6 under subparagraph (A). The Forum shall have no admin-
7 istrative authority over any inspector general, but shall
8 serve as a mechanism for informing its members of the
9 work of individual members of the Forum that may be
10 of common interest and discussing questions about juris-
11 diction or access to employees, employees of contract per-
12 sonnel, records, audits, reviews, documents, recommenda-
13 tions, or other materials that may involve or be of assist-
14 ance to more than 1 of its members.

15 “(3) The Inspector General conducting an investiga-
16 tion, inspection, audit, or review covered by paragraph (1)
17 shall submit the results of such investigation, inspection,
18 audit, or review to any other Inspector General, including
19 the Inspector General of the Intelligence Community, with
20 jurisdiction to conduct such investigation, inspection,
21 audit, or review who did not conduct such investigation,
22 inspection, audit, or review.

23 “(i) COUNSEL TO THE INSPECTOR GENERAL.—The
24 Inspector General of the Intelligence Community shall—

1 “(1) appoint a Counsel to the Inspector General
2 who shall report to the Inspector General; or

3 “(2) obtain the services of a counsel appointed
4 by and directly reporting to another Inspector Gen-
5 eral or the Council of the Inspectors General on In-
6 tegrity and Efficiency on a reimbursable basis.

7 “(j) STAFF AND OTHER SUPPORT.—(1) The Director
8 of National Intelligence shall provide the Inspector Gen-
9 eral of the Intelligence Community with appropriate and
10 adequate office space at central and field office locations,
11 together with such equipment, office supplies, mainte-
12 nance services, and communications facilities and services
13 as may be necessary for the operation of such offices.

14 “(2)(A) Subject to applicable law and the policies of
15 the Director of National Intelligence, the Inspector Gen-
16 eral shall select, appoint, and employ such officers and em-
17 ployees as may be necessary to carry out the functions,
18 powers, and duties of the Inspector General. The Inspec-
19 tor General shall ensure that any officer or employee so
20 selected, appointed, or employed has security clearances
21 appropriate for the assigned duties of such officer or em-
22 ployee.

23 “(B) In making selections under subparagraph (A),
24 the Inspector General shall ensure that such officers and
25 employees have the requisite training and experience to

1 enable the Inspector General to carry out the duties of
2 the Inspector General effectively.

3 “(C) In meeting the requirements of this paragraph,
4 the Inspector General shall create within the Office of the
5 Inspector General of the Intelligence Community a career
6 cadre of sufficient size to provide appropriate continuity
7 and objectivity needed for the effective performance of the
8 duties of the Inspector General.

9 “(3) Consistent with budgetary and personnel re-
10 sources allocated by the Director of National Intelligence,
11 the Inspector General has final approval of—

12 “(A) the selection of internal and external can-
13 didates for employment with the Office of the In-
14 spector General; and

15 “(B) all other personnel decisions concerning
16 personnel permanently assigned to the Office of In-
17 spector General, including selection and appointment
18 to the Senior Intelligence Service, but excluding all
19 security based determinations that are not within
20 the authority of a head of a component of the Office
21 of the Director of National Intelligence.

22 “(4)(A) Subject to the concurrence of the Director
23 of National Intelligence, the Inspector General may re-
24 quest such information or assistance as may be necessary
25 for carrying out the duties and responsibilities of the In-

1 spector General from any department, agency, or other
2 element of the United States Government.

3 “(B) Upon request of the Inspector General for infor-
4 mation or assistance under subparagraph (A), the head
5 of the department, agency, or element concerned shall, in-
6 sofar as is practicable and not in contravention of any ex-
7 isting statutory restriction or regulation of the depart-
8 ment, agency, or element, furnish to the Inspector Gen-
9 eral, or to an authorized designee, such information or as-
10 sistance.

11 “(C) The Inspector General of the Intelligence Com-
12 munity may, upon reasonable notice to the head of any
13 element of the intelligence community and in coordination
14 with that element’s inspector general pursuant to sub-
15 section (h), conduct, as authorized by this section, an in-
16 vestigation, inspection, audit, or review of such element
17 and may enter into any place occupied by such element
18 for purposes of the performance of the duties of the In-
19 spector General.

20 “(k) REPORTS.—(1)(A) The Inspector General of the
21 Intelligence Community shall, not later than January 31
22 and July 31 of each year, prepare and submit to the Di-
23 rector of National Intelligence a classified, and, as appro-
24 priate, unclassified semiannual report summarizing the ac-
25 tivities of the Office of the Inspector General of the Intel-

1 ligen­ce Com­mu­nity dur­ing the im­me­di­ately pre­ced­ing 6-
2 month pe­riod end­ing De­cem­ber 31 (of the pre­ced­ing year)
3 and June 30, re­spec­tively. The In­spec­tor Gen­eral of the
4 In­tel­ligence Com­mu­nity shall pro­vide any por­tion of the
5 re­port in­volving a com­pon­ent of a de­part­ment of the
6 United States Gov­ern­ment to the head of that de­part­ment
7 simul­tane­ously with sub­mis­sion of the re­port to the Direc-
8 tor of Na­tional In­tel­ligence.

9 “(B) Each re­port un­der this pa­ra­graph shall in­clude,
10 at a min­i­mum, the fol­low­ing:

11 “(i) A list of the title or sub­ject of each in­ves-
12 tigation, in­spec­tion, au­dit, or re­view con­ducted dur-
13 ing the pe­riod cov­ered by such re­port.

14 “(ii) A de­scrip­tion of sig­nif­i­cant prob­lems,
15 ab­uses, and de­ficien­cies re­lat­ing to the admin­istra-
16 tion of pro­grams and ac­tiv­i­ties of the in­tel­ligence
17 com­mu­nity with­in the re­spon­si­bil­ity and au­thor­ity of
18 the Direc­tor of Na­tional In­tel­ligence, and in the re-
19 la­tion­ships be­tween el­e­ments of the in­tel­ligence com-
20 mu­nity, iden­ti­fied by the In­spec­tor Gen­eral dur­ing
21 the pe­riod cov­ered by such re­port.

22 “(iii) A de­scrip­tion of the re­com­men­da­tions for
23 cor­rec­tive ac­tion made by the In­spec­tor Gen­eral dur-
24 ing the pe­riod cov­ered by such re­port with re­spect

1 to significant problems, abuses, or deficiencies iden-
2 tified in clause (ii).

3 “(iv) A statement of whether or not corrective
4 action has been completed on each significant rec-
5 ommendation described in previous semiannual re-
6 ports, and, in a case where corrective action has
7 been completed, a description of such corrective ac-
8 tion.

9 “(v) A certification of whether or not the In-
10 spector General has had full and direct access to all
11 information relevant to the performance of the func-
12 tions of the Inspector General.

13 “(vi) A description of the exercise of the sub-
14 poena authority under subsection (g)(5) by the In-
15 spector General during the period covered by such
16 report.

17 “(vii) Such recommendations as the Inspector
18 General considers appropriate for legislation to pro-
19 mote economy, efficiency, and effectiveness in the
20 administration and implementation of programs and
21 activities within the responsibility and authority of
22 the Director of National Intelligence, and to detect
23 and eliminate fraud and abuse in such programs and
24 activities.

1 “(C) Not later than 30 days after the date of receipt
2 of a report under subparagraph (A), the Director shall
3 transmit the report to the congressional intelligence com-
4 mittees together with any comments the Director con-
5 siders appropriate. The Director shall transmit to the
6 committees of the Senate and of the House of Representa-
7 tives with jurisdiction over a department of the United
8 States Government any portion of the report involving a
9 component of such department simultaneously with sub-
10 mission of the report to the congressional intelligence com-
11 mittees.

12 “(2)(A) The Inspector General shall report imme-
13 diately to the Director whenever the Inspector General be-
14 comes aware of particularly serious or flagrant problems,
15 abuses, or deficiencies relating to programs and activities
16 within the responsibility and authority of the Director of
17 National Intelligence.

18 “(B) The Director shall transmit to the congressional
19 intelligence committees each report under subparagraph
20 (A) within 7 calendar days of receipt of such report, to-
21 gether with such comments as the Director considers ap-
22 propriate. The Director shall transmit to the committees
23 of the Senate and of the House of Representatives with
24 jurisdiction over a department of the United States Gov-
25 ernment any portion of each report under subparagraph

1 (A) that involves a problem, abuse, or deficiency related
2 to a component of such department simultaneously with
3 transmission of the report to the congressional intelligence
4 committees.

5 “(3) In the event that—

6 “(A) the Inspector General is unable to resolve
7 any differences with the Director affecting the exe-
8 cution of the duties or responsibilities of the Inspec-
9 tor General;

10 “(B) an investigation, inspection, audit, or re-
11 view carried out by the Inspector General focuses on
12 any current or former intelligence community official
13 who—

14 “(i) holds or held a position in an element
15 of the intelligence community that is subject to
16 appointment by the President, whether or not
17 by and with the advice and consent of the Sen-
18 ate, including such a position held on an acting
19 basis;

20 “(ii) holds or held a position in an element
21 of the intelligence community, including a posi-
22 tion held on an acting basis, that is appointed
23 by the Director of National Intelligence; or

24 “(iii) holds or held a position as head of an
25 element of the intelligence community or a posi-

1 tion covered by subsection (b) or (c) of section
2 106;

3 “(C) a matter requires a report by the Inspec-
4 tor General to the Department of Justice on possible
5 criminal conduct by a current or former official de-
6 scribed in subparagraph (B);

7 “(D) the Inspector General receives notice from
8 the Department of Justice declining or approving
9 prosecution of possible criminal conduct of any cur-
10 rent or former official described in subparagraph
11 (B); or

12 “(E) the Inspector General, after exhausting all
13 possible alternatives, is unable to obtain significant
14 documentary information in the course of an inves-
15 tigation, inspection, audit, or review,

16 the Inspector General shall immediately notify, and submit
17 a report to, the congressional intelligence committees on
18 such matter.

19 “(4) Pursuant to title V, the Director shall submit
20 to the congressional intelligence committees any report or
21 findings and recommendations of an investigation, inspec-
22 tion, audit, or review conducted by the office which has
23 been requested by the Chairman or Vice Chairman or
24 Ranking Minority Member of either committee.

1 “(5)(A) An employee of an element of the intelligence
2 community, an employee assigned or detailed to an ele-
3 ment of the intelligence community, or an employee of con-
4 tract personnel to the intelligence community who intends
5 to report to Congress a complaint or information with re-
6 spect to an urgent concern may report such complaint or
7 information to the Inspector General.

8 “(B) Not later than the end of the 14-calendar-day
9 period beginning on the date of receipt from an employee
10 of a complaint or information under subparagraph (A),
11 the Inspector General shall determine whether the com-
12 plaint or information appears credible. Upon making such
13 a determination, the Inspector General shall transmit to
14 the Director a notice of that determination, together with
15 the complaint or information.

16 “(C) Upon receipt of a transmittal from the Inspector
17 General under subparagraph (B), the Director shall, with-
18 in 7 calendar days of such receipt, forward such trans-
19 mittal to the congressional intelligence committees, to-
20 gether with any comments the Director considers appro-
21 priate.

22 “(D)(i) If the Inspector General does not find cred-
23 ible under subparagraph (B) a complaint or information
24 submitted under subparagraph (A), or does not transmit
25 the complaint or information to the Director in accurate

1 form under subparagraph (B), the employee (subject to
2 clause (ii)) may submit the complaint or information to
3 Congress by contacting either or both of the congressional
4 intelligence committees directly.

5 “(ii) An employee may contact the intelligence com-
6 mittees directly as described in clause (i) only if the em-
7 ployee—

8 “(I) before making such a contact, furnishes to
9 the Director, through the Inspector General, a state-
10 ment of the employee’s complaint or information and
11 notice of the employee’s intent to contact the con-
12 gressional intelligence committees directly; and

13 “(II) obtains and follows from the Director,
14 through the Inspector General, direction on how to
15 contact the congressional intelligence committees in
16 accordance with appropriate security practices.

17 “(iii) A member or employee of one of the congres-
18 sional intelligence committees who receives a complaint or
19 information under clause (i) does so in that member or
20 employee’s official capacity as a member or employee of
21 such committee.

22 “(E) The Inspector General shall notify an employee
23 who reports a complaint or information to the Inspector
24 General under this paragraph of each action taken under
25 this paragraph with respect to the complaint or informa-

1 tion. Such notice shall be provided not later than 3 days
2 after any such action is taken.

3 “(F) An action taken by the Director or the Inspector
4 General under this paragraph shall not be subject to judi-
5 cial review.

6 “(G) In this paragraph, the term ‘urgent concern’
7 means any of the following:

8 “(i) A serious or flagrant problem, abuse, viola-
9 tion of law or Executive order, or deficiency relating
10 to the funding, administration, or operation of an in-
11 telligence activity within the responsibility and au-
12 thority of the Director of National Intelligence in-
13 volving classified information, but does not include
14 differences of opinions concerning public policy mat-
15 ters.

16 “(ii) A false statement to Congress, or a willful
17 withholding from Congress, on an issue of material
18 fact relating to the funding, administration, or oper-
19 ation of an intelligence activity.

20 “(iii) An action, including a personnel action
21 described in section 2302(a)(2)(A) of title 5, United
22 States Code, constituting reprisal or threat of re-
23 prisal prohibited under subsection (f)(3)(B) of this
24 section in response to an employee’s reporting an ur-
25 gent concern in accordance with this paragraph.

1 “(H) In support of this paragraph, Congress makes
2 the findings set forth in paragraphs (1) through (6) of
3 section 701(b) of the Intelligence Community Whistle-
4 blower Protection Act of 1998 (title VII of Public Law
5 105–272; 5 U.S.C. App. 8H note).

6 “(I) Nothing in this section shall be construed to
7 limit the protections afforded to an employee under the
8 Intelligence Community Whistleblower Protection Act of
9 1988 (title VII of Public Law 105–272, 5 U.S.C. App.
10 8H note).

11 “(6) In accordance with section 535 of title 28,
12 United States Code, the Inspector General shall expedi-
13 tiously report to the Attorney General any information,
14 allegation, or complaint received by the Inspector General
15 relating to violations of Federal criminal law that involves
16 a program or operation of an element of the intelligence
17 community, or in the relationships between the elements
18 of the intelligence community, consistent with such guide-
19 lines as may be issued by the Attorney General pursuant
20 to subsection (b)(2) of such section. A copy of each such
21 report shall be furnished to the Director.

22 “(l) CONSTRUCTION OF DUTIES REGARDING ELE-
23 MENTS OF INTELLIGENCE COMMUNITY.—Except as re-
24 solved pursuant to subsection (h), the performance by the
25 Inspector General of the Intelligence Community of any

1 duty, responsibility, or function regarding an element of
2 the intelligence community shall not be construed to mod-
3 ify or affect the duties and responsibilities of any other
4 Inspector General, whether statutory or administrative,
5 having duties and responsibilities relating to such element.

6 “(m) SEPARATE BUDGET ACCOUNT.—The Director
7 of National Intelligence shall, in accordance with proce-
8 dures to be issued by the Director in consultation with
9 the congressional intelligence committees, include in the
10 National Intelligence Program budget a separate account
11 for the Office of Inspector General of the Intelligence
12 Community.

13 “(n) BUDGET.—(1) For each fiscal year, the Inspec-
14 tor General of the Intelligence Community shall transmit
15 a budget estimate and request to the Director of National
16 Intelligence that specifies for such fiscal year—

17 “(A) the aggregate amount requested for the
18 operations of the Inspector General;

19 “(B) the amount requested for all training re-
20 quirements of the Inspector General, including a cer-
21 tification from the Inspector General that the
22 amount requested is sufficient to fund all training
23 requirements for the Office of the Inspector General;
24 and

1 “(C) the amount requested to support the
2 Council of the Inspectors General on Integrity and
3 Efficiency, including a justification of such amount.

4 “(2) In transmitting a proposed budget to the Presi-
5 dent for a fiscal year, the Director of National Intelligence
6 shall include for such fiscal year—

7 “(A) the aggregate amount requested for the
8 Inspector General of the Intelligence Community;

9 “(B) the amount requested by the Inspector
10 General for training;

11 “(C) the amounts requested to support of the
12 Council of the Inspectors General on Integrity and
13 Efficiency; and

14 “(D) the comments of the Inspector General, if
15 any, with respect to the proposal.

16 “(3) The Director of National Intelligence shall sub-
17 mit to the congressional intelligence committees, the Com-
18 mittee on Appropriations of the Senate, and the Com-
19 mittee on Appropriations of the House of Representatives
20 for each fiscal year—

21 “(A) a separate statement of the budget esti-
22 mate transmitted pursuant to paragraph (1);

23 “(B) the amount requested by the Director for
24 the Inspector General pursuant to paragraph (2);

1 “(C) the amount requested by the Director for
2 training for personnel of the Office of the Inspector
3 General;

4 “(D) the amount requested by the Director for
5 support for the Council of the Inspectors General on
6 Integrity and Efficiency; and

7 “(E) the comments of the Inspector General, if
8 any, on the amount requested pursuant to para-
9 graph (2), including whether such amount would
10 substantially inhibit the Inspector General from per-
11 forming the duties of the Office of the Inspector
12 General.”.

13 (2) TABLE OF CONTENTS AMENDMENT.—The
14 table of contents in the first section of the National
15 Security Act of 1947 is amended by inserting after
16 the item relating to section 103G the following new
17 item:

“Sec. 103H. Inspector General of the Intelligence Community.”.

18 (b) PAY OF INSPECTOR GENERAL.—Subparagraph
19 (A) of section 4(a)(3) of the Inspector General Reform
20 Act of 2008 (Public Law 110–409; 5 U.S.C. App. note)
21 is amended by inserting “the Inspector General of the In-
22 telligence Community,” after “basic pay of”.

23 (c) CONSTRUCTION.—Nothing in the amendment
24 made by subsection (a)(1) shall be construed to alter the
25 duties and responsibilities of the General Counsel of the

1 Office of the Director of National Intelligence. The Coun-
2 sel to the Inspector General of the Intelligence Community
3 appointed pursuant to section 103H(i) of the National Se-
4 curity Act of 1947 (50 U.S.C. 402 et seq.), as added by
5 subsection (a)(1), shall perform the functions as such In-
6 spector General may prescribe.

7 (d) REPEAL OF SUPERSEDED AUTHORITY TO ES-
8 TABLISH POSITION.—

9 (1) IN GENERAL.—Section 8K of the Inspector
10 General Act of 1978 (5 U.S.C. App.) shall be re-
11 pealed on the date that the President nominates the
12 first individual to serve as Inspector General for the
13 Intelligence Community pursuant to section 103H of
14 the National Security Act of 1947, as added by sub-
15 section (a).

16 (2) TRANSITION.—Notwithstanding the repeal
17 of section 8K of the Inspector General Act of 1978
18 (5 U.S.C. App.) pursuant to paragraph (1), the indi-
19 vidual serving as Inspector General pursuant to such
20 section 8K may continue such service until an indi-
21 vidual is appointed as the Inspector General of the
22 Intelligence Community, by and with the advice and
23 consent of the Senate, pursuant to such section
24 103H and assumes the duties of that position.

1 **SEC. 408. CHIEF FINANCIAL OFFICER OF THE INTEL-**
2 **LIGENCE COMMUNITY.**

3 (a) ESTABLISHMENT.—Title I of the National Secu-
4 rity Act of 1947 (50 U.S.C. 402 et seq.), as amended by
5 section 407 of this Act, is further amended by inserting
6 after section 103H, as added by section 407(a)(1), the fol-
7 lowing new section:

8 “CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE
9 COMMUNITY

10 “SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE
11 INTELLIGENCE COMMUNITY.—To assist the Director of
12 National Intelligence in carrying out the responsibilities
13 of the Director under this Act and other applicable provi-
14 sions of law, there shall be within the Office of the Direc-
15 tor of National Intelligence a Chief Financial Officer of
16 the Intelligence Community who shall be appointed by the
17 Director.

18 “(b) DUTIES AND RESPONSIBILITIES.—Subject to
19 the direction of the Director of National Intelligence, the
20 Chief Financial Officer of the Intelligence Community
21 shall—

22 “(1) serve as the principal advisor to the Direc-
23 tor of National Intelligence and the Principal Dep-
24 uty Director of National Intelligence on the manage-
25 ment and allocation of intelligence community budg-
26 etary resources;

1 “(2) establish and oversee a comprehensive and
2 integrated strategic process for resource manage-
3 ment within the intelligence community;

4 “(3) ensure that the strategic plan of the Direc-
5 tor of National Intelligence—

6 “(A) is based on budgetary constraints as
7 specified in the Future Year Intelligence Plans
8 and Long-term Budget Projections required by
9 this Act; and

10 “(B) contains specific goals and objectives
11 to support a performance-based budget;

12 “(4) ensure that—

13 “(A) current and future major system ac-
14 quisitions have validated national requirements
15 for meeting the strategic plan of the Director;
16 and

17 “(B) such requirements are prioritized
18 based on budgetary constraints, as specified in
19 the Future Year Intelligence Plans and the
20 Long-term Intelligence Projections required by
21 this Act;

22 “(5) prior to the obligation or expenditure of
23 funds for the acquisition of any major system pursu-
24 ant to a Milestone A or Milestone B decision, deter-

1 mine that such acquisition complies with the require-
2 ments of paragraph (4);

3 “(6) ensure that the architectures of the Direc-
4 tor are based on budgetary constraints as specified
5 in the Future Year Intelligence Plans and the Long-
6 term Budget Projections required by this Act;

7 “(7) coordinate or approve representations
8 made to Congress by the intelligence community re-
9 garding National Intelligence Program budgetary re-
10 sources;

11 “(8) preside, or assist in presiding, over any
12 mission requirements, acquisition, or architectural
13 board formed within or by the Office of the Director
14 of National Intelligence; and

15 “(9) perform such other duties as may be pre-
16 scribed by the Director of National Intelligence or
17 specified by law.

18 “(c) OTHER LAW.—The Chief Financial Officer of
19 the Intelligence Community shall serve as the Chief Finan-
20 cial Officer of the intelligence community and, to the ex-
21 tent applicable, shall have the duties, responsibilities, and
22 authorities specified in the Chief Financial Officers Act
23 of 1990 (Public Law 101–576; 104 Stat. 2823) and the
24 amendments made by that Act.

1 “(d) PROHIBITION ON SIMULTANEOUS SERVICE AS
2 OTHER CHIEF FINANCIAL OFFICER.—An individual serv-
3 ing in the position of Chief Financial Officer of the Intel-
4 ligence Community may not, while so serving, serve as the
5 chief financial officer of any other department or agency,
6 or component thereof, of the United States Government.

7 “(e) DEFINITIONS.—In this section:

8 “(1) The term ‘major system’ has the meaning
9 given that term in section 4 of the Office of Federal
10 Procurement Policy Act (41 U.S.C. 403).

11 “(2) The term ‘Milestone A’ means a decision
12 to enter into concept refinement and technology ma-
13 turity demonstration pursuant to guidance issued by
14 the Director of National Intelligence.

15 “(3) The term ‘Milestone B’ means a decision
16 to enter into system development, integration, and
17 demonstration pursuant to guidance prescribed by
18 the Director of National Intelligence.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in the first section of the National Security Act of 1947,
21 as amended by section 406, is further amended by insert-
22 ing after the item relating to section 103H, as added by
23 section 407(a)(2) the following new item:

“Sec. 103I. Chief Financial Officer of the Intelligence Community.”.

1 **SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OF-**
2 **FICES AND OFFICIALS.**

3 (a) NATIONAL COUNTER PROLIFERATION CEN-
4 TER.—Section 119A(a) of the National Security Act of
5 1947 (50 U.S.C. 404o–1(a)) is amended—

6 (1) by striking “(a) ESTABLISHMENT.—Not
7 later than 18 months after the date of the enact-
8 ment of the National Security Intelligence Reform
9 Act of 2004, the” and inserting the following:

10 “(a) IN GENERAL.—

11 “(1) ESTABLISHMENT.—The”; and

12 (2) by adding at the end the following new
13 paragraphs:

14 “(2) DIRECTOR.—The head of the National
15 Counter Proliferation Center shall be the Director of
16 the National Counter Proliferation Center, who shall
17 be appointed by the Director of National Intel-
18 ligence.

19 “(3) LOCATION.—The National Counter Pro-
20 liferation Center shall be located within the Office of
21 the Director of National Intelligence.”.

22 (b) OFFICERS.—Section 103(c) of that Act (50
23 U.S.C. 403–3(c)) is amended—

24 (1) by redesignating paragraph (9) as para-
25 graph (14); and

1 (2) by inserting after paragraph (8) the fol-
2 lowing new paragraphs:

3 “(9) The Chief Information Officer of the Intel-
4 ligence Community.

5 “(10) The Inspector General of the Intelligence
6 Community.

7 “(11) The Director of the National Counterter-
8 rorism Center.

9 “(12) The Director of the National Counter
10 Proliferation Center.

11 “(13) The Chief Financial Officer of the Intel-
12 ligence Community”.

13 **SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—Title I of the National Secu-
16 rity Act of 1947 (50 U.S.C. 401 et seq.) is amended
17 by adding at the end the following new section:

18 “NATIONAL SPACE INTELLIGENCE OFFICE

19 “SEC. 119C. (a) ESTABLISHMENT.—There is estab-
20 lished within the Office of the Director of National Intel-
21 ligence a National Space Intelligence Office.

22 “(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE
23 OFFICE.—The National Intelligence Officer for Science
24 and Technology, or a successor position designated by the
25 Director of National Intelligence, shall act as the Director
26 of the National Space Intelligence Office.

1 “(c) MISSIONS.—The National Space Intelligence Of-
2 fice shall have the following missions:

3 “(1) To coordinate and provide policy direction
4 for the management of space-related intelligence as-
5 sets.

6 “(2) To prioritize collection activities consistent
7 with the National Intelligence Collection Priorities
8 framework, or a successor framework or other docu-
9 ment designated by the Director of National Intel-
10 ligence.

11 “(3) To provide policy direction for programs
12 designed to ensure a sufficient cadre of government
13 and nongovernment personnel in fields relating to
14 space intelligence, including programs to support
15 education, recruitment, hiring, training, and reten-
16 tion of qualified personnel.

17 “(4) To evaluate independent analytic assess-
18 ments of threats to classified United States space in-
19 telligence systems throughout all phases of the devel-
20 opment, acquisition, and operation of such systems.

21 “(d) ACCESS TO INFORMATION.—The Director of
22 National Intelligence shall ensure that the National Space
23 Intelligence Office has access to all national intelligence
24 information (as appropriate), and such other information

1 (as appropriate and practical), necessary for the Office to
2 carry out the missions of the Office under subsection (c).

3 “(e) SEPARATE BUDGET ACCOUNT.—The Director of
4 National Intelligence shall include in the National Intel-
5 ligence Program budget a separate line item for the Na-
6 tional Space Intelligence Office.”.

7 (2) TABLE OF CONTENTS AMENDMENT.—The
8 table of contents in the first section of the National
9 Security Act of 1947 is amended by inserting after
10 the item relating to section 119B the following new
11 item:

“Sec. 119C. National Space Intelligence Office.”.

12 (b) REPORT ON ORGANIZATION OF OFFICE.—

13 (1) REPORT REQUIRED.—Not later than 180
14 days after the date of the enactment of this Act, the
15 Director of the National Space Intelligence Office
16 shall submit to the Select Committee on Intelligence
17 of the Senate and the Permanent Select Committee
18 on Intelligence of the House of Representatives a re-
19 port on the organizational structure of the National
20 Space Intelligence Office established by section 119C
21 of the National Security Act of 1947 (as added by
22 subsection (a)).

23 (2) ELEMENTS.—The report required by para-
24 graph (1) shall include the following:

1 (A) The proposed organizational structure
2 of the National Space Intelligence Office.

3 (B) An identification of key participants in
4 the Office.

5 (C) A strategic plan for the Office during
6 the 5-year period beginning on the date of the
7 report.

8 **SEC. 411. OPERATIONAL FILES IN THE OFFICE OF THE DI-**
9 **RECTOR OF NATIONAL INTELLIGENCE.**

10 (a) IN GENERAL.—Title VII of the National Security
11 Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding
12 at the end the following new section:

13 “OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR
14 OF NATIONAL INTELLIGENCE

15 “SEC. 706. (a) RECORDS FROM EXEMPTED OPER-
16 ATIONAL FILES.—(1) Any record disseminated or other-
17 wise provided to the Office of the Director of National In-
18 telligence from the exempted operational files of elements
19 of the intelligence community designated in accordance
20 with this title, and any operational files created by the
21 Office of the Director of National Intelligence that incor-
22 porate such record in accordance with subparagraph
23 (A)(ii), shall be exempted from the provisions of section
24 552 of title 5, United States Code, that require search,
25 review, publication, or disclosure in connection therewith,
26 in any instance in which—

1 “(A)(i) such record is shared within the Office
2 of the Director of National Intelligence and not dis-
3 seminated by that Office beyond that Office; or

4 “(ii) such record is incorporated into new
5 records created by personnel of the Office of the Di-
6 rector of National Intelligence and maintained in
7 operational files of the Office of the Director of Na-
8 tional Intelligence and such record is not dissemi-
9 nated by that Office beyond that Office; and

10 “(B) the operational files from which such
11 record has been obtained continue to remain des-
12 ignated as operational files exempted from section
13 552 of title 5, United States Code.

14 “(2) The operational files of the Office of the Direc-
15 tor of National Intelligence referred to in paragraph
16 (1)(A)(ii) shall be substantially similar in nature to the
17 originating operational files from which the record was
18 disseminated or provided, as such files are defined in this
19 title.

20 “(3) Records disseminated or otherwise provided to
21 the Office of the Director of National Intelligence from
22 other elements of the intelligence community that are not
23 protected by paragraph (1), and that are authorized to
24 be disseminated beyond the Office of the Director of Na-
25 tional Intelligence, shall remain subject to search and re-

1 view under section 552 of title 5, United States Code, but
2 may continue to be exempted from the publication and dis-
3 closure provisions of that section by the originating agency
4 to the extent that such section permits.

5 “(4) Notwithstanding any other provision of this title,
6 records in the exempted operational files of the Central
7 Intelligence Agency, the National Geospatial-Intelligence
8 Agency, the National Reconnaissance Office, the National
9 Security Agency, or the Defense Intelligence Agency shall
10 not be subject to the search and review provisions of sec-
11 tion 552 of title 5, United States Code, solely because they
12 have been disseminated to a component of the Office of
13 the Director of National Intelligence, or referenced in
14 operational files of the Office of the Director of National
15 Intelligence and that are not disseminated beyond the Of-
16 fice of the Director of National Intelligence.

17 “(5) Notwithstanding any other provision of this title,
18 the incorporation of records from the operational files of
19 the Central Intelligence Agency, the National Geospatial-
20 Intelligence Agency, the National Reconnaissance Office,
21 the National Security Agency, or the Defense Intelligence
22 Agency, into operational files of the Office of the Director
23 of National Intelligence shall not subject that record or
24 the operational files of the Central Intelligence Agency,
25 the National Geospatial-Intelligence Agency, the National

1 Reconnaissance Office, the National Security Agency or
2 the Defense Intelligence Agency to the search and review
3 provisions of section 552 of title 5, United States Code.

4 “(b) OTHER RECORDS.—(1) Files in the Office of the
5 Director of National Intelligence that are not exempted
6 under subsection (a) of this section which contain informa-
7 tion derived or disseminated from exempted operational
8 files shall be subject to search and review under section
9 552 of title 5, United States Code.

10 “(2) The inclusion of information from exempted
11 operational files in files of the Office of the Director of
12 National Intelligence that are not exempted under sub-
13 section (a) shall not affect the exemption of the originating
14 operational files from search, review, publication, or dis-
15 closure.

16 “(3) Records from exempted operational files of the
17 Office of the Director of National Intelligence which have
18 been disseminated to and referenced in files that are not
19 exempted under subsection (a), and which have been re-
20 turned to exempted operational files of the Office of the
21 Director of National Intelligence for sole retention, shall
22 be subject to search and review.

23 “(c) SEARCH AND REVIEW FOR CERTAIN PUR-
24 POSES.—Notwithstanding subsection (a), exempted oper-

1 ational files shall continue to be subject to search and re-
2 view for information concerning any of the following:

3 “(1) United States citizens or aliens lawfully
4 admitted for permanent residence who have re-
5 quested information on themselves pursuant to the
6 provisions of section 552 or 552a of title 5, United
7 States Code.

8 “(2) Any special activity the existence of which
9 is not exempt from disclosure under the provisions
10 of section 552 of title 5, United States Code.

11 “(3) The specific subject matter of an investiga-
12 tion for any impropriety or violation of law, Execu-
13 tive order, or Presidential directive, in the conduct
14 of an intelligence activity by any of the following:

15 “(A) The Select Committee on Intelligence
16 of the Senate.

17 “(B) The Permanent Select Committee on
18 Intelligence of the House of Representatives.

19 “(C) The Intelligence Oversight Board.

20 “(D) The Department of Justice.

21 “(E) The Office of the Director of Na-
22 tional Intelligence.

23 “(F) The Office of the Inspector General
24 of the Intelligence Community.

1 “(d) DECENNIAL REVIEW OF EXEMPTED OPER-
2 ATIONAL FILES.—(1) Not less than once every 10 years,
3 the Director of National Intelligence shall review the oper-
4 ational files exempted under subsection (a) to determine
5 whether such files, or any portion of such files, may be
6 removed from the category of exempted files.

7 “(2) The review required by paragraph (1) shall in-
8 clude consideration of the historical value or other public
9 interest in the subject matter of the particular category
10 of files or portions thereof and the potential for declas-
11 sifying a significant part of the information contained
12 therein.

13 “(3) A complainant that alleges that the Director of
14 National Intelligence has improperly withheld records be-
15 cause of failure to comply with this subsection may seek
16 judicial review in the district court of the United States
17 of the district in which any of the parties reside, or in
18 the District of Columbia. In such a proceeding, the court’s
19 review shall be limited to determining the following:

20 “(A) Whether the Director has conducted the
21 review required by paragraph (1) before the expira-
22 tion of the 10-year period beginning on the date of
23 the enactment of the Intelligence Authorization Act
24 for Fiscal Year 2010 or before the expiration of the

1 10-year period beginning on the date of the most re-
2 cent review.

3 “(B) Whether the Director of National Intel-
4 ligence, in fact, considered the criteria set forth in
5 paragraph (2) in conducting the required review.

6 “(e) SUPERSEDURE OF OTHER LAWS.—The provi-
7 sions of this section may not be superseded except by a
8 provision of law that is enacted after the date of the enact-
9 ment of this section and that specifically cites and repeals
10 or modifies such provisions.

11 “(f) APPLICABILITY.—The Director of National In-
12 telligence shall publish a regulation listing the specific
13 components within the Office of the Director of National
14 Intelligence from which records may be exempted from
15 search and review under this section.

16 “(g) ALLEGATION; IMPROPER WITHHOLDING OF
17 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in
18 paragraph (2), whenever any person who has requested
19 agency records under section 552 of title 5, United States
20 Code, alleges that the Office of the Director of National
21 Intelligence has withheld records improperly because of
22 failure to comply with any provision of this section, judi-
23 cial review shall be available under the terms set forth in
24 section 552(a)(4)(B) of title 5, United States Code.

1 “(2) Judicial review shall not be available in the man-
2 ner provided for under paragraph (1) as follows:

3 “(A) In any case in which information specifi-
4 cally authorized under criteria established by an Ex-
5 ecutive order to be kept secret in the interests of na-
6 tional defense or foreign relations is filed with, or
7 produced for, the court by the Office of the Director
8 of National Intelligence, such information shall be
9 examined ex parte, in camera by the court.

10 “(B) The court shall determine, to the fullest
11 extent practicable, the issues of fact based on sworn
12 written submissions of the parties.

13 “(C) When a complainant alleges that re-
14 quested records are improperly withheld because of
15 improper placement solely in exempted operational
16 files, the complainant shall support such allegation
17 with a sworn written submission based upon per-
18 sonal knowledge or otherwise admissible evidence.

19 “(D)(i) When a complainant alleges that re-
20 quested records were improperly withheld because of
21 improper exemption of operational files, the Office of
22 the Director of National Intelligence shall meet its
23 burden under section 552(a)(4)(B) of title 5, United
24 States Code, by demonstrating to the court by sworn
25 written submission that exempted operational files

1 likely to contain responsive records currently meet
2 the criteria set forth in subsection (a).

3 “(ii) The court may not order the Office of the
4 Director of National Intelligence to review the con-
5 tent of any exempted operational file or files in order
6 to make the demonstration required under clause (i),
7 unless the complainant disputes the Office’s showing
8 with a sworn written submission based on personal
9 knowledge or otherwise admissible evidence.

10 “(E) In proceedings under subparagraph (C) or
11 (D), a party may not obtain discovery pursuant to
12 rules 26 through 36 of the Federal Rules of Civil
13 Procedure, except that requests for admissions may
14 be made pursuant to rules 26 and 36.

15 “(F) If the court finds under this subsection
16 that the Office of the Director of National Intel-
17 ligence has improperly withheld requested records
18 because of failure to comply with any provision of
19 this section, the court shall order the Office to
20 search and review the appropriate exempted oper-
21 ational file or files for the requested records and
22 make such records, or portions thereof, available in
23 accordance with the provisions of section 552 of title
24 5, United States Code, and such order shall be the

1 exclusive remedy for failure to comply with this sec-
2 tion.

3 “(G) If at any time following the filing of a
4 complaint pursuant to this paragraph the Office of
5 the Director of National Intelligence agrees to
6 search the appropriate exempted operational file or
7 files for the requested records, the court shall dis-
8 miss the claim based upon such complaint.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in the first section of the National Security Act of 1947
11 is amended by inserting after the item relating to section
12 705 the following new item:

“Sec. 706. Operational files in the Office of the Director of National Intel-
ligence.”.

13 **SEC. 412. COUNTERINTELLIGENCE INITIATIVES FOR THE**
14 **INTELLIGENCE COMMUNITY.**

15 Section 1102 of the National Security Act of 1947
16 (50 U.S.C. 442a) is amended—

17 (1) in subsection (a)—

18 (A) by striking paragraph (2); and

19 (B) by striking “(1) In” and inserting
20 “In”; and

21 (2) in subsection (c)—

22 (A) by striking paragraph (2); and

23 (B) by striking “(1) The” and inserting
24 “The”.

1 **SEC. 413. APPLICABILITY OF THE PRIVACY ACT TO THE DI-**
2 **RECTOR OF NATIONAL INTELLIGENCE AND**
3 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
4 **INTELLIGENCE.**

5 Subsection (j) of section 552a of title 5, United
6 States Code, is amended—

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

8 (2) by redesignating paragraph (2) as para-
9 graph (3); and

10 (3) by inserting after paragraph (1) the fol-
11 lowing new paragraph:

12 “(2) maintained by the Office of the Director of
13 National Intelligence; or”.

14 **SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COM-**
15 **MITTEE ACT TO ADVISORY COMMITTEES OF**
16 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
17 **INTELLIGENCE.**

18 (a) IN GENERAL.—Section 4(b) of the Federal Advi-
19 sory Committee Act (5 U.S.C. App.) is amended—

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

21 (2) in paragraph (2), by striking the period and
22 inserting “; or”; and

23 (3) by adding at the end the following new
24 paragraph:

25 “(3) the Office of the Director of National In-
26 telligence.”.

1 (b) ANNUAL REPORT.—The Director of National In-
2 telligence and the Director of the Central Intelligence
3 Agency shall each submit to the congressional intelligence
4 committees an annual report on advisory committees cre-
5 ated by each such Director. Each report shall include—

6 (1) a description of each such advisory com-
7 mittee, including the subject matter of the com-
8 mittee; and

9 (2) a list of members of each such advisory
10 committee.

11 **SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
12 **INTELLIGENCE ON THE TRANSPORTATION**
13 **SECURITY OVERSIGHT BOARD.**

14 Subparagraph (F) of section 115(b)(1) of title 49,
15 United States Code, is amended to read as follows:

16 “(F) The Director of National Intelligence,
17 or the Director’s designee.”.

18 **SEC. 416. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
19 **THE OFFICE OF THE NATIONAL COUNTER-**
20 **INTELLIGENCE EXECUTIVE.**

21 (a) REPEAL OF CERTAIN AUTHORITIES.—Section
22 904 of the Counterintelligence Enhancement Act of 2002
23 (title IX of Public Law 107–306; 50 U.S.C. 402e) is
24 amended—

25 (1) by striking subsections (d), (h), (i), and (j);

1 (2) by redesignating subsections (e), (f), (g),
2 (k), (l), and (m) as subsections (d), (e), (f), (g), (h),
3 and (i), respectively; and

4 (3) in subsection (f), as redesignated by para-
5 graph (2), by striking paragraphs (3) and (4).

6 (b) CONFORMING AMENDMENTS.—Such section 904
7 is further amended—

8 (1) in subsection (d), as redesignated by sub-
9 section (a)(2) of this section, by striking “subsection
10 (f)” each place it appears in paragraphs (1) and (2)
11 and inserting “subsection (e)”; and

12 (2) in subsection (e), as so redesignated—

13 (A) in paragraph (1), by striking “sub-
14 section (e)(1)” and inserting “subsection
15 (d)(1)”; and

16 (B) in paragraph (2), by striking “sub-
17 section (e)(2)” and inserting “subsection
18 (d)(2)”.

19 **SEC. 417. MISUSE OF THE OFFICE OF THE DIRECTOR OF**
20 **NATIONAL INTELLIGENCE NAME, INITIALS,**
21 **OR SEAL.**

22 (a) PROHIBITED ACTS.—No person may, except with
23 the written permission of the Director of National Intel-
24 ligence, or a designee of the Director, knowingly use the
25 words “Office of the Director of National Intelligence”,

1 the initials “ODNI”, the seal of the Office of the Director
2 of National Intelligence, or any colorable imitation of such
3 words, initials, or seal in connection with any merchandise,
4 impersonation, solicitation, or commercial activity in a
5 manner reasonably calculated to convey the impression
6 that such use is approved, endorsed, or authorized by the
7 Director of National Intelligence.

8 (b) INJUNCTION.—Whenever it appears to the Attor-
9 ney General that any person is engaged or is about to en-
10 gage in an act or practice which constitutes or will con-
11 stitute conduct prohibited by subsection (a), the Attorney
12 General may initiate a civil proceeding in a district court
13 of the United States to enjoin such act or practice. Such
14 court shall proceed as soon as practicable to the hearing
15 and determination of such action and may, at any time
16 before final determination, enter such restraining orders
17 or prohibitions, or take such other action as is warranted,
18 to prevent injury to the United States or to any person
19 or class of persons for whose protection the action is
20 brought.

1 **Subtitle B—Central Intelligence**
 2 **Agency**

3 **SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**
 4 **PROTECTIVE PERSONNEL OF THE CENTRAL**
 5 **INTELLIGENCE AGENCY.**

6 Section 5(a)(4) of the Central Intelligence Agency
 7 Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

8 (1) by striking “and the protection” and insert-
 9 ing “the protection”; and

10 (2) by inserting before the semicolon the fol-
 11 lowing: “, and the protection of the Director of Na-
 12 tional Intelligence and such personnel of the Office
 13 of the Director of National Intelligence as the Direc-
 14 tor of National Intelligence may designate”.

15 **SEC. 422. APPEALS FROM DECISIONS INVOLVING CON-**
 16 **TRACTS OF THE CENTRAL INTELLIGENCE**
 17 **AGENCY.**

18 Section 8(d) of the Contract Disputes Act of 1978
 19 (41 U.S.C. 607(d)) is amended by adding at the end the
 20 following new sentence: “Notwithstanding any other provi-
 21 sion of this section and any other provision of law, an ap-
 22 peal from a decision of a contracting officer of the Central
 23 Intelligence Agency relative to a contract made by that
 24 agency may be filed with whichever of the Armed Services
 25 Board of Contract Appeals or the Civilian Board of Con-

1 tract Appeals is specified in the contract as the Board to
2 which such an appeal may be made; and the Board so
3 specified shall have jurisdiction to decide that appeal.”.

4 **SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTEL-**
5 **LIGENCE AGENCY.**

6 (a) ESTABLISHMENT AND DUTIES OF THE POSITION
7 OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE
8 AGENCY.—

9 (1) IN GENERAL.—Title I of the National Secu-
10 rity Act of 1947 (50 U.S.C. 402 et seq.) is amended
11 by adding after section 104A the following:

12 **“SEC. 104B. DEPUTY DIRECTOR OF THE CENTRAL INTEL-**
13 **LIGENCE AGENCY.**

14 “(a) DEPUTY DIRECTOR OF CENTRAL INTEL-
15 LIGENCE AGENCY.—There is a Deputy Director of the
16 Central Intelligence Agency who shall be appointed by the
17 President, by and with the consent of the Senate.

18 “(b) DUTIES OF DEPUTY DIRECTOR OF CENTRAL
19 INTELLIGENCE AGENCY.—The Deputy Director of the
20 Central Intelligence Agency shall—

21 “(1) assist the Director of the Central Intel-
22 ligence Agency in carrying out the duties and re-
23 sponsibilities of the Director of the Central Intel-
24 ligence Agency; and

1 “(2) act for, and exercise the powers of, the Di-
2 rector of the Central Intelligence Agency during the
3 absence or disability of the Director of the Central
4 Intelligence Agency, or during a vacancy in the posi-
5 tion of Director of the Central Intelligence Agency.”.

6 (2) TABLE OF CONTENTS AMENDMENT.—The
7 table of contents in the first section of the National
8 Security Act of 1947 is amended by inserting after
9 the item relating to section 104A the following:

 “Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

10 (b) EXECUTIVE SCHEDULE III.—Section 5314 of
11 Title 5, United States Code, is amended by striking the
12 item relating to the Deputy Directors of the Central Intel-
13 ligence Agency (2) and inserting the following:
14 “Deputy Director of the Central Intelligence Agency.”.

15 (c) EFFECTIVE DATE AND APPLICABILITY.—The
16 amendment made by subsection (a) shall take effect on
17 the date of the enactment of this Act and shall apply upon
18 the earlier of—

19 (1) the date of the appointment by the Presi-
20 dent of an individual to serve as Deputy Director of
21 the Central Intelligence Agency, except that the indi-
22 vidual administratively performing the duties of the
23 Deputy Director of the Central Intelligence Agency
24 as of the date of the enactment of this Act may con-
25 tinue to perform such duties until the individual ap-

1 pointed to the position of Deputy Director of the
2 Central Intelligence Agency, by and with the advice
3 and consent of the Senate, assumes the duties of
4 such position; or

5 (2) the date of the cessation of the performance
6 of the duties of Deputy Director of the Central In-
7 telligence Agency by the individual administratively
8 performing such duties as of the date of the enact-
9 ment of this Act.

10 **SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COM-**
11 **MON CARRIER.**

12 Subsection (b) of section 116 of the National Security
13 Act of 1947 (50 U.S.C. 404k) is amended by striking the
14 period at the end and inserting “, who may delegate such
15 authority to other appropriate officials of the Central In-
16 telligence Agency.”.

17 **SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTEL-**
18 **LIGENCE AGENCY.**

19 (a) APPOINTMENT AND QUALIFICATIONS OF THE IN-
20 SPECTOR GENERAL.—Paragraph (1) of section 17(b) of
21 the Central Intelligence Agency Act of 1949 (50 U.S.C.
22 403q(b)) is amended by striking the second and third sen-
23 tence and inserting “This appointment shall be made with-
24 out regard to political affiliation and shall be on the basis
25 of integrity and demonstrated ability in accounting, audit-

1 ing, financial analysis, law, management analysis, public
2 administration, or investigation. Such appointment shall
3 also be made on the basis of compliance with the security
4 standards of the Agency and prior experience in the field
5 of foreign intelligence.”.

6 (b) REMOVAL OF THE INSPECTOR GENERAL.—Para-
7 graph (6) of section 17(b) of the Central Intelligence
8 Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

9 (1) by striking “immediately”; and

10 (2) by striking the period at the end and insert-
11 ing “not later than 30 days prior to the effective
12 date of such removal.”.

13 (c) APPLICATION OF SEMIANNUAL REPORTING RE-
14 QUIREMENTS WITH RESPECT TO REVIEW REPORTS.—
15 Paragraph (1) of section 17(d) of the Central Intelligence
16 Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in
17 the matter preceding subparagraph (A) by inserting “re-
18 view,” after “investigation,”.

19 (d) PROTECTION AGAINST REPRISALS.—Subpara-
20 graph (B) of section 17(e)(3) of the Central Intelligence
21 Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended
22 by inserting “or providing such information” after “mak-
23 ing such complaint”.

24 (e) INSPECTOR GENERAL SUBPOENA POWER.—Sub-
25 paragraph (A) of section 17(e)(5) of the Central Intel-

1 ligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is
2 amended by inserting “in any medium (including elec-
3 tronically stored information or any tangible thing)” after
4 “other data”.

5 (f) OTHER ADMINISTRATIVE AUTHORITIES.—

6 (1) IN GENERAL.—Subsection (e) of section 17
7 of the Central Intelligence Agency Act of 1949 (50
8 U.S.C. 403q) is amended—

9 (A) by redesignating paragraph (8) as sub-
10 paragraph (9);

11 (B) in paragraph (9), as so redesignated—

12 (i) by striking “Subject to the concur-
13 rence of the Director, the” and inserting
14 “The”; and

15 (ii) by adding at the end “Consistent
16 with budgetary and personnel resources al-
17 located by the Director, the Inspector Gen-
18 eral has final approval of—

19 “(A) the selection of internal and external
20 candidates for employment with the Office of
21 Inspector General; and

22 “(B) all other personnel decisions con-
23 cerning personnel permanently assigned to the
24 Office of Inspector General, including selection
25 and appointment to the Senior Intelligence

1 Service, but excluding all security based deter-
2 minations that are not within the authority of
3 a head of other Central Intelligence Agency of-
4 fices.”; and

5 (C) by inserting after paragraph (7) the
6 following:

7 “(8) The Inspector General shall—

8 “(A) appoint a Counsel to the Inspector Gen-
9 eral who shall report to the Inspector General; or

10 “(B) obtain the services of a counsel appointed
11 by and directly reporting to another Inspector Gen-
12 eral or the Council of the Inspectors General on In-
13 tegrity and Efficiency on a reimbursable basis.”.

14 (2) CONSTRUCTION.—Nothing in the amend-
15 ment made by paragraph (1)(C) shall be construed
16 to alter the duties and responsibilities of the General
17 Counsel of the Central Intelligence Agency. The
18 Counsel to the Inspector General of the Central In-
19 telligence Agency appointed pursuant to section
20 17(e)(8) of the Central Intelligence Agency Act of
21 1949, as added by such paragraph, shall perform the
22 functions as such Inspector General may prescribe.

1 **SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE**
2 **CENTRAL INTELLIGENCE AGENCY.**

3 Subsection (f) of section 17 of the Central Intel-
4 ligence Agency Act of 1949 (50 U.S.C. 403q) is amend-
5 ed—

6 (1) by inserting “(1)” before “Beginning”; and

7 (2) by adding at the end the following:

8 “(2) For each fiscal year, the Inspector General shall
9 transmit a budget estimate and request through the Direc-
10 tor to the Director of National Intelligence that specifies
11 for such fiscal year—

12 “(A) the aggregate amount requested for the
13 operations of the Inspector General;

14 “(B) the amount requested for all training re-
15 quirements of the Inspector General, including a cer-
16 tification from the Inspector General that the
17 amount requested is sufficient to fund all training
18 requirements for the Office; and

19 “(C) the amount requested to support the
20 Council of the Inspectors General on Integrity and
21 Efficiency, including a justification of such amount.

22 “(3) In transmitting a proposed budget to the Presi-
23 dent for a fiscal year, the Director of National Intelligence
24 shall include for such fiscal year—

1 “(A) the aggregate amount requested for the
2 Inspector General of the Central Intelligence Agen-
3 cy;

4 “(B) the amount requested for Inspector Gen-
5 eral for training;

6 “(C) the amounts requested to support of the
7 Council of the Inspectors General on Integrity and
8 Efficiency; and

9 “(D) the comments of the Inspector General, if
10 any, with respect to the proposal.

11 “(4) The Director of National Intelligence shall sub-
12 mit to the Committee on Appropriations and the Select
13 Committee on Intelligence of the Senate and the Com-
14 mittee on Appropriations and the Permanent Select Com-
15 mittee on Intelligence of the House of Representatives for
16 each fiscal year—

17 “(A) a separate statement of the budget esti-
18 mate transmitted pursuant to paragraph (2);

19 “(B) the amount requested by the Director of
20 National Intelligence for the Inspector General pur-
21 suant to paragraph (3);

22 “(C) the amount requested by the Director of
23 National Intelligence for training for personnel of
24 the Office;

1 “(D) the amount requested by the Director of
2 National Intelligence for support for the Council of
3 the Inspectors General on Integrity and Efficiency;
4 and

5 “(E) the comments of the Inspector General, if
6 any, on the amount requested pursuant to para-
7 graph (3), including whether such amount would
8 substantially inhibit the Inspector General from per-
9 forming the duties of the Office.”.

10 **SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED**
11 **VERSIONS OF CERTAIN INTELLIGENCE PROD-**
12 **UCTS.**

13 The Director of the Central Intelligence Agency shall
14 make publicly available an unclassified version of any
15 memoranda or finished intelligence products assessing the
16 information gained from high-value detainee reporting
17 dated April 3, 2003, July 15, 2004, March 2, 2005, and
18 June 1, 2005.

19 **Subtitle C—Defense Intelligence**
20 **Components**

21 **SEC. 431. INSPECTOR GENERAL MATTERS.**

22 (a) COVERAGE UNDER INSPECTOR GENERAL ACT OF
23 1978.—Subsection (a)(2) of section 8G of the Inspector
24 General Act of 1978 (5 U.S.C. App. 8G) is amended—

1 (1) by inserting “the Defense Intelligence Agen-
2 cy,” after “the Corporation for Public Broad-
3 casting,”;

4 (2) by inserting “the National Geospatial-Intel-
5 ligence Agency,” after “the National Endowment for
6 the Humanities,”; and

7 (3) by inserting “the National Reconnaissance
8 Office, the National Security Agency,” after “the
9 National Labor Relations Board,”.

10 (b) CERTAIN DESIGNATIONS UNDER INSPECTOR
11 GENERAL ACT OF 1978.—Subsection (a) of section 8H
12 of the Inspector General Act of 1978 (5 U.S.C. App. 8H)
13 is amended by adding at the end the following new para-
14 graph:

15 “(3) The Inspectors General of the Defense Intel-
16 ligence Agency, the National Geospatial-Intelligence Agen-
17 cy, the National Reconnaissance Office, and the National
18 Security Agency shall be designees of the Inspector Gen-
19 eral of the Department of Defense for purposes of this
20 section.”.

21 (c) POWER OF HEADS OF ELEMENTS OVER INVES-
22 TIGATIONS.—Subsection (d) of section 8G of such Act (5
23 U.S.C. App. 8G) is amended—

24 (1) by inserting “(1)” after “(d)”;

1 (2) in the second sentence of paragraph (1), as
2 designated by paragraph (1) of this subsection, by
3 striking “The head” and inserting “Except as pro-
4 vided in paragraph (2), the head”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(2)(A) The Secretary of Defense, in consultation
8 with the Director of National Intelligence, may prohibit
9 the Inspector General of an element of the intelligence
10 community specified in subparagraph (D) from initiating,
11 carrying out, or completing any audit or investigation if
12 the Secretary determines that the prohibition is necessary
13 to protect vital national security interests of the United
14 States.

15 “(B) If the Secretary exercises the authority under
16 subparagraph (A), the Secretary shall submit to the com-
17 mittees of Congress specified in subparagraph (E) an ap-
18 propriately classified statement of the reasons for the ex-
19 ercise of the authority not later than 7 days after the exer-
20 cise of the authority.

21 “(C) At the same time the Secretary submits under
22 subparagraph (B) a statement on the exercise of the au-
23 thority in subparagraph (A) to the committees of Congress
24 specified in subparagraph (E), the Secretary shall notify
25 the Inspector General of such element of the submittal of

1 such statement and, to the extent consistent with the pro-
2 tection of intelligence sources and methods, provide the
3 Inspector General with a copy of such statement. The In-
4 spector General may submit to such committees of Con-
5 gress any comments on a notice or statement received by
6 the Inspector General under this subparagraph that the
7 Inspector General considers appropriate.

8 “(D) The elements of the intelligence community
9 specified in this subparagraph are as follows:

10 “(i) The Defense Intelligence Agency.

11 “(ii) The National Geospatial-Intelligence Agen-
12 cy.

13 “(iii) The National Reconnaissance Office.

14 “(iv) The National Security Agency.

15 “(E) The committees of Congress specified in this
16 subparagraph are—

17 “(i) the Committee on Armed Services and the
18 Select Committee on Intelligence of the Senate; and

19 “(ii) the Committee on Armed Services and the
20 Permanent Select Committee on Intelligence of the
21 House of Representatives.”.

1 **SEC. 432. CONFIRMATION OF APPOINTMENT OF HEADS OF**
2 **CERTAIN COMPONENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY.**

4 (a) DIRECTOR OF NATIONAL SECURITY AGENCY.—

5 The National Security Agency Act of 1959 (50 U.S.C. 402
6 note) is amended by inserting after the first section the
7 following new section:

8 “SEC. 2. (a) There is a Director of the National Secu-
9 rity Agency.

10 “(b) The Director of the National Security Agency
11 shall be appointed by the President, by and with the advice
12 and consent of the Senate.

13 “(c) The Director of the National Security Agency
14 shall be the head of the National Security Agency and
15 shall discharge such functions and duties as are provided
16 by this Act or otherwise by law.”.

17 (b) DIRECTOR OF NATIONAL GEOSPATIAL-INTEL-
18 LIGENCE AGENCY.—Section 441(b) of title 10, United
19 States Code, is amended—

20 (1) by redesignating paragraphs (2) and (3) as
21 paragraphs (3) and (4), respectively; and

22 (2) by inserting after paragraph (1) the fol-
23 lowing new paragraph (2):

24 “(2) The Director of the National Geospatial-Intel-
25 ligence Agency shall be appointed by the President, by and
26 with the advice and consent of the Senate.”.

1 (c) DIRECTOR OF NATIONAL RECONNAISSANCE OF-
2 FICE.—The Director of the National Reconnaissance Of-
3 fice shall be appointed by the President, by and with the
4 advice and consent of the Senate.

5 (d) POSITIONS OF IMPORTANCE AND RESPONSI-
6 BILITY.—

7 (1) DESIGNATION OF POSITIONS.—The Presi-
8 dent may designate any of the positions referred to
9 in paragraph (2) as positions of importance and re-
10 sponsibility under section 601 of title 10, United
11 States Code.

12 (2) COVERED POSITIONS.—The positions re-
13 ferred to in this paragraph are as follows:

14 (A) The Director of the National Security
15 Agency.

16 (B) The Director of the National
17 Geospatial-Intelligence Agency.

18 (C) The Director of the National Recon-
19 naissance Office.

20 (e) EFFECTIVE DATE AND APPLICABILITY.—

21 (1) IN GENERAL.—The amendments made by
22 subsections (a) and (b), and subsection (c), shall
23 take effect on the date of the enactment of this Act
24 and shall apply upon the earlier of—

1 (A) the date of the nomination by the
2 President of an individual to serve in the posi-
3 tion concerned, except that the individual serv-
4 ing in such position as of the date of the enact-
5 ment of this Act may continue to perform such
6 duties after such date of nomination and until
7 the individual appointed to such position, by
8 and with the advice and consent of the Senate,
9 assumes the duties of such position; or

10 (B) the date of the cessation of the per-
11 formance of the duties of such position by the
12 individual performing such duties as of the date
13 of the enactment of this Act.

14 (2) POSITIONS OF IMPORTANCE AND RESPONSI-
15 BILITY.—Subsection (d) shall take effect on the date
16 of the enactment of this Act.

17 **SEC. 433. CLARIFICATION OF NATIONAL SECURITY MIS-**
18 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**
19 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**
20 **SEMINATION OF CERTAIN INTELLIGENCE IN-**
21 **FORMATION.**

22 Section 442(a) of title 10, United States Code, is
23 amended—

24 (1) by redesignating paragraph (2) as para-
25 graph (3);

1 (2) by inserting after paragraph (1) the fol-
2 lowing new paragraph (2):

3 “(2)(A) As directed by the Director of National Intel-
4 ligence, the National Geospatial-Intelligence Agency shall
5 also develop a system to facilitate the analysis, dissemina-
6 tion, and incorporation of likenesses, videos, and presen-
7 tations produced by ground-based platforms, including
8 handheld or clandestine photography taken by or on behalf
9 of human intelligence collection organizations or available
10 as open-source information, into the National System for
11 Geospatial Intelligence.

12 “(B) The authority provided by this paragraph does
13 not include authority for the National Geospatial-Intel-
14 ligence Agency to manage tasking of handheld or clandes-
15 tine photography taken by or on behalf of human intel-
16 ligence collection organizations.”; and

17 (3) in paragraph (3), as so redesignated, by
18 striking “paragraph (1)” and inserting “paragraphs
19 (1) and (2)”.

20 **SEC. 434. DEFENSE INTELLIGENCE AGENCY COUNTER-**
21 **INTELLIGENCE AND EXPENDITURES.**

22 Section 105 of the National Security Act of 1947 (50
23 U.S.C. 403-5) is amended—

24 (1) in subsection (b)(5), by inserting “and
25 counterintelligence” after “human intelligence”;

1 (2) by redesignating subsection (c) as sub-
2 section (d); and

3 (3) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) EXPENDITURE OF FUNDS BY THE DEFENSE IN-
6 TELLIGENCE AGENCY.—(1) The amounts made available
7 to the Director of the Defense Intelligence Agency for
8 human intelligence and counterintelligence activities may
9 be expended for objects of a confidential, extraordinary,
10 or emergency nature, without regard to the provisions of
11 law or regulation relating to the expenditure of Govern-
12 ment funds, if accounted for by a certificate made by Di-
13 rector of the Defense Intelligence Agency. Each such cer-
14 tificate shall be deemed a sufficient voucher for the
15 amount certified.

16 “(2) Not later than December 1 of each year, the Di-
17 rector of the Defense Intelligence Agency shall submit to
18 the congressional intelligence committees a report on any
19 expenditures made during the preceding fiscal year pursu-
20 ant to the authority described in paragraph (1).”.

21 **Subtitle D—Other Elements**

22 **SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF** 23 **THE INTELLIGENCE COMMUNITY.**

24 Section 3(4) of the National Security Act of 1947 (50
25 U.S.C. 401a(4)) is amended—

1 (1) in subparagraph (H)—

2 (A) by inserting “the Coast Guard,” after
3 “the Marine Corps,”; and

4 (B) by inserting “the Drug Enforcement
5 Administration,” after “the Federal Bureau of
6 Investigation,”; and

7 (2) in subparagraph (K), by striking “, includ-
8 ing the Office of Intelligence of the Coast Guard”.

9 **SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR**
10 **COAST GUARD NATIONAL TACTICAL INTE-**
11 **GRATION OFFICE.**

12 Title 14, United States Code, is amended—

13 (1) in paragraph (4) of section 93(a), by strik-
14 ing “function” and inserting “function, including re-
15 search, development, test, or evaluation related to in-
16 telligence systems and capabilities,”; and

17 (2) in paragraph (4) of section 662, by insert-
18 ing “intelligence systems and capabilities or” after
19 “related to”.

20 **SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE**
21 **FEDERAL BUREAU OF INVESTIGATION.**

22 Section 5759 of title 5 of the United States Code,
23 is amended—

24 (1) in subsection (a)(2), by striking “is trans-
25 ferred to a different geographic area with a higher

1 cost of living” and inserting “is subject to a mobility
2 agreement and is transferred to a position in a dif-
3 ferent geographical area in which there is a shortage
4 of critical skills”;

5 (2) in subsection (b)(2), by striking the period
6 at the end and inserting “, including requirements
7 for a bonus recipient’s repayment of a bonus in cir-
8 cumstances determined by the Director of the Fed-
9 eral Bureau of Investigation.”;

10 (3) in subsection (c), by striking “basic pay.”
11 and inserting “annual rate of basic pay. The bonus
12 may be paid in a lump sum of installments linked
13 to completion of periods of service.”;

14 (4) in subsection (d), by striking “retention
15 bonus” and inserting “bonus paid under this sec-
16 tion”; and

17 (5) by striking subsection (e).

18 **SEC. 444. EXTENDING THE AUTHORITY OF THE FEDERAL**
19 **BUREAU OF INVESTIGATION TO WAIVE MAN-**
20 **DATORY RETIREMENT PROVISIONS.**

21 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Sub-
22 section (b) of section 8335 of title 5, United States Code,
23 is amended—

24 (1) in the paragraph (2) enacted by section
25 112(a)(2) of the Department of Justice Appropria-

1 tions Act, 2005 (title I of division B of Public Law
2 108–447; 118 Stat. 2868) is amended by striking
3 “2009” and inserting “2011”; and

4 (2) by striking the paragraph (2) enacted by
5 section 2005(a)(2) of the Intelligence Reform and
6 Terrorism Prevention Act of 2004 (Public Law 108–
7 458; 118 Stat. 3704).

8 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

9 Subsection (b) of section 8425 of title 5, United States
10 Code, is amended—

11 (1) in the paragraph (2) enacted by section
12 112(b)(2) of the Department of Justice Appropria-
13 tions Act, 2005 (title I of division B of Public Law
14 108–447; 118 Stat. 2868) is amended by striking
15 “2009” and inserting “2011”; and

16 (2) by striking the paragraph (2) enacted by
17 section 2005(b)(2) of the Intelligence Reform and
18 Terrorism Prevention Act of 2004 (Public Law 108–
19 458; 118 Stat. 3704).

20 **SEC. 445. REPORT AND ASSESSMENTS ON TRANS-**
21 **FORMATION OF THE INTELLIGENCE CAPA-**
22 **BILITIES OF THE FEDERAL BUREAU OF IN-**
23 **VESTIGATION.**

24 (a) REPORT.—

1 (1) REQUIREMENT.—Not later than 180 days
2 after the date of the enactment of this Act, the Di-
3 rector of the Federal Bureau of Investigation, in
4 consultation with the Director of National Intel-
5 ligence, shall submit to the congressional intelligence
6 committees a report describing—

7 (A) a long-term vision for the intelligence
8 capabilities of the Bureau’s National Security
9 Branch;

10 (B) a strategic plan for the National Secu-
11 rity Branch; and

12 (C) the progress made in advancing the ca-
13 pabilities of the National Security Branch.

14 (2) CONTENT.—The report required by para-
15 graph (1) shall include—

16 (A) a description of the direction, strategy,
17 and goals for improving the intelligence capa-
18 bilities of the National Security Branch;

19 (B) a description of the intelligence and
20 national security capabilities of the National
21 Security Branch that will be fully functional
22 within the 5-year period beginning on the date
23 the report is submitted;

24 (C) a description—

1 (i) of the internal reforms that were
2 carried out at the National Security
3 Branch during the 2-year period ending on
4 the date the report is submitted; and

5 (ii) of the manner in which such re-
6 forms have advanced the capabilities of the
7 National Security Branch;

8 (D) an assessment of the effectiveness of
9 the National Security Branch in performing
10 tasks that are critical to the effective func-
11 tioning of the National Security Branch as an
12 intelligence agency, including—

13 (i) human intelligence collection, both
14 within and outside the parameters of an
15 existing case file or ongoing investigation,
16 in a manner that protects civil liberties;

17 (ii) intelligence analysis, including the
18 ability of the National Security Branch to
19 produce, and provide policy-makers with,
20 information on national security threats to
21 the United States;

22 (iii) management, including the ability
23 of the National Security Branch to manage
24 and develop human capital and implement

1 an organizational structure that supports
2 the Branch's objectives and strategies;

3 (iv) integration of the National Secu-
4 rity Branch into the intelligence commu-
5 nity, including an ability to robustly share
6 intelligence and effectively communicate
7 and operate with appropriate Federal,
8 State, local, and tribal partners;

9 (v) implementation of an infrastruc-
10 ture that supports the national security
11 and intelligence missions of the National
12 Security Branch, including proper informa-
13 tion technology and facilities; and

14 (vi) reformation of culture of the Na-
15 tional Security Branch, including its inte-
16 gration of intelligence analysts and other
17 professional staff into intelligence collec-
18 tion operations and its success in ensuring
19 that intelligence and threat information
20 drive its operations; and

21 (E) performance metrics and specific an-
22 nual timetables for advancing the performance
23 of the tasks referred to in clauses (i) through
24 (vi) of subparagraph (D) and a description of
25 the activities being undertaken to ensure that

1 the National Security Branch’s performance on
2 such tasks improves.

3 (b) ANNUAL ASSESSMENTS.—

4 (1) REQUIREMENT FOR ASSESSMENTS.—Not
5 later than 180 days after the date on which the re-
6 port required by subsection (a)(1) is submitted, and
7 annually thereafter for each of the following 5 years,
8 the Director of National Intelligence, in consultation
9 with the Director of the Federal Bureau of Inves-
10 tigation, shall submit to the congressional intel-
11 ligence committees an assessment of the progress of
12 the National Security Branch in performing the
13 tasks referred to in clauses (i) through (vi) of sub-
14 section (a)(2)(D) in comparison to its performance
15 of such tasks during previous years.

16 (2) CONSIDERATIONS.—In conducting each as-
17 sessment required by paragraph (1), the Director of
18 National Intelligence—

19 (A) shall use the performance metrics and
20 specific annual timetables for accomplishing
21 such tasks referred to in subsection (a)(2)(E);
22 and

23 (B) may request the assistance of any ex-
24 pert that the Director considers appropriate, in-

1 including an inspector general of an appropriate
2 agency or department.

3 **TITLE V—REORGANIZATION OF**
4 **THE DIPLOMATIC TELE-**
5 **COMMUNICATIONS SERVICE**
6 **PROGRAM OFFICE**

7 **SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELE-**
8 **COMMUNICATIONS SERVICE PROGRAM OF-**
9 **FICE.**

10 (a) REORGANIZATION OF THE DIPLOMATIC TELE-
11 COMMUNICATIONS SERVICE PROGRAM OFFICE.—

12 (1) IN GENERAL.—Subtitle B of title III of the
13 Intelligence Authorization Act for Fiscal Year 2001
14 (Public Law 106–567; 22 U.S.C. 7301 et seq.) is
15 amended by striking sections 321, 322, 323, and
16 324, and inserting the following:

17 **“SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE**
18 **PROGRAM OFFICE.**

19 “(a) REORGANIZATION.—The Diplomatic Tele-
20 communications Service (hereinafter in this subtitle re-
21 ferred to as ‘DTS’) shall be reorganized in accordance
22 with this subtitle.

23 “(b) IN GENERAL.—The DTS encompasses the Dip-
24 lomatic Telecommunications Service Program Office
25 (hereinafter in this subtitle referred to as ‘DTS–PO’) and

1 the DTS Network. The DTS Network is a worldwide tele-
2 communications network supporting all United States
3 Government agencies and departments operating from
4 diplomatic and consular facilities abroad.

5 “(c) PURPOSES.—The purpose and duties of DTS—
6 PO is to implement a program for the establishment and
7 maintenance of a DTS Network capable of providing mul-
8 tiple levels of service to meet the wide-ranging needs of
9 all United States Government agencies and departments
10 operating from diplomatic and consular facilities abroad,
11 including national security needs for secure, reliable and
12 robust communications capabilities.

13 **“SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELE-**
14 **COMMUNICATIONS SERVICE GOVERNANCE**
15 **BOARD.**

16 “(a) GOVERNANCE BOARD.—

17 “(1) ESTABLISHMENT.—There is hereby estab-
18 lished the Diplomatic Telecommunications Service
19 Governance Board (hereinafter in this subtitle re-
20 ferred to as the ‘Governance Board’) for the purpose
21 of directing and overseeing the activities and per-
22 formance of the DTS Program Office. The heads of
23 the departments and agencies, designated by the Di-
24 rector of the Office of Management and Budget
25 from among the departments and agencies that use

1 the DTS Network, shall appoint the members of the
2 Governance Board from the personnel of those de-
3 partments and agencies so designated.

4 “(2) DESIGNATION OF AN EXECUTIVE
5 AGENT.—The Director of the Office of Management
6 and Budget shall also designate, from among the de-
7 partments and agencies that use the DTS Network,
8 the department or agency which shall be the DTS-
9 PO Executive Agent.

10 “(3) REQUIREMENT FOR IMPLEMENTING AR-
11 RANGEMENTS.—Subject to the requirements of this
12 subtitle, the Governance Board shall determine the
13 written implementing arrangements and other rel-
14 evant and appropriate governance processes and pro-
15 cedures to manage, oversee, resource or otherwise
16 administer DTS–PO. Such implementing arrange-
17 ments may be classified if appropriate in accordance
18 with criteria established by applicable law or Execu-
19 tive Orders.

20 “(b) MEMBERSHIP.—

21 “(1) IN GENERAL.—

22 “(A) The Governance Board shall include
23 voting members and nonvoting members.

24 “(B) The voting members shall consist of
25 a Chair, who shall be designated by the Direc-

1 tor of the Office of Management and Budget,
2 and four other members from the departments
3 and agencies that use the DTS Network.

4 “(C) The non-voting members shall be rep-
5 resentative of DTS customer organizations and
6 shall act in an advisory capacity.

7 “(c) CHAIR DUTIES AND AUTHORITIES.—The Gov-
8 ernance Board Chair shall preside over all meetings and
9 deliberations of the Governance Board and provide its Sec-
10 retariat functions. The Governance Board Chair shall pro-
11 pose bylaws governing the operation of the Governance
12 Board.

13 “(d) QUORUM, DECISIONS, MEETINGS.—A quorum
14 of the Governance Board shall consist of the presence of
15 the Chair and four voting members. The decisions of the
16 Governance Board shall require a three-fifths majority of
17 the voting membership. Meetings will be convened at least
18 four times each year to carry out its functions. The Chair
19 or any voting member may convene a meeting of the Gov-
20 ernance Board.

21 “(e) GOVERNANCE BOARD DUTIES AND AUTHORI-
22 TIES.—The Governance Board shall have the following du-
23 ties and authorities with respect to DTS–PO, in addition
24 to any other duties and authorities granted to the Board
25 pursuant to law:

1 “(1) To approve and monitor DTS–PO’s plans,
2 services, priorities, policies, and pricing methodology
3 for bandwidth costs and customer-driven projects.

4 “(2) To recommend to the DTS–PO Executive
5 Agent the Governance Board’s approval, disapproval,
6 or modification of DTS–PO’s annual budget re-
7 quests.

8 “(3) To review DTS–PO’s performance against
9 approved plans, its management activities and inter-
10 nal controls.

11 “(4) To require from DTS–PO any plans, re-
12 ports, documents and records the Governance Board
13 considers necessary to perform its oversight respon-
14 sibilities.

15 “(5) To conduct and evaluate independent au-
16 dits of DTS–PO.

17 “(6) To approve or disapprove the Executive
18 Agent’s nomination of the Director of DTS–PO with
19 a three-fifths majority vote of the Governance
20 Board.

21 “(7) To recommend to the Executive Agent the
22 replacement of the Director of DTS–PO with a
23 three-fifths majority vote of the Governance Board.

24 “(f) NATIONAL SECURITY INTERESTS.—The Govern-
25 ance Board shall ensure that those enhancements of, and

1 the provision of service for, telecommunication capabilities
2 that involve the national security interests of the United
3 States receive the highest prioritization.

4 **“SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNI-**
5 **CATION SERVICE.**

6 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as may be
8 necessary for the operations, maintenance, development,
9 enhancement, modernization, and investment costs of the
10 DTS Network and DTS–PO. Funds appropriated for allo-
11 cation to DTS–PO shall be made available to DTS–PO
12 for a period of two fiscal years.

13 “(b) CUSTOMER FEES.—DTS–PO shall charge cus-
14 tomers for only those bandwidth costs attributable to the
15 agency or department and for specific customer-driven
16 projects, as set forth in section 322(e)(1), for which
17 amounts have not been appropriated for allocation to
18 DTS–PO. DTS–PO is authorized to directly receive cus-
19 tomer payments and to invoice customers for the fees
20 under this section either in advance of, or upon or after,
21 providing the bandwidth or performing the specific cus-
22 tomer-driven projects. Such funds received from DTS cus-
23 tomers shall be made available to DTS–PO for a period
24 of two fiscal years.”.

1 (2) TABLE OF CONTENTS AMENDMENT.—The
2 table of contents in section 1 of the Intelligence Au-
3 thorization Act for Fiscal Year 2001 (Public Law
4 106–567) is amended by striking the items relating
5 to sections 321, 322, 323, and 324 and inserting the
6 following:

“Sec. 321. Diplomatic Telecommunications Service Program Office.

“Sec. 322. Establishment of the Diplomatic Telecommunications Service Gov-
ernance Board.

“Sec. 323. Funding of the Diplomatic Telecommunication Service.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) REPEAL OF SUSPENSION OF REORGANIZA-
9 TION.—The Intelligence Authorization Act for Fiscal
10 Year 2002 (Public Law 107–108; 22 U.S.C. 7301
11 note) is amended by striking section 311.

12 (2) REPEAL OF REFORM.—The Admiral James
13 W. Nance and Meg Donovan Foreign Relations Au-
14 thorization Act, Fiscal Years 2000 and 2001 ((as
15 enacted into law by section 1000(a)(7) of Public
16 Law 106–113 and contained in appendix G of that
17 Act; 113 Stat. 1501A–405)) is amended by striking
18 section 305.

19 (3) REPEAL OF REPORTING REQUIREMENTS.—
20 Section 507(b) of the National Security Act of 1947
21 (50 U.S.C. 415b(b)) is amended—

22 (A) by striking paragraph (3); and

1 (B) by redesignating paragraphs (4), (5),
2 and (6) as paragraphs (3), (4), and (5), respec-
3 tively.

4 **TITLE VI—FOREIGN INTEL-**
5 **LIGENCE AND INFORMATION**
6 **COMMISSION ACT**

7 **SEC. 601. SHORT TITLE.**

8 This title may be cited as the “Foreign Intelligence
9 and Information Commission Act”.

10 **SEC. 602. DEFINITIONS.**

11 In this title:

12 (1) 2005 NATIONAL INTELLIGENCE STRAT-
13 EGY.—The term “2005 National Intelligence Strat-
14 egy” means the National Intelligence Strategy of the
15 United States of America released by the Director of
16 National Intelligence on October 26, 2005.

17 (2) 2006 ANNUAL REPORT OF THE UNITED
18 STATES INTELLIGENCE COMMUNITY AND 2006 AN-
19 NUAL REPORT.—The terms “2006 Annual Report of
20 the United States Intelligence Community” and
21 “2006 Annual Report” mean the 2006 Annual Re-
22 port of the United States Intelligence Community
23 released by the Director of National Intelligence in
24 February 2007.

1 (3) COMMISSION.—The term “Commission”
2 means the Foreign Intelligence and Information
3 Commission established in section 604(a).

4 (4) FOREIGN INTELLIGENCE, INTELLIGENCE.—
5 The terms “foreign intelligence” and “intelligence”
6 have the meaning given those terms in section 3 of
7 the National Security Act of 1947 (50 U.S.C. 401a).

8 (5) INFORMATION.—The term “information”
9 includes information of relevance to the foreign pol-
10 icy of the United States collected and conveyed
11 through diplomatic reporting and other reporting by
12 personnel of the Government of the United States
13 who are not employed by an element of the intel-
14 ligence community, including public and open-source
15 information.

16 (6) STRATEGIC PLAN OF THE DEPARTMENT OF
17 STATE.—The term “Strategic Plan of the Depart-
18 ment of State” means the Strategic Plan for Fiscal
19 Years 2007-2012 of the Department of State and
20 the United States Agency for International Develop-
21 ment revised on May 7, 2007.

22 **SEC. 603. FINDINGS.**

23 Congress makes the following findings:

24 (1) Accurate, timely, and comprehensive foreign
25 intelligence and information are critical to the na-

1 tional security of United States and the furtherance
2 of the foreign policy goals of the United States.

3 (2) It is in the national security and foreign
4 policy interest of the United States to ensure the
5 global deployment of personnel of the Government of
6 the United States who are responsible for collecting
7 and reporting foreign intelligence and information,
8 including personnel from the intelligence community,
9 the Department of State, and other agencies and de-
10 partments of the Government of the United States,
11 and that adequate resources are committed to effect
12 such collection and reporting.

13 (3) The 2005 National Intelligence Strategy
14 and the 2006 Annual Report of the United States
15 Intelligence Community identified 5 major missions
16 of the intelligence community to support the na-
17 tional security requirements of the United States,
18 the first 2 of which, defeating terrorism and pre-
19 venting and countering the spread of weapons of
20 mass destruction, are global and transnational in na-
21 ture.

22 (4) The third major mission identified by the
23 2005 National Intelligence Strategy and the 2006
24 Annual Report, bolstering the growth of democracy
25 and sustaining peaceful democratic states, requires a

1 global commitment of collection, reporting, and ana-
2 lytical capabilities.

3 (5) The 2005 National Intelligence Strategy
4 and the 2006 Annual Report identify as a major
5 mission the need to “anticipate developments of
6 strategic concern and identify opportunities as well
7 as vulnerabilities for decision makers”.

8 (6) The 2006 Annual Report provides the fol-
9 lowing:

10 (A) “In a world in which developments in
11 distant reaches of the globe can quickly affect
12 American citizens and interests at home and
13 abroad, the Intelligence Community must alert
14 policy makers to problems before they escalate
15 and provide insights into their causes and ef-
16 fects. Analysis must do more than just describe
17 what is happening and why; it must identify a
18 range of opportunities for (and likely con-
19 sequences of) diplomatic, military, law enforce-
20 ment, economic, financial, or homeland security
21 action. To support policymakers, the Intel-
22 ligence Community should develop, sustain, and
23 maintain access to expertise on every region,
24 every transnational security issue, and every
25 threat to the American people.”.

1 (B) “We still need to re-balance, integrate,
2 and optimize collection capabilities to meet cur-
3 rent and future customer and analytic prior-
4 ities. Collection is . . . what gives the [Intel-
5 ligence Community] its ‘competitive advantage’
6 in protecting the United States and its inter-
7 ests.”.

8 (C) “One challenge to improving the cov-
9 erage of emerging and strategic issues across
10 the Intelligence Community has been the diver-
11 sion of resources to current crisis support . . .”.

12 (D) “Collection against terrorists in places
13 like Iraq and Afghanistan took a substantial
14 share of the [Intelligence Community’s] re-
15 sources and efforts in FY 2006.”.

16 (E) “With so many [Intelligence Commu-
17 nity] resources dedicated to the War on Terror
18 and WMD programs in closed regimes, the [In-
19 telligence] Community’s collection efforts still
20 have to devote significant attention to potential
21 or emerging threats of strategic consequence.”.

22 (7) On January 23, 2007, the Deputy Director
23 of National Intelligence for Collection testified to the
24 Select Committee on Intelligence of the Senate that
25 there is a “need to get the Intelligence Community

1 back to what I grew up calling global reach”, stating
2 that “we don’t have that today”. She further testi-
3 fied that “our challenge is . . . with [Congress] help
4 [to get back] to a place where we can do global
5 reach, and pay attention to places that we are not.”.

6 (8) On February 14, 2008, the Director of Na-
7 tional Intelligence testified to the Select Committee
8 on Intelligence of the Senate that “certainly current
9 crisis support takes a disproportionate share” of in-
10 telligence resources over emerging and strategic
11 issues.

12 (9) In responses to questions posed by the Se-
13 lect Committee on Intelligence of the Senate in ad-
14 vance of the February 5, 2009 hearing on the nomi-
15 nation of Leon Panetta to be Director of the Central
16 Intelligence Agency, Mr. Panetta stated that “I am
17 also concerned that we have not devoted sufficient
18 resources to a broader set of national intelligence
19 challenges – such as Russia, China, the global eco-
20 nomic downturn, as well as unstable and weak gov-
21 ernments in places such as Africa and Latin Amer-
22 ica.”.

23 (10) On February 12, 2009, the Director of
24 National Intelligence testified to the Select Com-
25 mittee on Intelligence of the Senate that “I’d say

1 the most significant gaps are the areas that are not
2 traditional state threats, that we have not figured
3 out the right way to collect information and we have
4 not grown the analysts to do it. . . . We're not as
5 good with non-state actors.”.

6 (11) On March 26, 2009, the Director of Na-
7 tional Intelligence stated that “We re-evaluate that
8 National Intelligence Priority Framework formally
9 ever six months and informally, as we have. And its
10 quite remarkable, if you – you know those time-lapse
11 pictures where things change? If you showed a time-
12 lapse picture of that National Intelligence Priority
13 Framework, you'd see, sort of, colors shifting over
14 time as things came up, in terms of their threat or
15 in terms of an opportunity that they – so I just, I
16 think it's a mistake to tie us down to, this is my im-
17 portant priority. There are enduring things we have
18 to spend a lot of time on because you can't instantly
19 generate intelligence about a country that's very
20 good at keeping its secrets that you know is going
21 to be a factor for a long time. And we have to work
22 on those – we have to work on those every time. We
23 have to keep an excellent baseline understanding of
24 what's going on in the world, but then we need to
25 be able to flex.”.

1 (12) The National Commission on Terrorist At-
2 tacks Upon the United States (hereinafter referred
3 to as the “9/11 Commission”) reported that “To
4 find sanctuary, terrorist organizations have fled to
5 some of the least governed, most lawless places in
6 the world. The intelligence community has prepared
7 a world map that highlights possible terrorist ha-
8 vens, using no secret intelligence – just indicating
9 areas that combine rugged terrain, weak governance,
10 room to hide or receive supplies, and low population
11 density with a town or city near enough to allow
12 necessary interaction with the outside world. Large
13 areas scattered around the world meet these cri-
14 teria.”.

15 (13) The 9/11 Commission recommended that
16 the “U.S. government must identify and prioritize
17 actual or potential terrorist sanctuaries. For each, it
18 should have a realistic strategy to keep possible ter-
19 rorists insecure and on the run, using all elements
20 of national power. We should reach out, listen to,
21 and work with other countries that can help.”.

22 (14) On May 6, 2008, the Acting Director of
23 the National Counterterrorism Center testified to
24 the Select Committee on Intelligence of the Senate
25 that “I wish I had more resources to dedicate to

1 longer-term threats, absolutely,” that “much of the
2 information about the instability that can lead to
3 safe havens or ideological radicalization comes not
4 from covert collection but from open collection, best
5 done by Foreign Service officers,” and that there
6 should be ways to direct resources toward whoever
7 is best positioned to learn about safe-haven condi-
8 tions.

9 (15) On November 1, 2005, the Director of Na-
10 tional Intelligence Open Source Center was estab-
11 lished with functions that “include collection, anal-
12 ysis and research, training, and information tech-
13 nology management to facilitate government-wide
14 access and use” of openly available information.

15 (16) The Strategic Plan of the Department of
16 State provides as a strategic goal that “Our diplo-
17 matic and development activities will reduce the
18 threat or impact of violent conflict by developing
19 early warning . . . capability.”

20 (17) On January 22, 2009, James Steinberg, a
21 nominee to be Deputy Secretary of State, testified to
22 the Committee on Foreign Relations of the Senate
23 that “if we’re going to be effective in this move to-
24 wards smart power, then we have to understand how
25 we reprioritize our resources to be able to achieve

1 that. . . If we only think about the crisis of the mo-
2 ment, then we're not prepared as new challenges
3 emerge. And we've seen this time and time again,
4 that issues that were not immediately on the radar
5 screen don't get the attention they deserve. . . . So
6 the idea of looking forward and trying to figure out
7 over the long term where our priorities need to be,
8 how do we anticipate some of these challenges, and
9 then judge how we have sort of assigned resources
10 to take care of not only those current needs but also
11 those long-term challenges I think has to be very im-
12 portant and part of a strategic planning strat-
13 egy. . . although we have a very strong intelligence
14 community, that there is a tremendous resource of
15 people who've lived and worked out in the countries
16 that we're dealing with and that, for a variety of
17 reasons, the intelligence community is not always the
18 best equipped to do that. They bring their own spe-
19 cial skills. But the Foreign Service officers, and also
20 people from outside the government, are enormous
21 sources of information and value. And we need to
22 find better ways, in my judgment, to have more con-
23 tact with people in the private sector, from the
24 NGOs, from the business community, from univer-

1 sities and the like, as part of our being able to touch
2 and feel what’s going on the ground.”.

3 (18) On January 22, 2009, Jacob Lew, a nomi-
4 nee to be Deputy Secretary of State, testified to the
5 Committee on Foreign Relations of the Senate that
6 “I believe strongly that resources have to follow pri-
7 orities. The decision of where we need to be and
8 what kinds of skills we need have to fit into a com-
9 prehensive strategy. . . . We need to work with our
10 other Cabinet agency partners. There are 20 govern-
11 ment agencies that have resources that work in or
12 through our embassies. We don’t need to recreate
13 the wheel; we need to cooperate with each other and
14 make sure that we have enough Foreign Service,
15 civil service and locally engaged staff so that we can
16 effectively coordinate the efforts that the United
17 States puts on the ground. I think that it all begins
18 with the strategic planning process. If we don’t have
19 a clear vision of what we need and what we want,
20 were not going to be able to make the right resource
21 allocation decisions. And we have to be able to look
22 beyond this week, next week, or even next year. . . .
23 We need to reach not just into the building but all
24 the way into the field and make it clear that we have
25 every intention of bringing the resources of the State

1 Department to bear as we deal with these kinds of
2 problems and challenges abroad, that we have
3 knowledge in our embassies, in our consulates, about
4 a range of issues, not just political issues — eco-
5 nomic issues, scientific issues, cultural issues — that
6 give us the broadest understanding of what’s going
7 on in an increasingly global world.”.

8 (19) The Legal Attache offices and sub-offices
9 of the Federal Bureau of Investigation are currently
10 located in 75 cities around the world, providing cov-
11 erage for more than 200 countries, territories, and
12 islands.

13 (20) On October 4, 2007, Thomas V. Fuentes,
14 Assistant Director of the Federal Bureau of Inves-
15 tigation for Office of International Operations, testi-
16 fied to the Subcommittee on Border, Maritime, and
17 Global Counterterrorism of the Committee on Home-
18 land Security of the House of Representatives that
19 the “core mission” of the Legal Attache offices “is
20 to establish and maintain liaison with principal law
21 enforcement and security services in designated for-
22 eign countries. . . enabl[ing] the FBI to effectively
23 and expeditiously conduct its responsibilities in com-
24 bating international terrorism, organized crime,
25 cyber crime, and general criminal matters,” and that

1 while “they do not conduct foreign intelligence gath-
2 ering,” “typical duties” include . . . “conducting in-
3 vestigations in coordination with the host govern-
4 ment; sharing investigative leads and information;
5 briefing Embassy counterparts from other agencies,
6 including law enforcement agencies, as appropriate,
7 and Ambassadors. . . providing situation reports
8 concerning cultural protocol; [and] assessing political
9 and security climates.”.

10 (21) The July 2008 Preliminary Findings by
11 the Project on National Security Reform, entitled
12 “Enduring Security in an Unpredictable World: the
13 Urgent Need for National Security Reform,” in-
14 cluded the following:

15 (A) The lack of a national security strat-
16 egy that clearly links ends, ways, and means
17 and assigned roles and responsibilities to each
18 department has encouraged a proliferation of
19 department-level strategies. These department
20 strategies are uncoordinated and do not system-
21 atically generate capabilities required for na-
22 tional objectives

23 (B) The resource allocation process is not
24 driven by any overall national plan or strategy
25 for achieving broad objectives, and the results

1 or effectiveness of the budgeting process cannot
2 be measured against such objectives.

3 (C) The national security system tends to
4 overemphasize traditional security threats and
5 under emphasize emerging challenges.

6 **SEC. 604. ESTABLISHMENT AND FUNCTIONS OF THE COM-**
7 **MISSION.**

8 (a) ESTABLISHMENT.—There is established in the
9 legislative branch a Foreign Intelligence and Information
10 Commission.

11 (b) FUNCTIONS.—The Commission shall—

12 (1) evaluate any current processes or systems
13 for the strategic integration of the intelligence com-
14 munity, including the Open Source Center, and
15 other elements of the United States Government, in-
16 cluding the Department of State, with regard to the
17 collection, reporting and analysis of foreign intel-
18 ligence and information;

19 (2) provide recommendations to improve or de-
20 velop such processes or systems to include the devel-
21 opment of an inter-agency strategy that identifies—

22 (A) the collection, reporting, and analysis
23 requirements of the United States Government;

1 (B) the elements of the United States Gov-
2 ernment best positioned to meet collection and
3 reporting requirements;

4 (C) collection and reporting missions for
5 the intelligence community and other elements
6 of the United States Government based on the
7 requirements of the United States Government,
8 comparative institutional advantages, and other
9 relevant factors;

10 (D) analytical capabilities needed to
11 achieve the requirements of the United States
12 Government; and

13 (E) inter-agency budget and resource allo-
14 cations necessary to achieve such collection, re-
15 porting, and analytical requirements;

16 (3) evaluate the extent to which current intel-
17 ligence collection, reporting, and analysis strategies
18 are aimed at providing global coverage and antici-
19 pating future threats, challenges, and crises;

20 (4) provide recommendations on how to incor-
21 porate into the inter-agency strategy the means to
22 anticipate future threats, challenges, and crises, in-
23 cluding by identifying and supporting collection, re-
24 porting, and analytical capabilities which are global

1 in scope and which are directed at emerging, long-
2 term, and strategic targets;

3 (5) provide recommendations on strategies for
4 sustaining human and budgetary resources to effect
5 the global collection and reporting missions identi-
6 fied in the inter-agency strategy, including the
7 prepositioning of collection and reporting capabili-
8 ties;

9 (6) provide recommendations for developing,
10 clarifying, and, if necessary, bolstering current and
11 future collection and reporting roles and capabilities
12 of elements of the United States Government outside
13 the intelligence community deployed overseas;

14 (7) provide recommendations related to the role
15 of individual country missions in contributing to the
16 inter-agency strategy;

17 (8) evaluate the extent to which the establish-
18 ment of new embassies and out-of-embassy posts are
19 able to contribute to expanded global coverage and
20 increased collection and reporting and provide rec-
21 ommendations related to the establishment of new
22 embassies and out-of-embassy posts;

23 (9) provide recommendations related to the es-
24 tablishment of any new executive branch entity, or
25 the expansion of the authorities of any existing exec-

1 utive branch entity, as needed to improve the stra-
2 tegic integration described in paragraph (1) and de-
3 velop and oversee the implementation of the inter-
4 agency strategy;

5 (10) provide recommendations on any legislative
6 changes necessary to establish any new entity or to
7 expand the authorities of any existing entity, as de-
8 scribed in paragraph (9);

9 (11) provide recommendations on processes for
10 developing and presenting to Congress budget re-
11 quests for each relevant element of the United
12 States Government that reflect the allocations iden-
13 tified in the inter-agency strategy and for congres-
14 sional oversight of the development and implementa-
15 tion of the strategy; and

16 (12) provide recommendations on any institu-
17 tional reforms related to the collection and reporting
18 roles of individual elements of the United States
19 Government outside the intelligence community, as
20 well as any budgetary, legislative, or other changes
21 needed to achieve such reforms.

22 **SEC. 605. MEMBERS AND STAFF OF THE COMMISSION.**

23 (a) MEMBERS OF THE COMMISSION.—

24 (1) APPOINTMENT.—The Commission shall be
25 composed of 10 members as follows:

1 (A) Two members appointed by the major-
2 ity leader of the Senate.

3 (B) Two members appointed by the minor-
4 ity leader of the Senate.

5 (C) Two members appointed by the Speak-
6 er of the House of Representatives.

7 (D) Two members appointed by the minor-
8 ity leader of the House of Representatives.

9 (E) One nonvoting member appointed by
10 the Director of National Intelligence.

11 (F) One nonvoting member appointed by
12 the Secretary of State.

13 (2) SELECTION.—

14 (A) IN GENERAL.—Members of the Com-
15 mission shall be individuals who—

16 (i) are private citizens; and

17 (ii) have—

18 (I) knowledge and experience in
19 foreign information and intelligence
20 collection, reporting, and analysis, in-
21 cluding clandestine collection and clas-
22 sified analysis, diplomatic reporting
23 and analysis, and collection of public
24 and open source information;

1 (II) knowledge and experience in
2 issues related to the national security
3 and foreign policy of the United
4 States gained by serving as a senior
5 official of the Department of State, a
6 member of the Foreign Service, an
7 employee or officer of an appropriate
8 agency or department of the United
9 States, or an independent organiza-
10 tion with expertise in the field of
11 international affairs; or

12 (III) knowledge and experience
13 with foreign policy decision making.

14 (B) DIVERSITY OF EXPERIENCE.—The in-
15 dividuals appointed to the Commission should
16 be selected with a view to establishing diversity
17 of experience with regard to various geographic
18 regions, functions, and issues.

19 (3) TIME OF APPOINTMENT.—The appoint-
20 ments under subsection (a) shall be made not later
21 than 60 days after the date of the enactment of this
22 Act.

23 (4) TERM OF APPOINTMENT.—Members shall
24 be appointed for the life of the Commission.

1 (5) VACANCIES.—Any vacancy of the Commis-
2 sion shall not affect the powers of the Commission
3 and shall be filled in the manner in which the origi-
4 nal appointment was made.

5 (6) CHAIR.—The members of the Commission
6 shall designate 1 of the voting members to serve as
7 the chair of the Commission.

8 (7) QUORUM.—Six members of the Commission
9 shall constitute a quorum for purposes of
10 transacting the business of the Commission.

11 (8) MEETINGS.—The Commission shall meet at
12 the call of the chair and shall meet regularly, not
13 less than once every 3 months, during the life of the
14 Commission.

15 (b) STAFF.—

16 (1) IN GENERAL.—The chair of the Commission
17 may, without regard to the civil service laws and
18 regulations, appoint and terminate an executive di-
19 rector and, in consultation with the executive direc-
20 tor, appoint and terminate such other additional per-
21 sonnel as may be necessary to enable the Commis-
22 sion to perform its duties. In addition to the execu-
23 tive director and 1 full-time support staff for the ex-
24 ecutive director, there shall be additional staff with

1 relevant intelligence and foreign policy experience to
2 help support the Commission's work.

3 (2) SELECTION OF THE EXECUTIVE DIREC-
4 TOR.—The executive director shall be selected with
5 the approval of a majority of the members of the
6 Commission.

7 (3) COMPENSATION.—

8 (A) EXECUTIVE DIRECTOR.—The executive
9 director shall be compensated at the rate pay-
10 able for level IV of the Executive Schedule
11 under section 5315 of title 5, United States
12 Code.

13 (B) STAFF.—The chair of the Commission
14 may fix the compensation of other staff of the
15 Commission without regard to the provisions of
16 chapter 51 and subchapter III of chapter 53 of
17 title 5, United States Code, relating to classi-
18 fication of positions and General Schedule pay
19 rates, except that the rate of pay for such per-
20 sonnel may not exceed the rate payable for level
21 IV of the Executive Schedule under section
22 5315 of such title.

23 (c) EXPERTS AND CONSULTANTS.—This Commission
24 is authorized to procure temporary or intermittent services
25 of experts and consultants as necessary to the extent au-

1 thORIZED by section 3109 of title 5, United States Code,
2 at rates not to exceed the maximum annual rate of basic
3 pay payable under section 5376 of such title.

4 (d) STAFF AND SERVICES OF OTHER AGENCIES OR
5 DEPARTMENT OF THE UNITED STATES.—Upon the re-
6 quest of the Commission, the head of an agency or depart-
7 ment of the United States may detail, on a reimbursable
8 or nonreimbursable basis, any of the personnel of that de-
9 partment or agency to the Commission to assist it in car-
10 rying out this title. The detail of any such personnel shall
11 be without interruption or loss of civil service or Foreign
12 Service status or privilege.

13 (e) SECURITY CLEARANCE.—The appropriate agen-
14 cies or departments of the United States shall cooperate
15 with the Commission in expeditiously providing to the
16 members and staff of the Commission appropriate security
17 clearances to the extent possible pursuant to existing pro-
18 cedures and requirements.

19 **SEC. 606. POWERS AND DUTIES OF THE COMMISSION.**

20 (a) IN GENERAL.—

21 (1) HEARINGS AND EVIDENCE.—The Commis-
22 sion may, for the purpose of carrying out this title—

23 (A) hold hearings, sit and act at times and
24 places in the United States and in countries in
25 which the United States has a diplomatic pres-

1 ence, take testimony, and receive evidence as
 2 the Commission considers advisable to carry out
 3 this title; and

4 (B) subject to subsection (b)(1), require,
 5 by subpoena or otherwise, the attendance and
 6 testimony of such witnesses and the production
 7 of such books, records, correspondence, memo-
 8 randa , papers, and documents, as the Commis-
 9 sion considers necessary.

10 (b) SUBPOENAS.—

11 (1) ISSUANCE.—

12 (A) IN GENERAL.—A subpoena may be
 13 issued under this section only—

14 (i) by the agreement of the chair of
 15 the Commission; and

16 (ii) by the affirmative vote of 5 mem-
 17 bers of the Commission.

18 (B) SIGNATURE.—Subject to subparagraph
 19 (A), subpoenas issued under this section may be
 20 issued under the signature of the chair or any
 21 member designated by a majority of the Com-
 22 mission and may be served by any person des-
 23 ignated by the chair or by a member designated
 24 by a majority of the Commission.

25 (2) ENFORCEMENT.—

1 (A) IN GENERAL.—In the case of contu-
2 macy or failure to obey a subpoena issued
3 under this section, the United States district
4 court for the judicial district in which the sub-
5 poenaed person resides, is served, or may be
6 found, or where the subpoena is returnable,
7 may issue an order requiring such person to ap-
8 pear at any designated place to testify or to
9 produce documentary or other evidence. Any
10 failure to obey the order of the court may be
11 punished by the court as a contempt of that
12 court.

13 (B) ADDITIONAL ENFORCEMENT.—In the
14 case of any failure of any witness to comply
15 with any subpoena or to testify when sum-
16 moned under authority of this section, the Com-
17 mission may, by majority vote, certify a state-
18 ment of fact constituting such failure to the ap-
19 propriate United States attorney, who may
20 bring the matter before the grand jury for its
21 action, under the same statutory authority and
22 procedures as if the United States attorney had
23 received a certification under sections 102, 103,
24 or 104 of the Revised Statutes of the United
25 States (2 U.S.C. 192, 193, and 194).

1 (c) INFORMATION FROM FEDERAL AGENCIES.—The
2 Commission may secure directly from any agency or de-
3 partment of the United States such information as the
4 Commission considers necessary to carry out this title.
5 Upon request of the chair of the Commission, the head
6 of such agency or department shall furnish such informa-
7 tion to the Commission, subject to applicable law.

8 (d) POSTAL SERVICES.—The Commission may use
9 the United States mails in the same manner and under
10 the same conditions as an agency or department of the
11 United States.

12 (e) ADMINISTRATIVE SUPPORT.—The Administrator
13 of the General Services Administration shall provide to the
14 Commission on a reimbursable basis (or, in the discretion
15 of the Administrator, on a nonreimbursable basis) such
16 administrative support services as the Commission may re-
17 quest to carry out this title.

18 (f) ADMINISTRATIVE PROCEDURES.—The Commis-
19 sion may adopt such rules and regulations, relating to ad-
20 ministrative procedure, as may be reasonably necessary to
21 enable it to carry out this title.

22 (g) TRAVEL.—

23 (1) IN GENERAL.—The members and staff of
24 the Commission may, with the approval of the Com-

1 mission, conduct such travel as is necessary to carry
2 out this title.

3 (2) EXPENSES.—Members of the Commission
4 shall serve without pay but shall be allowed travel
5 expenses, including per diem in lieu of subsistence,
6 at rates authorized for employees of agencies under
7 subchapter I of chapter 57 of title 5, United States
8 Code, while away from their homes or regular places
9 of business in the performance of services for the
10 Commission.

11 (h) GIFTS.—No member of the Commission may re-
12 ceive a gift or benefit by reason of such member's service
13 on the Commission.

14 **SEC. 607. REPORT OF THE COMMISSION.**

15 (a) IN GENERAL.—

16 (1) INTERIM REPORT.—Not later than 1 year
17 after the members of the Commission are appointed
18 under section 5(a), the Commission shall submit an
19 interim report to the congressional intelligence com-
20 mittees setting forth the preliminary findings and
21 recommendations of the Commission described in
22 section 604(b).

23 (2) FINAL REPORT.—Not later than 4 months
24 after the submission of the report required by para-
25 graph (1), the Commission shall submit a final re-

1 port setting forth the final findings and rec-
2 ommendations of the Commission described in sec-
3 tion 604(b) to the following:

4 (A) The President.

5 (B) The Director of National Intelligence.

6 (C) The Secretary of State.

7 (D) The congressional intelligence commit-
8 tees.

9 (E) The Committee on Foreign Relations
10 of the Senate.

11 (F) The Committee on Foreign Affairs of
12 the House of Representatives.

13 (b) INDIVIDUAL OR DISSENTING VIEWS.—Each
14 member of the Commission may include that member's
15 dissenting views in a report required by paragraph (1) or
16 (2) of subsection (a).

17 (c) FORM OF REPORT.—The reports required by
18 paragraphs (1) and (2) of subsection (a), including any
19 finding or recommendation of such report, shall be sub-
20 mitted in both an unclassified and a classified form.

21 **SEC. 608. TERMINATION.**

22 The Commission shall terminate 60 days after the
23 submission of the report required by section 607(a)(2).

1 **SEC. 609. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

3 The Federal Advisory Committee Act (5 U.S.C. App.)
4 shall not apply to the Commission.

5 **SEC. 610. FUNDING.**

6 (a) **TRANSFER FROM THE NATIONAL INTELLIGENCE**
7 **PROGRAM.**—Of the amounts available for the National In-
8 telligence Program for fiscal year 2009, \$4,000,000 shall
9 be available for transfer to the Commission to carry out
10 this title.

11 (b) **AVAILABILITY.**—The amounts made available to
12 the Commission pursuant to subsection (a) shall remain
13 available until the termination of the Commission.

14 **TITLE VII—TECHNICAL**
15 **AMENDMENTS**

16 **SEC. 701. TECHNICAL AMENDMENTS TO THE FOREIGN IN-**
17 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

18 The Foreign Intelligence Surveillance Act of 1978
19 (50 U.S.C. 1801 et seq.) is amended—

20 (1) in section 101—

21 (A) in subsection (a), by moving paragraph

22 (7) two ems to the right; and

23 (B) by moving subsections (b) through (p)

24 two ems to the right;

25 (2) in section 103, by redesignating subsection

26 (i) as subsection (h);

1 (3) in section 109(a)—

2 (A) in paragraph (1), by striking “section
3 112.,” and inserting “section 112;” and

4 (B) in paragraph (2), by striking the sec-
5 ond period;

6 (4) in section 301(1), by striking “‘United
7 States’” and all that follows through “and ‘State’”
8 and inserting “‘United States’, ‘person’, ‘weapon of
9 mass destruction’, and ‘State’”;

10 (5) in section 304(b), by striking “subsection
11 (a)(3)” and inserting “subsection (a)(2)”; and

12 (6) in section 502(a), by striking “a annual”
13 and inserting “an annual”.

14 **SEC. 702. TECHNICAL AMENDMENTS TO THE CENTRAL IN-**
15 **TELLIGENCE AGENCY ACT OF 1949.**

16 The Central Intelligence Agency Act of 1949 (50
17 U.S.C. 403a et seq.) is amended—

18 (1) in paragraph (1) of section 5(a), by striking
19 “authorized under paragraphs (2) and (3) of section
20 102(a), subsections (c)(7) and (d) of section 103,
21 subsections (a) and (g) of section 104, and section
22 303 of the National Security Act of 1947 (50 U.S.C.
23 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and
24 405)” and inserting “authorized under section 104A

1 of the National Security Act of 1947 (50 U.S.C.
2 403–4a).”; and

3 (2) in section 17(d)(3)(B)—

4 (A) in clause (i), by striking “advise” and
5 inserting “advice”; and

6 (B) by amending clause (ii) to read as fol-
7 lows:

8 “(ii) holds or held the position in the
9 Agency, including such a position held on an
10 acting basis, of—

11 “(I) Deputy Director;

12 “(II) Associate Deputy Director;

13 “(III) Director of the National Clan-
14 destine Service;

15 “(IV) Director of Intelligence;

16 “(V) Director of Support; or

17 “(VI) Director of Science and Tech-
18 nology.”.

19 **SEC. 703. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
20 **STATES CODE.**

21 Section 528(c) of title 10, United States Code, is
22 amended—

23 (1) in the heading, by striking “ASSOCIATE DI-
24 RECTOR OF CIA FOR MILITARY AFFAIRS” and in-

1 serting “ASSOCIATE DIRECTOR OF MILITARY AF-
2 FAIRS, CIA”; and

3 (2) by striking “Associate Director of the Cen-
4 tral Intelligence Agency for Military Affairs” and in-
5 serting “Associate Director of Military Affairs, Cen-
6 tral Intelligence Agency, or any successor position”.

7 **SEC. 704. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
8 **CURITY ACT OF 1947.**

9 The National Security Act of 1947 (50 U.S.C. 401
10 et seq.) is amended—

11 (1) in section 3(4)(L), by striking “other” the
12 second place it appears;

13 (2) in section 102A—

14 (A) in subsection (c)(3)(A), by striking
15 “annual budgets for the Joint Military Intel-
16 ligence Program and for Tactical Intelligence
17 and Related Activities” and inserting “annual
18 budget for the Military Intelligence Program or
19 any successor program or programs”;

20 (B) in subsection (d)—

21 (i) in paragraph (1)(B), by striking
22 “Joint Military Intelligence Program” and
23 inserting “Military Intelligence Program or
24 any successor program or programs”;

1 (ii) in paragraph (3) in the matter
2 preceding subparagraph (A), by striking
3 “subparagraph (A)” and inserting “para-
4 graph (1)(A)”;

5 (iii) in paragraph (5)—

6 (I) in subparagraph (A), by strik-
7 ing “or personnel” in the matter pre-
8 ceding clause (i); and

9 (II) in subparagraph (B), by
10 striking “or agency involved” in the
11 second sentence and inserting “in-
12 volved or the Director of the Central
13 Intelligence Agency (in the case of the
14 Central Intelligence Agency)”;

15 (C) in subsection (l)(2)(B), by striking
16 “section” and inserting “paragraph”; and

17 (D) in subsection (n), by inserting “AND
18 OTHER” after “ACQUISITION”;

19 (3) in section 103(b), by striking “, the Na-
20 tional Security Act of 1947 (50 U.S.C. 401 et
21 seq.),”;

22 (4) in section 104A(g)(1) in the matter pre-
23 ceding subparagraph (A), by striking “Directorate of
24 Operations” and inserting “National Clandestine
25 Service”;

1 (5) in section 119(c)(2)(B) (50 U.S.C.
2 404o(c)(2)(B)), by striking “subsection (h)” and in-
3 serting “subsection (i)”;

4 (6) in section 701(b)(1), by striking “Direc-
5 torate of Operations” and inserting “National Clan-
6 destine Service”;

7 (7) in section 705(e)(2)(D)(i) (50 U.S.C.
8 432c(e)(2)(D)(i)), by striking “responsible” and in-
9 serting “responsive”; and

10 (8) in section 1003(h)(2) in the matter pre-
11 ceding subparagraph (A), by striking “subsection
12 (i)(2)(B)” and inserting “subsection (g)(2)(B)”.

13 **SEC. 705. TECHNICAL AMENDMENTS RELATING TO THE**
14 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**
15 **GRAM.**

16 (a) **IN GENERAL.**—Subsection (a) of section 1403 of
17 the National Defense Authorization Act for Fiscal Year
18 1991 (50 U.S.C. 404b) is amended—

19 (1) in the heading, by striking “FOREIGN”; and

20 (2) by striking “foreign” each place it appears.

21 (b) **RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-**
22 **TELLIGENCE.**—Such section 1403, as amended by sub-
23 section (a), is further amended—

1 (1) in subsections (a) and (c), by striking “Di-
 2 rector of Central Intelligence” and inserting “Direc-
 3 tor of National Intelligence”; and

4 (2) in subsection (b), by inserting “of National
 5 Intelligence” after “Director”.

6 (c) CONFORMING AMENDMENTS.—

7 (1) IN GENERAL.—The heading of such section
 8 1403 is amended to read as follows:

9 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-
 10 GRAM.”.**

11 (2) TABLE OF CONTENTS AMENDMENT.—The
 12 table of contents in section 2 of the National De-
 13 fense Authorization Act for Fiscal Year 1991 (Pub-
 14 lic Law 101–510; 104 Stat. 1485) is amended by
 15 striking the item relating to section 1403 and insert-
 16 ing the following:

“Sec. 1403. Multiyear National Intelligence Program.”.

17 **SEC. 706. TECHNICAL AMENDMENTS TO THE INTEL-
 18 LIGENCE REFORM AND TERRORISM PREVEN-
 19 TION ACT OF 2004.**

20 (a) AMENDMENTS TO THE NATIONAL SECURITY IN-
 21 TELLIGENCE REFORM ACT OF 2004.—The National Secu-
 22 rity Intelligence Reform Act of 2004 (title I of Public Law
 23 108–458; 118 Stat. 3643) is amended—

24 (1) in subparagraph (B) of section 1016(e)(10)
 25 (6 U.S.C. 485(e)(10)), by striking “Attorney Gen-

1 eral” the second place it appears and inserting “De-
2 partment of Justice”;

3 (2) in subsection (e) of section 1071, by strik-
4 ing “(1)”; and

5 (3) in subsection (b) of section 1072, in the
6 subsection heading by inserting “AGENCY” after
7 “INTELLIGENCE”.

8 (b) OTHER AMENDMENTS TO THE INTELLIGENCE
9 REFORM AND TERRORISM PREVENTION ACT OF 2004.—
10 The Intelligence Reform and Terrorism Prevention Act of
11 2004 (Public Law 108–458; 118 Stat. 3638) is amend-
12 ed—

13 (1) in section 2001 (28 U.S.C. 532 note)—

14 (A) in paragraph (1) of subsection (c)—

15 (i) by striking “shall,” and inserting
16 “shall”; and

17 (ii) by inserting “of” before “an insti-
18 tutional culture”;

19 (B) in paragraph (2) of subsection (e), by
20 striking “the National Intelligence Director in a
21 manner consistent with section 112(e)” and in-
22 serting “the Director of National Intelligence in
23 a manner consistent with applicable law”; and

1 (C) in subsection (f), by striking “shall,”
2 in the matter preceding paragraph (1) and in-
3 serting “shall”; and

4 (2) in section 2006 (28 U.S.C. 509 note)—

5 (A) in paragraph (2), by striking “the
6 Federal” and inserting “Federal”; and

7 (B) in paragraph (3), by striking “the spe-
8 cific” and inserting “specific”.

9 **SEC. 707. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
10 **SCHEDULE.**

11 (a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313
12 of title 5, United States Code, is amended by striking the
13 item relating to the Director of Central Intelligence and
14 inserting the following new item:

15 “Director of the Central Intelligence Agency.”.

16 (b) EXECUTIVE SCHEDULE LEVEL III.—Section
17 5314 of title 5, United States Code, is amended by strik-
18 ing the item relating to the Deputy Directors of Central
19 Intelligence and inserting the following new item:

20 “Deputy Director of the Central Intelligence Agen-
21 cy.”.

22 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
23 5315 of title 5, United States Code, is amended by strik-
24 ing the item relating to the General Counsel of the Office

1 of the National Intelligence Director and inserting the fol-
2 lowing new item:

3 “General Counsel of the Office of the Director of Na-
4 tional Intelligence.”.

5 **SEC. 708. TECHNICAL AMENDMENTS TO SECTION 105 OF**
6 **THE INTELLIGENCE AUTHORIZATION ACT**
7 **FOR FISCAL YEAR 2004.**

8 Section 105(b) of the Intelligence Authorization Act
9 for Fiscal Year 2004 (Public Law 108–177; 117 Stat.
10 2603; 31 U.S.C. 311 note) is amended—

11 (1) by striking “Director of Central Intel-
12 ligence” and inserting “Director of National Intel-
13 ligence”; and

14 (2) by inserting “or in section 313 of such
15 title,” after “subsection (a)),”.

16 **SEC. 709. TECHNICAL AMENDMENTS TO SECTION 602 OF**
17 **THE INTELLIGENCE AUTHORIZATION ACT**
18 **FOR FISCAL YEAR 1995.**

19 Section 602 of the Intelligence Authorization Act for
20 Fiscal Year 1995 (50 U.S.C. 403-2b) is amended—

21 (1) in subsection (a), in paragraph (2), by
22 striking “Director of Central Intelligence” and in-
23 serting “Director of National Intelligence”; and

24 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “Director
2 of Central Intelligence” and inserting “Director
3 of National Intelligence”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking
6 “Director of Central Intelligence” and in-
7 serting “Director of National Intelligence”;
8 and

9 (ii) in subparagraph (B), by striking
10 “Director of Central Intelligence” and in-
11 serting “Director of National Intelligence”;
12 and

13 (C) in paragraph (3), by striking “Director
14 of Central Intelligence” and inserting “Director
15 of the Central Intelligence Agency”.

16 **SEC. 710. TECHNICAL AMENDMENTS TO SECTION 403 OF**
17 **THE INTELLIGENCE AUTHORIZATION ACT,**
18 **FISCAL YEAR 1992.**

19 (a) **ROLE OF THE DIRECTOR OF NATIONAL INTEL-**
20 **LIGENCE.**—Section 403 of the Intelligence Authorization
21 Act, Fiscal Year 1992 (50 U.S.C. 403-2) is amended by
22 striking “The Director of Central Intelligence” and insert-
23 ing the following:

24 “(a) **IN GENERAL.**—The Director of National Intel-
25 ligence”.

1 (b) DEFINITION OF INTELLIGENCE COMMUNITY.—
2 Section 403 of the Intelligence Authorization Act, Fiscal
3 Year 1992, as amended by subsection (a), is further
4 amended—

5 (1) by striking “Intelligence Community” and
6 insert “intelligence community”; and

7 (2) by striking the second sentence and insert-
8 ing the following:

9 “(b) INTELLIGENCE COMMUNITY DEFINED.—In this
10 section, the term ‘intelligence community’ has the meaning
11 given that term in section 3(4) of the National Security
12 Act of 1947 (50 U.S.C. 401a(4)).”.

Calendar No. 120

111TH CONGRESS
1ST Session

S. 1494

[Report No. 111-55]

A BILL

To authorize appropriations for fiscal year 2010 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.

JULY 22, 2009

Read twice and placed on the calendar