

**INTELLIGENCE REFORM AND
TERRORISM PREVENTION ACT OF 2004**

(Public Law 108-458 of December 17, 2004; 118 STAT. 3638)

AN ACT To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1.

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TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

SHORT TITLE

- SEC. 1001.
This title may be cited as the “National Security Intelligence Reform Act of 2004”.

SUBTITLE A—ESTABLISHMENT OF DIRECTOR OF NATIONAL INTELLIGENCE

**REORGANIZATION AND IMPROVEMENT OF
MANAGEMENT OF INTELLIGENCE COMMUNITY**

SEC. 1011.

(a) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. §402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

[amendments omitted here – see the National Security Act of 1947 in this book]

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

- (1) the human intelligence officers of the intelligence community have performed admirably and honorably in the face of great personal dangers;
- (2) during an extended period of unprecedented investment and improvements in technical collection means, the human intelligence capabilities of the United States have not received the necessary and commensurate priorities;
- (3) human intelligence is becoming an increasingly important capability to provide information on the asymmetric threats to the national security of the United States;
- (4) the continued development and improvement of a robust and empowered and flexible human intelligence work force is critical to identifying, understanding, and countering the plans and intentions of the adversaries of the United States; and
- (5) an increased emphasis on, and resources applied to, enhancing the depth and breadth of human intelligence capabilities of the United States intelligence community must be among the top priorities of the Director of National Intelligence.

(c) **TRANSFORMATION OF CENTRAL INTELLIGENCE AGENCY.**—The Director of the Central Intelligence Agency shall, in accordance with standards developed by the Director in consultation with the Director of National Intelligence—

- (1) enhance the analytic, human intelligence, and other capabilities of the Central Intelligence Agency;
- (2) develop and maintain an effective language program within the Agency;
- (3) emphasize the hiring of personnel of diverse backgrounds for purposes of improving the capabilities of the Agency;
- (4) establish and maintain effective relationships between human intelligence and signals intelligence within the Agency at the operational level; and

(5) achieve a more effective balance within the Agency with respect to unilateral operations and liaison operations.

(d) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the Director of National Intelligence and the congressional intelligence committees a report setting forth the following:

(A) A strategy for improving the conduct of analysis (including strategic analysis) by the Central Intelligence Agency, and the progress of the Agency in implementing that strategy.

(B) A strategy for improving the human intelligence and other capabilities of the Agency, and the progress of the Agency in implementing that strategy.

(2)(A) The information in the report under paragraph (1) on the strategy referred to in paragraph (1)(B) shall—

(i) identify the number and types of personnel required to implement that strategy;

(ii) include a plan for the recruitment, training, equipping, and deployment of such personnel; and

(iii) set forth an estimate of the costs of such activities.

(B) If as of the date of the report under paragraph (1), a proper balance does not exist between unilateral operations and liaison operations, such report shall set forth the steps to be taken to achieve such balance.

REVISED DEFINITION OF NATIONAL INTELLIGENCE

SEC. 1012.

Paragraph (5) of section 3 of the National Security Act of 1947 (50 U.S.C. §401a) is amended to read as follows:

“(5) The terms “national intelligence” and “intelligence related to national security” refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

“(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

“(B) that involves—

“(i) threats to the United States, its people, property, or interests;

“(ii) the development, proliferation, or use of weapons of mass destruction; or

“(iii) any other matter bearing on United States national or homeland security.”.

**JOINT PROCEDURES FOR OPERATIONAL COORDINATION BETWEEN
DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY**

SEC. 1013.

(a) Development of Procedures- The Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Central Intelligence Agency, shall develop joint procedures to be used by the Department of Defense and the Central Intelligence Agency to improve the coordination and deconfliction of operations that involve elements of both the Armed Forces and the Central Intelligence Agency consistent with national security and the protection of human intelligence sources and methods. Those procedures shall, at a minimum, provide the following:

(1) Methods by which the Director of the Central Intelligence Agency and the Secretary of Defense can improve communication and coordination in the planning, execution, and sustainment of operations, including, as a minimum—

(A) information exchange between senior officials of the Central Intelligence Agency and senior officers and officials of the Department of Defense when planning for such an operation commences by either organization; and

(B) exchange of information between the Secretary and the Director of the Central Intelligence Agency to ensure that senior operational officials in both the Department of Defense and the Central Intelligence Agency have knowledge of the existence of the ongoing operations of the other.

(2) When appropriate, in cases where the Department of Defense and the Central Intelligence Agency are conducting separate missions in the same geographical area, a mutual agreement on the tactical and strategic objectives for the region and a clear delineation of operational responsibilities to prevent conflict and duplication of effort.

(b) Implementation Report- Not later than 180 days after the date of the enactment of the Act, the Director of National Intelligence shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) and the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. §401a(7))) a report describing the procedures established pursuant to subsection (a) and the status of the implementation of those procedures.

**ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN
APPOINTMENT OF CERTAIN OFFICIALS RESPONSIBLE
FOR INTELLIGENCE-RELATED ACTIVITIES**

SEC. 1014.

Section 106 of the National Security Act of 1947 (50 U.S.C. §403-6) is amended by striking all after the heading and inserting the following:

[amendments omitted here – see the National Security Act of 1947 in this book]

EXECUTIVE SCHEDULE MATTERS

SEC. 1015.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

“Director of National Intelligence.”.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new items:

“Principal Deputy Director of National Intelligence.

“Director of the National Counterterrorism Center.

“Director of the National Counter Proliferation Center.”.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Directors of Central Intelligence; and

(2) by adding at the end the following new item:

“General Counsel of the Office of the National Intelligence Director.”.

INFORMATION SHARING

SEC. 1016.

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY INFORMATION.—The term “homeland security information” has the meaning given that term in section 892(f) of the Homeland Security Act of 2002 (6 U.S.C. §482(f)).

(2) **INFORMATION SHARING COUNCIL.**—The term “Information Sharing Council” means the Information Systems Council established by Executive Order 13356, or any successor body designated by the President, and referred to under subsection (g).

(3) **INFORMATION SHARING ENVIRONMENT.**—The terms “information sharing environment” and “ISE” mean an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate for carrying out this section.

(4) **PROGRAM MANAGER.**—The term “program manager” means the program manager designated under subsection (f).

(5) **TERRORISM INFORMATION.**—The term “terrorism information”—
(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

- (i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;
 - (ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;
 - (iii) communications of or by such groups or individuals;
- or
- (iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals;
- and

(B) includes weapons of mass destruction information.

(6) **WEAPONS OF MASS DESTRUCTION INFORMATION.**—The term “weapons of mass destruction information” means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including a chemical, biological, radiological, or nuclear weapon) that could be used by a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.

(b) **INFORMATION SHARING ENVIRONMENT.**—

(1) **ESTABLISHMENT.**—The President shall—

(A) create an information sharing environment for the sharing of terrorism information in a manner consistent with national

security and with applicable legal standards relating to privacy and civil liberties;

(B) designate the organizational and management structures that will be used to operate and manage the ISE; and

(C) determine and enforce the policies, directives, and rules that will govern the content and usage of the ISE.

(2) ATTRIBUTES.—The President shall, through the structures described in subparagraphs (B) and (C) of paragraph (1), ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector through the use of policy guidelines and technologies. The President shall, to the greatest extent practicable, ensure that the ISE provides the functional equivalent of, or otherwise supports, a decentralized, distributed, and coordinated environment that—

(A) connects existing systems, where appropriate, provides no single points of failure, and allows users to share information among agencies, between levels of government, and, as appropriate, with the private sector;

(B) ensures direct and continuous online electronic access to information;

(C) facilitates the availability of information in a form and manner that facilitates its use in analysis, investigations and operations;

(D) builds upon existing systems capabilities currently in use across the Government;

(E) employs an information access management approach that controls access to data rather than just systems and networks, without sacrificing security;

(F) facilitates the sharing of information at and across all levels of security;

(G) provides directory services, or the functional equivalent, for locating people and information;

(H) incorporates protections for individuals' privacy and civil liberties;

(I) incorporates strong mechanisms to enhance accountability and facilitate oversight, including audits, authentication, and access controls;

(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

(K) integrates technologies, including all legacy technologies, through Internet-based services, consistent with appropriate

security protocols and safeguards, to enable connectivity among required users at the Federal, State, and local levels;

(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

(M) permits analysts to collaborate both independently and in a group (commonly known as “collective and non-collective collaboration”), and across multiple levels of national security information and controlled classified information;

(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the use, and retention of information within the scope of the information sharing environment; and

(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent possible.

(c) **PRELIMINARY REPORT.**—Not later than 180 days after the date of the enactment of this Act, the program manager shall, in consultation with the Information Sharing Council—

- (1) submit to the President and Congress a description of the technological, legal, and policy issues presented by the creation of the ISE, and the way in which these issues will be addressed;
- (2) establish an initial capability to provide electronic directory services, or the functional equivalent, to assist in locating in the Federal Government intelligence and terrorism information and people with relevant knowledge about intelligence and terrorism information; and
- (3) conduct a review of relevant current Federal agency capabilities, databases, and systems for sharing information.

(d) **GUIDELINES AND REQUIREMENTS.**—As soon as possible, but in no event later than 270 days after the date of the enactment of this Act, the President shall—

- (1) leverage all ongoing efforts consistent with establishing the ISE and issue guidelines for acquiring, accessing, sharing, and using information, including guidelines to ensure that information is provided in its most shareable form, such as by using tearlines to separate out data from the sources and methods by which the data are obtained;
- (2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, issue guidelines that—
 - (A) protect privacy and civil liberties in the development and use of the ISE; and
 - (B) shall be made public, unless nondisclosure is clearly necessary to protect national security; and
- (3) require the heads of Federal departments and agencies to promote a culture of information sharing by—

(A) reducing disincentives to information sharing, including over-classification of information and unnecessary requirements for originator approval, consistent with applicable laws and regulations; and

(B) providing affirmative incentives for information sharing.

(e) IMPLEMENTATION PLAN REPORT.—Not later than one year after the date of the enactment of this Act, the President shall, with the assistance of the program manager, submit to Congress a report containing an implementation plan for the ISE. The report shall include the following:

(1) A description of the functions, capabilities, resources, and conceptual design of the ISE, including standards.

(2) A description of the impact on enterprise architectures of participating agencies.

(3) A budget estimate that identifies the incremental costs associated with designing, testing, integrating, deploying, and operating the ISE.

(4) A project plan for designing, testing, integrating, deploying, and operating the ISE.

(5) The policies and directives referred to in subsection (b)(1)(C), as well as the metrics and enforcement mechanisms that will be utilized.

(6) Objective, systemwide performance measures to enable the assessment of progress toward achieving the full implementation of the ISE.

(7) A description of the training requirements needed to ensure that the ISE will be adequately implemented and properly utilized.

(8) A description of the means by which privacy and civil liberties will be protected in the design and operation of the ISE.

(9) The recommendations of the program manager, in consultation with the Information Sharing Council, regarding whether, and under what conditions, the ISE should be expanded to include other intelligence information.

(10) A delineation of the roles of the Federal departments and agencies that will participate in the ISE, including an identification of the agencies that will deliver the infrastructure needed to operate and manage the ISE (as distinct from individual department or agency components that are part of the ISE), with such delineation of roles to be consistent with—

(A) the authority of the Director of National Intelligence under this title, and the amendments made by this title, to set standards for information sharing throughout the intelligence community; and

(B) the authority of the Secretary of Homeland Security and the Attorney General, and the role of the Department of Homeland

Security and the Attorney General, in coordinating with State, local, and tribal officials and the private sector.

(11) The recommendations of the program manager, in consultation with the Information Sharing Council, for a future management structure for the ISE, including whether the position of program manager should continue to remain in existence.

(f) PROGRAM MANAGER.—

(1) DESIGNATION.—Not later than 120 days after the date of the enactment of this Act, with notification to Congress, the President shall designate an individual as the program manager responsible for information sharing across the Federal Government. The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President's sole discretion). The program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located, except as provided by law.

(2) DUTIES AND RESPONSIBILITIES.—

(A) IN GENERAL.—The program manager shall, in consultation with the Information Sharing Council—

- (i) plan for and oversee the implementation of, and manage, the ISE;
- (ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;
- (iii) consistent with the direction and policies issued by the President, the Director of National Intelligence, and the Director of the Office of Management and Budget, issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;
- (iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and
- (v) assist, monitor, and assess the implementation of the ISE by Federal departments and agencies to ensure

adequate progress, technological consistency and policy compliance; and regularly report the findings to Congress.

(B) CONTENT OF POLICIES, PROCEDURES, GUIDELINES, RULES, AND STANDARDS.—The policies, procedures, guidelines, rules, and standards under subparagraph (A)(ii) shall—

- (i) take into account the varying missions and security requirements of agencies participating in the ISE;
- (ii) address development, implementation, and oversight of technical standards and requirements;
- (iii) take into account ongoing and planned efforts that support development, implementation and management of the ISE;
- (iv) address and facilitate information sharing between and among departments and agencies of the intelligence community, the Department of Defense, the homeland security community and the law enforcement community;
- (v) address and facilitate information sharing between Federal departments and agencies and State, tribal, and local governments;
- (vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;
- (vii) address and facilitate, as appropriate, information sharing between Federal departments and agencies with foreign partners and allies; and
- (viii) ensure the protection of privacy and civil liberties.

(g) INFORMATION SHARING COUNCIL.—

(1) ESTABLISHMENT.—There is established an Information Sharing Council that shall assist the President and the program manager in their duties under this section. The Information Sharing Council shall serve until removed from service and replaced by the President (at the sole discretion of the President) with a successor body.

(2) SPECIFIC DUTIES.—In assisting the President and the program manager in their duties under this section, the Information Sharing Council shall—

- (A) advise the President and the program manager in developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE;

- (B) work to ensure coordination among the Federal departments and agencies participating in the ISE in the establishment, implementation, and maintenance of the ISE;
- (C) identify and, as appropriate, recommend the consolidation and elimination of current programs, systems, and processes used by Federal departments and agencies to share information, and recommend, as appropriate, the redirection of existing resources to support the ISE;
- (D) identify gaps, if any, between existing technologies, programs and systems used by Federal departments and agencies to share information and the parameters of the proposed information sharing environment;
- (E) recommend solutions to address any gaps identified under subparagraph (D);
- (F) recommend means by which the ISE can be extended to allow interchange of information between Federal departments and agencies and appropriate authorities of State and local governments;
- (G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;
- (H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and
- (I) recommend whether or not, and by which means, the ISE should be expanded so as to allow future expansion encompassing other relevant categories of information.

(3) CONSULTATION.—In performing its duties, the Information Sharing Council shall consider input from persons and entities outside the Federal Government having significant experience and expertise in policy, technical matters, and operational matters relating to the ISE.

(4) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Information Sharing Council (including any subsidiary group of the Information Sharing Council) shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).

(h) PERFORMANCE MANAGEMENT REPORTS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, and not later than June 30 of each year thereafter, the President shall submit to Congress a report on the state of the ISE and of information sharing across the Federal Government.

(2) CONTENT.—Each report under this subsection shall include—

- (A) a progress report on the extent to which the ISE has been implemented, including how the ISE has fared on the performance measures and whether the performance goals set in the preceding year have been met;
- (B) objective system-wide performance goals for the following year;
- (C) an accounting of how much was spent on the ISE in the preceding year;
- (D) actions taken to ensure that procurement of and investments in systems and technology are consistent with the implementation plan for the ISE;
- (E) the extent to which all terrorism watch lists are available for combined searching in real time through the ISE and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;
- (F) the extent to which State, tribal, and local officials are participating in the ISE;
- (G) the extent to which private sector data, including information from owners and operators of critical infrastructure, is incorporated in the ISE, and the extent to which individuals and entities outside the government are receiving information through the ISE;
- (H) the measures taken by the Federal government to ensure the accuracy of information in the ISE, in particular the accuracy of information about individuals;
- (I) an assessment of the privacy and civil liberties protections of the ISE, including actions taken in the preceding year to implement or enforce privacy and civil liberties protections; and
- (J) an assessment of the security protections used in the ISE.

(i) AGENCY RESPONSIBILITIES.—The head of each department or agency that possesses or uses intelligence or terrorism information, operates a system in the ISE, or otherwise participates (or expects to participate) in the ISE shall—

- (1) ensure full department or agency compliance with information sharing policies, procedures, guidelines, rules, and standards established under subsections (b) and (f);

- (2) ensure the provision of adequate resources for systems and activities supporting operation of and participation in the ISE;
- (3) ensure full department or agency cooperation in the development of the ISE to implement government-wide information sharing; and
- (4) submit, at the request of the President or the program manager, any reports on the implementation of the requirements of the ISE within such department or agency.

(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

- (A) eliminating the use of any marking or process (including “Originator Control”) intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, between and among participants in the information sharing environment, unless the President has—
 - (i) specifically exempted categories of information from such elimination; and
 - (ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and
- (B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, relating to citizens and lawful permanent residents;
- (C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, for a particular purpose that the Federal Government, through an appropriate process established in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, has determined to be

lawfully permissible for a particular agency, component, or employee (commonly known as an “authorized use” standard); and

(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, in any cases in which—

(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

(2) DEFINITION.—In this subsection, the term ‘anonymized data’ means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

(1) activities associated with the implementation of the information sharing environment, including—

(A) implementing the requirements under subsection (b)(2); and

(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment; and

(2) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2008 and 2009.

**ALTERNATIVE ANALYSIS OF INTELLIGENCE
BY THE INTELLIGENCE COMMUNITY**

SEC. 1017.

(a) **IN GENERAL.**—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall establish a process and assign an individual or entity the responsibility for ensuring that, as appropriate, elements of the intelligence community conduct alternative analysis (commonly referred to as “red-team analysis”) of the information and conclusions in intelligence products.

(b) **REPORT.**—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives on the implementation of subsection (a).

**PRESIDENTIAL GUIDELINES ON IMPLEMENTATION
AND PRESERVATION OF AUTHORITIES**

SEC. 1018.

The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

- (1) the authority of the Director of the Office of Management and Budget; and
- (2) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—
 - (A) section 199 of the Revised Statutes (22 U.S.C. §2651);
 - (B) title II of the Department of Energy Organization Act (42 U.S.C. §7131 et seq.);
 - (C) the State Department Basic Authorities Act of 1956;
 - (D) section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. §112(a)); and
 - (E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.

ASSIGNMENT OF RESPONSIBILITIES RELATING TO ANALYTIC INTEGRITY

SEC. 1019.

(a) **ASSIGNMENT OF RESPONSIBILITIES.**—For purposes of carrying out section 102A(h) of the National Security Act of 1947 (as added by section 1011(a)), the Director of National Intelligence shall, not later than 180 days after the date of the enactment of this Act, assign an individual or entity to be responsible for ensuring that finished intelligence products produced by any element or elements of the intelligence community are timely, objective, independent of political considerations, based upon all sources of available intelligence, and employ the standards of proper analytic tradecraft.

(b) **RESPONSIBILITIES.**—(1) The individual or entity assigned responsibility under subsection (a)—

(A) may be responsible for general oversight and management of analysis and production, but may not be directly responsible for, or involved in, the specific production of any finished intelligence product;

(B) shall perform, on a regular basis, detailed reviews of finished intelligence product or other analytic products by an element or elements of the intelligence community covering a particular topic or subject matter;

(C) shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review under subparagraph (B); and

(D) upon completion of any review under subparagraph (B), may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed in the production of the reviewed product or products.

(2) Each review under paragraph (1)(B) should—

(A) include whether the product or products concerned were based on all sources of available intelligence, properly describe the quality and reliability of underlying sources, properly caveat and express uncertainties or confidence in analytic judgments, properly distinguish between underlying intelligence and the assumptions and judgments of analysts, and incorporate, where appropriate, alternative analyses; and

(B) ensure that the analytic methodologies, tradecraft, and practices used by the element or elements concerned in the production of the product or products concerned meet the standards set forth in subsection (a).

(3) Information drafted under paragraph (1)(D) should, as appropriate, be included in analysis teaching modules and case studies for use throughout the intelligence community.

(c) ANNUAL REPORTS.—Not later than December 1 each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a report containing a description, and the associated findings, of each review under subsection (b)(1)(B) during such year.

(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

- (1) the Select Committee on Intelligence of the Senate; and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives.

SAFEGUARD OF OBJECTIVITY IN INTELLIGENCE ANALYSIS

SEC. 1020.

(a) IN GENERAL.—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall identify an individual within the Office of the Director of National Intelligence who shall be available to analysts within the Office of the Director of National Intelligence to counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis.

(b) REPORT. —Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the implementation of subsection (a).

SUBTITLE B—NATIONAL COUNTERTERRORISM CENTER, NATIONAL COUNTER PROLIFERATION CENTER, AND NATIONAL INTELLIGENCE CENTERS

NATIONAL COUNTERTERRORISM CENTER

SEC. 1021.

Title I of the National Security Act of 1947 (50 U.S.C. §402 et seq.) is amended by adding at the end the following new section:

[amendments omitted here – see the National Security Act of 1947 in this book]

NATIONAL COUNTER PROLIFERATION CENTER

SEC. 1022.

Title I of the National Security Act of 1947, as amended by section 1021 of this Act, is further amended by adding at the end the following new section:

[amendments omitted here – see the National Security Act of 1947 in this book]

NATIONAL INTELLIGENCE CENTERS

SEC. 1023.

Title I of the National Security Act of 1947, as amended by section 1022 of this Act, is further amended by adding at the end the following new section:

[amendments omitted here – see the National Security Act of 1947 in this book]

SUBTITLE C—JOINT INTELLIGENCE COMMUNITY COUNCIL

JOINT INTELLIGENCE COMMUNITY COUNCIL

SEC. 1031.

Title I of the National Security Act of 1947 (50 U.S.C. §402 et seq.) is amended by inserting after section 101 the following new section:

[amendments omitted here – see the National Security Act of 1947 in this book]

**SUBTITLE D—IMPROVEMENT OF EDUCATION FOR
THE INTELLIGENCE COMMUNITY**

ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS

SEC. 1041.

(a) FINDINGS.—Congress makes the following findings:

(1) Foreign language education is essential for the development of a highly-skilled workforce for the intelligence community.

(2) Since September 11, 2001, the need for language proficiency levels to meet required national security functions has been raised, and the ability to comprehend and articulate technical and scientific information in foreign languages has become critical.

(b) LINGUISTIC REQUIREMENTS.—(1) The Director of National Intelligence shall—

(A) identify the linguistic requirements for the Office of the Director of National Intelligence;

(B) identify specific requirements for the range of linguistic skills necessary for the intelligence community, including proficiency in scientific and technical vocabularies of critical foreign languages; and

(C) develop a comprehensive plan for the Office to meet such requirements through the education, recruitment, and training of linguists.

(2) In carrying out activities under paragraph (1), the Director shall take into account education grant programs of the Department of Defense and the Department of Education that are in existence as of the date of the enactment of this Act.

(3) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to Congress a report on the requirements identified under paragraph (1), including the success of the Office of the Director of National Intelligence in meeting such requirements. Each report shall notify Congress of any additional resources determined by the Director to be required to meet such requirements.

(4) Each report under paragraph (3) shall be in unclassified form, but may include a classified annex.

(c) **PROFESSIONAL INTELLIGENCE TRAINING.**—The Director of National Intelligence shall require the head of each element and component within the Office of the Director of National Intelligence who has responsibility for professional intelligence training to periodically review and revise the curriculum for the professional intelligence training of the senior and intermediate level personnel of such element or component in order to—

(1) strengthen the focus of such curriculum on the integration of intelligence collection and analysis throughout the Office; and

(2) prepare such personnel for duty with other departments, agencies, and elements of the intelligence community.

CROSS-DISCIPLINARY EDUCATION AND TRAINING.

SEC. 1042.

Title X of the National Security Act of 1947 (50 U.S.C. §441g) is amended by adding at the end the following new section:

[amendments omitted here – see the National Security Act of 1947 in this book]

INTELLIGENCE COMMUNITY SCHOLARSHIP PROGRAM

SEC. 1043.

Title X of the National Security Act of 1947, as amended by section 1042 of this Act, is further amended by adding at the end the following new section:

[amendments omitted here – see the National Security Act of 1947 in this book]

SUBTITLE E—ADDITIONAL IMPROVEMENTS OF INTELLIGENCE ACTIVITIES

**SERVICE AND NATIONAL LABORATORIES AND
THE INTELLIGENCE COMMUNITY**

SEC. 1051.

The Director of National Intelligence, in cooperation with the Secretary of Defense and the Secretary of Energy, should seek to ensure that each service laboratory of the Department of Defense and each national laboratory of the Department of Energy may, acting through the relevant Secretary and in a manner consistent with the missions and commitments of the laboratory—

- (1) assist the Director of National Intelligence in all aspects of technical intelligence, including research, applied sciences, analysis, technology evaluation and assessment, and any other aspect that the relevant Secretary considers appropriate; and
- (2) make available to the intelligence community, on a community-wide basis—
 - (A) the analysis and production services of the service and national laboratories, in a manner that maximizes the capacity and services of such laboratories; and
 - (B) the facilities and human resources of the service and national laboratories, in a manner that improves the technological capabilities of the intelligence community.

OPEN SOURCE INTELLIGENCE

SEC. 1052.

(a) Sense of Congress- It is the sense of Congress that—

- (1) the Director of National Intelligence should establish an intelligence center for the purpose of coordinating the collection, analysis, production, and dissemination of open-source intelligence to elements of the intelligence community;

(2) open-source intelligence is a valuable source that must be integrated into the intelligence cycle to ensure that United States policymakers are fully and completely informed; and

(3) the intelligence center should ensure that each element of the intelligence community uses open-source intelligence consistent with the mission of such element.

(b) **REQUIREMENT FOR EFFICIENT USE BY INTELLIGENCE COMMUNITY OF OPEN-SOURCE INTELLIGENCE.**—The Director of National Intelligence shall ensure that the intelligence community makes efficient and effective use of open-source information and analysis.

(c) **Report-** Not later than June 30, 2005, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the decision of the Director as to whether an open-source intelligence center will be established. If the Director decides not to establish an open-source intelligence center, such report shall also contain a description of how the intelligence community will use open-source intelligence and effectively integrate open-source intelligence into the national intelligence cycle.

(d) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means—

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

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

NATIONAL INTELLIGENCE RESERVE CORPS

SEC. 1053.

(a) **ESTABLISHMENT.**—The Director of National Intelligence may provide for the establishment and training of a National Intelligence Reserve Corps (in this section referred to as “National Intelligence Reserve Corps”) for the temporary reemployment on a voluntary basis of former employees of elements of the intelligence community during periods of emergency, as determined by the Director.

(b) **ELIGIBLE INDIVIDUALS.**—An individual may participate in the National Intelligence Reserve Corps only if the individual previously served as a full time employee of an element of the intelligence community.

(c) **TERMS OF PARTICIPATION.**—The Director of National Intelligence shall prescribe the terms and conditions under which eligible individuals may participate in the National Intelligence Reserve Corps.

(d) **EXPENSES.**—The Director of National Intelligence may provide members of the National Intelligence Reserve Corps transportation and per diem in lieu of subsistence for purposes of participating in any training that relates to service as a member of the Reserve Corps.

(e) TREATMENT OF ANNUITANTS.—(1) If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby.

(2) An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

(f) TREATMENT UNDER OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE PERSONNEL CEILING.—A member of the National Intelligence Reserve Corps who is reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Office of the Director of National Intelligence.

SUBTITLE F—PRIVACY AND CIVIL LIBERTIES

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SEC. 1061.

(a) IN GENERAL.—There is established as an independent agency within the executive branch a Privacy and Civil Liberties Oversight Board (referred to in this section as the ‘Board’).

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

(3) The National Commission on Terrorist Attacks Upon the United States correctly concluded that ‘The choice between security and liberty is a false choice, as nothing is more likely to endanger America’s liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.’.

(c) PURPOSE.—The Board shall—

(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

(d) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

(iii) that there are adequate guidelines and oversight to properly confine its use.

(2) OVERSIGHT.—The Board shall continually review—

(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected;

(B) the information sharing practices of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing

laws, regulations, and policies regarding privacy and civil liberties; and

(C) other actions by the executive branch relating to efforts to protect the Nation from terrorism to determine whether such actions—

- (i) appropriately protect privacy and civil liberties; and
- (ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

(3) **RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.**— The Board shall—

- (A) receive and review reports and other information from privacy officers and civil liberties officers under section 1062;
- (B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and
- (C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

(4) **TESTIMONY.**—The members of the Board shall appear and testify before Congress upon request.

(e) **REPORTS.**—

(1) **IN GENERAL.**—The Board shall—

- (A) receive and review reports from privacy officers and civil liberties officers under section 1062; and
- (B) periodically submit, not less than semiannually, reports—
 - (i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and
 - (II) to the President; and
 - (ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

(2) **CONTENTS.**—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

- (A) a description of the major activities of the Board during the preceding period;

(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

(D) each proposal reviewed by the Board under subsection (d)(1) that—

(i) the Board advised against implementation; and

(ii) notwithstanding such advice, actions were taken to implement; and

(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

(f) **INFORMING THE PUBLIC.**—The Board shall—

(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(g) **ACCESS TO INFORMATION.**—

(1) **AUTHORIZATION.**—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element;

(C) request information or assistance from any State, tribal, or local government; and

(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports,

answers, records, accounts, papers, and other documentary or testimonial evidence.

(2) REVIEW OF SUBPOENA REQUEST.—

(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

- (i) issue the subpoena as requested; or
- (ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

(h) MEMBERSHIP.—

(1) MEMBERS.—The Board shall be composed of a fulltime chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President, consult with the leadership of that party, if any, in the Senate and House of Representatives.

(3) **INCOMPATIBLE OFFICE.**—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

(4) **TERM.**—Each member of the Board shall serve a term of 6 years, except that—

(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term; and

(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

(5) **QUORUM AND MEETINGS.**—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

(i) **COMPENSATION AND TRAVEL EXPENSES.**—

(1) **COMPENSATION.**—

(A) **CHAIRMAN.**—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) **MEMBERS.**—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) **TRAVEL EXPENSES.**—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(j) **STAFF.**—

(1) **APPOINTMENT AND COMPENSATION.**—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other

personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) **DETAILEES.**—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee’s regular employment without interruption.

(3) **CONSULTANT SERVICES.**—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(k) SECURITY CLEARANCES.—

(1) **IN GENERAL.**—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

(2) **RULES AND PROCEDURES.**—After consultation with the Secretary of Defense, the Attorney General, and the Director of National Intelligence, the Board shall adopt rules and procedures of the Board for physical, communications, computer, document, personnel, and other security relating to carrying out the functions of the Board.

(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.— The Board—

(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

(1) For fiscal year 2008, \$5,000,000.

(2) For fiscal year 2009, \$6,650,000.

(3) For fiscal year 2010, \$8,300,000.

(4) For fiscal year 2011, \$10,000,000.

(5) For fiscal year 2012 and each subsequent fiscal year, such sums as may be necessary.

**SENSE OF CONGRESS ON DESIGNATION OF
PRIVACY AND CIVIL LIBERTIES OFFICERS**

SEC. 1062.

(a) **DESIGNATION AND FUNCTIONS.**—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to serve as the principal advisor to—

- (1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;
- (2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;
- (3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and
- (4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—
 - (A) that the need for the power is balanced with the need to protect privacy and civil liberties;
 - (B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and
 - (C) that there are adequate guidelines and oversight to properly confine its use.

(b) **EXCEPTION TO DESIGNATION AUTHORITY.**—

- (1) **PRIVACY OFFICERS.**—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

(1) report directly to the head of the department, agency, or element concerned; and

(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

(1) has the information, material, and resources necessary to fulfill the functions of such officer;

(2) is advised of proposed policy changes;

(3) is consulted by decision makers; and

(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(f) PERIODIC REPORTS.—

(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

- (ii) to the head of such department, agency, or element;
and
- (iii) to the Privacy and Civil Liberties Oversight Board;
and

(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

- (A) information on the number and types of reviews undertaken;
- (B) the type of advice provided and the response given to such advice;
- (C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations;
and
- (D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

- (1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and
- (2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

SUBTITLE G—CONFORMING AND OTHER AMENDMENTS

CONFORMING AMENDMENTS RELATING TO ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

SEC. 1071.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. §401 et seq.) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:

- (A) Section 101(h)(2)(A) (50 U.S.C. §402(h)(2)(A)).

- (B) Section 101(h)(5) (50 U.S.C. §402(h)(5)).
- (C) Section 101(i)(2)(A) (50 U.S.C. §402(i)(2)(A)).
- (D) Section 101(j) (50 U.S.C. §402(j)).
- (E) Section 105(a) (50 U.S.C. §403-5(a)).
- (F) Section 105(b)(6)(A) (50 U.S.C. §403-5(b)(6)(A)).
- (G) Section 105B(a)(1) (50 U.S.C. §403-5b(a)(1)).
- (H) Section 105B(b) (50 U.S.C. §403-5b(b)), the first place it appears.
- (I) Section 110(b) (50 U.S.C. §404e(b)).
- (J) Section 110(c) (50 U.S.C. §404e(c)).
- (K) Section 112(a)(1) (50 U.S.C. §404g(a)(1)).
- (L) Section 112(d)(1) (50 U.S.C. §404g(d)(1)).
- (M) Section 113(b)(2)(A) (50 U.S.C. §404h(b)(2)(A)).
- (N) Section 114(a)(1) (50 U.S.C. §404i(a)(1)).
- (O) Section 114(b)(1) (50 U.S.C. §404i(b)(1)).
- (P) Section 115(a)(1) (50 U.S.C. §404j(a)(1)).
- (Q) Section 115(b) (50 U.S.C. §404j(b)).
- (R) Section 115(c)(1)(B) (50 U.S.C. §404j(c)(1)(B)).
- (S) Section 116(a) (50 U.S.C. §404k(a)).
- (T) Section 117(a)(1) (50 U.S.C. §404l(a)(1)).
- (U) Section 303(a) (50 U.S.C. §405(a)), both places it appears.
- (V) Section 501(d) (50 U.S.C. §413(d)).
- (W) Section 502(a) (50 U.S.C. §413a(a)).
- (X) Section 502(c) (50 U.S.C. §413a(c)).
- (Y) Section 503(b) (50 U.S.C. §413b(b)).
- (Z) Section 504(a)(3)(C) (50 U.S.C. §414(a)(3)(C)).
- (AA) Section 504(d)(2) (50 U.S.C. §414(d)(2)).
- (BB) Section 506A(a)(1) (50 U.S.C. §415a-1(a)(1)).
- (CC) Section 603(a) (50 U.S.C. §423(a)).
- (DD) Section 702(a)(1) (50 U.S.C. §432(a)(1)).
- (EE) Section 702(a)(6)(B)(viii) (50 U.S.C. §432(a)(6)(B)(viii)).
- (FF) Section 702(b)(1) (50 U.S.C. §432(b)(1)), both places it appears.
- (GG) Section 703(a)(1) (50 U.S.C. §432a(a)(1)).
- (HH) Section 703(a)(6)(B)(viii) (50 U.S.C. §432a(a)(6)(B)(viii)).
- (II) Section 703(b)(1) (50 U.S.C. §432a(b)(1)), both places it appears.
- (JJ) Section 704(a)(1) (50 U.S.C. §432b(a)(1)).
- (KK) Section 704(f)(2)(H) (50 U.S.C. §432b(f)(2)(H)).
- (LL) Section 704(g)(1) (50 U.S.C. §432b(g)(1)), both places it appears.
- (MM) Section 1001(a) (50 U.S.C. §441g(a)).

- (NN) Section 1102(a)(1) (50 U.S.C. §442a(a)(1)).
 - (OO) Section 1102(b)(1) (50 U.S.C. §442a(b)(1)).
 - (PP) Section 1102(c)(1) (50 U.S.C. §442a(c)(1)).
 - (QQ) Section 1102(d) (50 U.S.C. §442a(d)).
- (2) That Act is further amended by striking “of Central Intelligence” each place it appears in the following provisions:
- (A) Section 105(a)(2) (50 U.S.C. §403-5(a)(2)).
 - (B) Section 105B(a)(2) (50 U.S.C. §403-5b(a)(2)).
 - (C) Section 105B(b) (50 U.S.C. §403-5b(b)), the second place it appears.
- (3) That Act is further amended by striking “Director” each place it appears in the following provisions and inserting “Director of National Intelligence”:
- (A) Section 114(c) (50 U.S.C. §404i(c)).
 - (B) Section 116(b) (50 U.S.C. §404k(b)).
 - (C) Section 1001(b) (50 U.S.C. §441g(b)).
 - (D) Section 1001(c) (50 U.S.C. §441g(c)), the first place it appears.
 - (E) Section 1001(d)(1)(B) (50 U.S.C. §441g(d)(1)(B)).
 - (F) Section 1001(e) (50 U.S.C. §441g(e)), the first place it appears.
- (4) Section 114A of that Act (50 U.S.C. §404i-1) is amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence, the Director of the Central Intelligence Agency”
- (5) Section 504(a)(2) of that Act (50 U.S.C. §414(a)(2)) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.
- (6) Section 701 of that Act (50 U.S.C. §431) is amended—
- (A) in subsection (a), by striking “Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence” and inserting “The Director of the Central Intelligence Agency, with the coordination of the Director of National Intelligence, may exempt operational files of the Central Intelligence Agency”; and
 - (B) in subsection (g)(1), by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency and the Director of National Intelligence”.
- (7) The heading for section 114 of that Act (50 U.S.C. §404i) is amended to read as follows:

“ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF NATIONAL INTELLIGENCE”.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) The Central Intelligence Agency Act of 1949 (50 U.S.C. §403a et seq.) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:

(A) Section 6 (50 U.S.C. §403g).

(B) Section 17(f) (50 U.S.C. §403q(f)), both places it appears.

(2) That Act is further amended by striking “of Central Intelligence” in each of the following provisions:

(A) Section 2 (50 U.S.C. §403b).

(B) Section 16(c)(1)(B) (50 U.S.C. §403p(c)(1)(B)).

(C) Section 17(d)(1) (50 U.S.C. §403q(d)(1)).

(D) Section 20(c) (50 U.S.C. §403t(c)).

(3) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of the Central Intelligence Agency”:

(A) Section 14(b) (50 U.S.C. §403n(b)).

(B) Section 16(b)(2) (50 U.S.C. §403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. §403p(b)(3)), both places it appears.

(D) Section 21(g)(1) (50 U.S.C. §403u(g)(1)).

(E) Section 21(g)(2) (50 U.S.C. §403u(g)(2)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. §2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) DIRECTOR.—The term “Director” means the Director of the Central Intelligence Agency.”.

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. §2001 note) is amended to read as follows:

“(1) the term “Director” means the Director of the Central Intelligence Agency;”.

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. §1801 et seq.) is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence”.

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

(g) INTELLIGENCE AUTHORIZATION ACTS.—

- (1) PUBLIC LAW 103-359- Section 811(c)(6)(C) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103-359) is amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.
- (2) PUBLIC LAW 107-306- (A) The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) is amended by striking “Director of Central Intelligence, acting as the head of the intelligence community,” each place it appears in the following provisions and inserting “Director of National Intelligence”:
- (i) Section 313(a) (50 U.S.C. §404n(a)).
 - (ii) Section 343(a)(1) (50 U.S.C. §404n-2(a)(1)).
- (B) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:
- (i) Section 904(e)(4) (50 U.S.C. §402c(e)(4)).
 - (ii) Section 904(e)(5) (50 U.S.C. §402c(e)(5)).
 - (iii) Section 904(h) (50 U.S.C. §402c(h)), each place it appears.
 - (iv) Section 904(m) (50 U.S.C. §402c(m)).
- (C) Section 341 of that Act (50 U.S.C. §404n-1) is amended by striking “Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency” and inserting “Director of National Intelligence shall establish within the Central Intelligence Agency”.
- (D) Section 352(b) of that Act (50 U.S.C. §404-3 note) is amended by striking “Director” and inserting “Director of National Intelligence”.
- (3) PUBLIC LAW 108-177- (A) The Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:
- (i) Section 317(a) (50 U.S.C. §403-3 note).
 - (ii) Section 317(h)(1).
 - (iii) Section 318(a) (50 U.S.C. §441g note).
 - (iv) Section 319(b) (50 U.S.C. §403 note).
 - (v) Section 341(b) (28 U.S.C. §519 note).
 - (vi) Section 357(a) (50 U.S.C. §403 note).
 - (vii) Section 504(a) (117 Stat. 2634), both places it appears.

(B) Section 319(f)(2) of that Act (50 U.S.C. §403 note) is amended by striking “Director” the first place it appears and inserting “Director of National Intelligence”.

(C) Section 404 of that Act (18 U.S.C. §4124 note) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

OTHER CONFORMING AMENDMENTS

SEC. 1072.

(a) NATIONAL SECURITY ACT OF 1947.—(1) Section 101(j) of the National Security Act of 1947 (50 U.S.C. §402(j)) is amended by striking “Deputy Director of Central Intelligence” and inserting “Principal Deputy Director of National Intelligence”.

(2) Section 105(a) of that Act (50 U.S.C. §403-5(a)) is amended by striking “The Secretary” in the matter preceding paragraph (1) and inserting “Consistent with sections 102 and 102A, the Secretary”.

(3) Section 105(b) of that Act (50 U.S.C. §403-5(b)) is amended by striking “103 and 104” in the matter preceding paragraph (1) and inserting “102 and 102A”.

(4) Section 112(d)(1) of that Act (50 U.S.C. §404g(d)(1)) is amended by striking “section 103(c)(6) of this Act” and inserting “section 102A(i) of this Act”.

(5) Section 116(b) of that Act (50 U.S.C. §404k(b)) is amended by striking “to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations” and inserting “to the Principal Deputy Director of National Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency”.

(6) Section 506A(b)(1) of that Act (50 U.S.C. §415a-1(b)(1)) is amended by striking “Office of the Deputy Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(7) Section 701(c)(3) of that Act (50 U.S.C. §431(c)(3)) is amended by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(8) Section 1001(b) of that Act (50 U.S.C. §441g(b)) is amended by striking “Assistant Director of Central Intelligence for Administration” and inserting “Office of the Director of National Intelligence”.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. §403g) is amended by striking

“section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. §403-3(c)(7))” and inserting “section 102A(i) of the National Security Act of 1947”.

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. §2011(c)) is amended by striking “paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. §403-3(c)) that the Director of Central Intelligence” and inserting “section 102A(i) of the National Security Act of 1947 (50 U.S.C. §403-3(c)(1)) that the Director of National Intelligence”.

(d) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 107-306- (A) Section 343(c) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. §404n-2(c)) is amended by striking “section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. §403-3(c)(6))” and inserting “section 102A(i) of the National Security Act of 1947 (50 U.S.C. §403-3(c)(1))”.

(B)(i) Section 902 of that Act (also known as the Counterintelligence Enhancements Act of 2002) (50 U.S.C. §402b) is amended by striking “President” each place it appears and inserting “Director of National Intelligence”.

(ii) Section 902(a)(2) of that Act is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

(C) Section 904 of that Act (50 U.S.C. §402c) is amended—

(i) in subsection (c), by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”; and

(ii) in subsection (l), by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(2) PUBLIC LAW 108-177- (A) Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. §403-3 note) is amended—

(i) in subsection (g), by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Deputy Director of National Intelligence”; and

(ii) in subsection (h)(2)(C), by striking “Assistant Director” and inserting “Deputy Director of National Intelligence”.

(B) Section 318(e) of that Act (50 U.S.C. §441g note) is amended by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Deputy Director of National Intelligence”.

**ELEMENTS OF INTELLIGENCE COMMUNITY
UNDER NATIONAL SECURITY ACT OF 1947**

SEC. 1073.

Paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. §401a) is amended to read as follows:

- “(4) The term “intelligence community” includes the following:
 - “(A) The Office of the Director of National Intelligence.
 - “(B) The Central Intelligence Agency.
 - “(C) The National Security Agency.
 - “(D) The Defense Intelligence Agency.
 - “(E) The National Geospatial-Intelligence Agency.
 - “(F) The National Reconnaissance Office.
 - “(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.
 - “(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.
 - “(I) The Bureau of Intelligence and Research of the Department of State.
 - “(J) The Office of Intelligence and Analysis of the Department of the Treasury.
 - “(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.
 - “(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.”.

**REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM
AS NATIONAL INTELLIGENCE PROGRAM**

SEC. 1074.

(a) REDESIGNATION.—Paragraph (6) of section 3 of the National Security Act of 1947 (50 U.S.C. §401a) is amended by striking “Foreign”.

(b) CONFORMING AMENDMENTS.—(1)(A) Section 506 of the National Security Act of 1947 (50 U.S.C. §415a) is amended—

- (i) in subsection (a), by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”; and
 - (ii) in the section heading, by striking “FOREIGN”.
- (B) Section 105 of that Act (50 U.S.C. §403-5) is amended—
- (i) in paragraphs (2) and (3) of subsection (a), by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”; and
 - (ii) in the section heading, by striking “FOREIGN”.
- (2) Section 17(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. §403q(f)) is amended by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”.

REPEAL OF SUPERSEDED AUTHORITY

SEC. 1075.

Section 111 of the National Security Act of 1947 (50 U.S.C. §404f) is repealed.

CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947

SEC. 1076.

The table of contents in the first section of the National Security Act of 1947 is amended—

- (1) by striking the items relating to sections 102 through 105 and inserting the following new items:
 - “SEC. 101A. Joint Intelligence Community Council.
 - “SEC. 102. Director of National Intelligence.
 - “SEC. 102A. Responsibilities and authorities of the Director of National Intelligence.
 - “SEC. 103. Office of the Director of National Intelligence.
 - “SEC. 103A. Deputy Directors of National Intelligence.
 - “SEC. 103B. National Intelligence Council.
 - “SEC. 103C. General Counsel.
 - “SEC. 103D. Civil Liberties Protection Officer.
 - “SEC. 103E. Director of Science and Technology.
 - “SEC. 103F. National Counterintelligence Executive.
 - “SEC. 104. Central Intelligence Agency.
 - “SEC. 104A. Director of the Central Intelligence Agency.
 - “SEC. 105. Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.”;
- (2) by striking the item relating to section 111;
- (3) by striking the item relating to section 114 and inserting the following new item:

“SEC. 114. Additional annual reports from the Director of National Intelligence.”;

(4) by inserting after the item relating to section 118 the following new items:

“SEC. 119. National Counterterrorism Center.

“SEC. 119A. National Counter Proliferation Center.

“SEC. 119B. National intelligence centers.

(5) by striking the item relating to section 506 and inserting the following new item:

“SEC. 506. Specificity of National Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence.”;

and

(6) by inserting after the item relating to section 1001 the following new items:

“SEC. 1002. Framework for cross-disciplinary education and training.

“SEC. 1003. Intelligence Community Scholarship Program.”.

CONFORMING AMENDMENTS RELATING TO PROHIBITING DUAL SERVICE OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

SEC. 1077.

Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. §403a) is amended—

(1) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(2) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

“(2) “Director” means the Director of the Central Intelligence Agency; and”.

AUTHORITY TO ESTABLISH INSPECTOR GENERAL FOR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 1078.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8J the following new section:

“AUTHORITY TO ESTABLISH INSPECTOR GENERAL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 8K. If the Director of National Intelligence determines that an Office of Inspector General would be beneficial to improving the operations and effectiveness of the Office of the Director of National

Intelligence, the Director of National Intelligence is authorized to establish, with any of the duties, responsibilities, and authorities set forth in this Act, an Office of Inspector General.”.

ETHICS MATTERS

SEC. 1079.

(a) **POLITICAL SERVICE OR PERSONNEL.**—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) in subclause (XII), by striking “or” at the end; and

(2) by inserting after subclause (XIII) the following new subclause:

“(XIV) the Office of the Director of National Intelligence; or”.

(b) **DELETION OF INFORMATION ABOUT FOREIGN GIFTS.**—Section 7342(f)(4) of title 5, United States Code, is amended—

(1) by inserting “(A)” after “(4)”;

(2) in subparagraph (A), as so designated, by striking “the Director of Central Intelligence” and inserting “the Director of the Central Intelligence Agency”; and

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

“(B) In transmitting such listings for the Office of the Director of National Intelligence, the Director of National Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.”.

(c) **EXEMPTION FROM FINANCIAL DISCLOSURES.**—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting “the Office of the Director of National Intelligence,” before “the Central Intelligence Agency”.

CONSTRUCTION OF AUTHORITY OF DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE AND MANAGE PROPERTY AND SERVICES

SEC. 1080.

Section 113(e) of title 40, United States Code, is amended—

(1) in paragraph (18), by striking “or” at the end;

(2) in paragraph (19), by striking the period at the end and inserting “; or”; and

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

“(20) the Office of the Director of National Intelligence.”.

GENERAL REFERENCES.

SEC. 1081.

(a) **DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.**—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of National Intelligence.

(b) **DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CIA.**—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) **COMMUNITY MANAGEMENT STAFF.**—Any reference to the Community Management Staff in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of the Office of the Director of National Intelligence.

**SUBTITLE H—TRANSFER, TERMINATION,
TRANSITION, AND OTHER PROVISIONS**

TRANSFER OF COMMUNITY MANAGEMENT STAFF

SEC. 1091.

(a) **TRANSFER.**—There shall be transferred to the Office of the Director of National Intelligence such staff of the Community Management Staff as of the date of the enactment of this Act as the Director of National Intelligence determines to be appropriate, including all functions and activities discharged by the Community Management Staff as of that date.

(b) **ADMINISTRATION.**—The Director of National Intelligence shall administer the Community Management Staff after the date of the enactment of this Act as a component of the Office of the Director of National Intelligence under section 103 of the National Security Act of 1947, as amended by section 1011(a) of this Act.

TRANSFER OF TERRORIST THREAT INTEGRATION CENTER

SEC. 1092.

(a) **TRANSFER.**—There shall be transferred to the National Counterterrorism Center the Terrorist Threat Integration Center (TTIC) or its successor entity, including all functions and activities discharged by the Terrorist Threat

Integration Center or its successor entity as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The Director of the National Counterterrorism Center shall administer the Terrorist Threat Integration Center after the date of the enactment of this Act as a component of the Directorate of Intelligence of the National Counterterrorism Center under section 119(i) of the National Security Act of 1947, as added by section 1021(a) of this Act.

TERMINATION OF POSITIONS OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE

SEC. 1093.

(a) TERMINATION.—The positions referred to in subsection (b) are hereby abolished.

(b) COVERED POSITIONS.—The positions referred to in this subsection are as follows:

- (1) The Assistant Director of Central Intelligence for Collection.
- (2) The Assistant Director of Central Intelligence for Analysis and Production.
- (3) The Assistant Director of Central Intelligence for Administration.

IMPLEMENTATION PLAN

SEC. 1094.

The President shall transmit to Congress a plan for the implementation of this title and the amendments made by this title. The plan shall address, at a minimum, the following:

- (1) The transfer of personnel, assets, and obligations to the Director of National Intelligence pursuant to this title.
- (2) Any consolidation, reorganization, or streamlining of activities transferred to the Director of National Intelligence pursuant to this title.
- (3) The establishment of offices within the Office of the Director of National Intelligence to implement the duties and responsibilities of the Director of National Intelligence as described in this title.
- (4) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations to be transferred to the Director of National Intelligence.
- (5) Recommendations for additional legislative or administrative action as the President considers appropriate.

**DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON
IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM**

SEC. 1095.

(a) **REPORT.**—Not later than one year after the effective date of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the progress made in the implementation of this title, including the amendments made by this title. The report shall include a comprehensive description of the progress made, and may include such recommendations for additional legislative or administrative action as the Director considers appropriate.

(b) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means—

- (1) the Select Committee on Intelligence of the Senate; and
- (2) the Permanent Select Committee on Intelligence of the House of Representatives.

TRANSITIONAL AUTHORITIES

SEC. 1096.

(a) **IN GENERAL.**—Upon the request of the Director of National Intelligence, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to the Director of National Intelligence.

(b) **TRANSFER OF PERSONNEL.**—In addition to any other authorities available under law for such purposes, in the fiscal year after the effective date of this Act, the Director of National Intelligence—

- (1) is authorized within the Office of the Director of National Intelligence 500 new personnel billets; and
- (2) with the approval of the Director of the Office of Management and Budget, may detail not more than 150 personnel funded within the National Intelligence Program to the Office of the Director of National Intelligence for a period of not more than 2 years.

EFFECTIVE DATES

SEC. 1097.

(a) **IN GENERAL.**—Except as otherwise expressly provided in this Act, this title and the amendments made by this title shall take effect not later than six months after the date of the enactment of this Act.

(b) **SPECIFIC EFFECTIVE DATES.**—(1)(A) Not later than 60 days after the date of the appointment of the first Director of National Intelligence, the Director of

National Intelligence shall first appoint individuals to positions within the Office of the Director of National Intelligence.

(B) Subparagraph (A) shall not apply with respect to the Principal Deputy Director of National Intelligence.

(2) Not later than 180 days after the effective date of this Act, the President shall transmit to Congress the implementation plan required by section 1094.

(3) Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall prescribe regulations, policies, procedures, standards, and guidelines required under section 102A of the National Security Act of 1947, as amended by section 1011(a) of this Act.

SUBTITLE I—OTHER MATTERS

STUDY OF PROMOTION AND PROFESSIONAL MILITARY EDUCATION SCHOOL SELECTION RATES FOR MILITARY INTELLIGENCE OFFICERS

SEC. 1101.

(a) **STUDY.**—The Secretary of Defense shall conduct a study of the promotion selection rates, and the selection rates for attendance at professional military education schools, of intelligence officers of the Armed Forces, particularly in comparison to the rates for other officers of the same Armed Force who are in the same grade and competitive category.

(b) **REPORT.**—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing the Secretary's findings resulting from the study under subsection (a) and the Secretary's recommendations (if any) for such changes in law as the Secretary considers needed to ensure that intelligence officers, as a group, are selected for promotion, and for attendance at professional military education schools, at rates not less than the rates for all line (or the equivalent) officers of the same Armed Force (both in the zone and below the zone) in the same grade. The report shall be submitted not later than April 1, 2005.

EXTENSION AND IMPROVEMENT OF AUTHORITIES OF PUBLIC INTEREST DECLASSIFICATION BOARD

SEC. 1102.

(a) **DIRECTION.**—Section 703(a) of the Public Interest Declassification Act of 2000 (title VII of Public Law 106-567; 114 Stat. 2856; 50 U.S.C. §435 note) is amended—

(1) by inserting “(1)” after “ESTABLISHMENT-”; and

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

“(2) The Board shall report directly to the President or, upon designation by the President, the Vice President, the Attorney General, or other designee of the President. The other designee of the President under this paragraph may not be an agency head or official authorized to classify information under Executive Order 12958, or any successor order.”.

(b) PURPOSES.—Section 703(b) of that Act (114 Stat. 2856) is amended by adding at the end the following new paragraph:

“(5) To review and make recommendations to the President in a timely manner with respect to any congressional request, made by the committee of jurisdiction, to declassify certain records or to reconsider a declination to declassify specific records.”.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES.—Section 704(c)(2)(A) of that Act (114 Stat. 2860) is amended by inserting before the period the following: “, and also including specific requests for the declassification of certain records or for the reconsideration of declinations to declassify specific records’.

(d) DECLASSIFICATION REVIEWS.—Section 704 of that Act (114 Stat. 2859) is further amended by adding at the end the following new subsection:

“(e) DECLASSIFICATION REVIEWS.—If requested by the President, the Board shall review in a timely manner certain records or declinations to declassify specific records, the declassification of which has been the subject of specific congressional request described in section 703(b)(5).”.

(e) NOTIFICATION OF REVIEW.—Section 706 of that Act (114 Stat. 2861) is amended by adding at the end the following new subsection:

“(f) NOTIFICATION OF REVIEW.—In response to a specific congressional request for declassification review described in section 703(b)(5), the Board shall advise the originators of the request in a timely manner whether the Board intends to conduct such review.”.

(f) EXTENSION.—Section 710(b) of that Act (114 Stat. 2864) is amended by striking “4 years” and inserting “8 years”.

SEVERABILITY

SEC. 1103.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other those to which such provision is held invalid shall not be affected thereby.

TITLE III—SECURITY CLEARANCES

SECURITY CLEARANCES; LIMITATIONS

SEC. 3002.

(a) DEFINITIONS.—In this section:

(1) **CONTROLLED SUBSTANCE.**—The term ‘controlled substance’ has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) **COVERED PERSON.**—The term ‘covered person’ means—

(A) an officer or employee of a Federal agency;

(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

(C) an officer or employee of a contractor of a Federal agency.

(3) **RESTRICTED DATA.**—The term ‘Restricted Data’ has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(4) **SPECIAL ACCESS PROGRAM.**—The term ‘special access program’ has the meaning given that term in section 4.1 of Executive Order No. 12958 (60 Fed. Reg. 19825).

(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is an unlawful user of a controlled substance or an addict (as defined in section 102(1) of the Controlled Substances Act (21 U.S.C. 802)).

(c) DISQUALIFICATION.—

(1) **IN GENERAL.**—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who—

(A) has been convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year;

(B) has been discharged or dismissed from the Armed Forces under dishonorable conditions; or

(C) is mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States Government and in accordance with the adjudicative guidelines required by subsection (d).

(2) **WAIVER AUTHORITY.**—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are

mitigating factors. Any such waiver may be authorized only in accordance with—

(A) standards and procedures prescribed by, or under the authority of, an Executive order or other guidance issued by the President; or

(B) the adjudicative guidelines required by subsection (d).

(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

(A) special access programs;

(B) Restricted Data; or

(C) any other information commonly referred to as ‘sensitive compartmented information’.

(4) ANNUAL REPORT.—

(A) REQUIREMENT FOR REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

(B) DEFINITIONS.—In this paragraph:

(i) APPROPRIATE COMMITTEES OF

CONGRESS.—The term ‘appropriate committees of Congress’ means, with respect to a report submitted under subparagraph (A) by the head of a Federal agency—

(I) the congressional defense committees;

(II) the congressional intelligence committees;

(III) the Committee on Homeland Security and Governmental Affairs of the Senate;

(IV) the Committee on Oversight and Government Reform of the House of Representatives; and

(V) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

(ii) CONGRESSIONAL DEFENSE COMMITTEES.—The term ‘congressional defense committees’ has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(iii) CONGRESSIONAL INTELLIGENCE COMMITTEES.—
The term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(d) ADJUDICATIVE GUIDELINES.—

(1) REQUIREMENT TO ESTABLISH.—The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

(2) REQUIREMENTS RELATED TO MENTAL HEALTH.—The guidelines required by paragraph (1) shall—

(A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

(B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.