

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 754
OFFERED BY MR. ROGERS OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Intelligence Authorization Act for Fiscal Year 2011”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation and benefits authorized by law.

Sec. 303. Non-reimbursable detail of other personnel.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE
INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Schedule and requirements for the National Counterintelligence
Strategy.

Sec. 402. Insider threat detection program.

Subtitle B—Other Elements

Sec. 411. Defense Intelligence Agency counterintelligence and expenditures.

Sec. 412. Accounts and transfer authority for appropriations and other amounts for the intelligence elements of the Department of Defense.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

14 **TITLE I—BUDGET AND**
15 **PERSONNEL AUTHORIZATIONS**

16 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2011 for the conduct of the intelligence and
19 intelligence-related activities of the following elements of
20 the United States Government:

21 (1) The Office of the Director of National Intel-
22 ligence.

23 (2) The Central Intelligence Agency.

1 (3) The Department of Defense.

2 (4) The Defense Intelligence Agency.

3 (5) The National Security Agency.

4 (6) The Department of the Army, the Depart-
5 ment of the Navy, and the Department of the Air
6 Force.

7 (7) The Coast Guard.

8 (8) The Department of State.

9 (9) The Department of the Treasury.

10 (10) The Department of Energy.

11 (11) The Department of Justice.

12 (12) The Federal Bureau of Investigation.

13 (13) The Drug Enforcement Administration.

14 (14) The National Reconnaissance Office.

15 (15) The National Geospatial-Intelligence Agen-
16 cy.

17 (16) The Department of Homeland Security.

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

19 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
20 LEVELS.—The amounts authorized to be appropriated
21 under section 101 and the authorized personnel levels (ex-
22 pressed as full-time equivalent positions) as of September
23 30, 2011, for the conduct of the intelligence activities of
24 the elements listed in paragraphs (1) through (16) of sec-
25 tion 101, are those specified in the classified Schedule of

1 Authorizations prepared to accompany the bill H.R. 754
2 of the One Hundred Twelfth Congress.

3 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
4 THORIZATIONS.—The classified Schedule of Authoriza-
5 tions referred to in subsection (a) shall be made available
6 to the Committee on Appropriations of the Senate, the
7 Committee on Appropriations of the House of Representa-
8 tives, and to the President. The President shall provide
9 for suitable distribution of the Schedule, or of appropriate
10 portions of the Schedule, within the executive branch.

11 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
12 **COUNT.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for the Intelligence Commu-
15 nity Management Account of the Director of National In-
16 telligence for fiscal year 2011 the sum of \$652,732,000.
17 Within such amount, funds identified in the classified
18 Schedule of Authorizations referred to in section 102(a)
19 for advanced research and development shall remain avail-
20 able until September 30, 2012.

21 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
22 ments within the Intelligence Community Management
23 Account of the Director of National Intelligence are au-
24 thorized 620 full-time equivalent personnel as of Sep-
25 tember 30, 2011. Personnel serving in such elements may

1 be permanent employees of the Office of the Director of
2 National Intelligence or personnel detailed from other ele-
3 ments of the United States Government.

4 (c) CLASSIFIED AUTHORIZATIONS.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to amounts authorized to be appropriated
7 for the Intelligence Community Management Ac-
8 count by subsection (a), there are authorized to be
9 appropriated for the Community Management Ac-
10 count for fiscal year 2011 such additional amounts
11 as are specified in the classified Schedule of Author-
12 izations referred to in section 102(a). Such addi-
13 tional amounts made available for advanced research
14 and development shall remain available until Sep-
15 tember 30, 2012.

16 (2) AUTHORIZATION OF PERSONNEL.—In addi-
17 tion to the personnel authorized by subsection (b)
18 for elements of the Intelligence Community Manage-
19 ment Account as of September 30, 2011, there are
20 authorized such full-time equivalent personnel for
21 the Community Management Account as of that
22 date as are specified in the classified Schedule of
23 Authorizations referred to in section 102(a).

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

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

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2011 the sum of \$292,000,000.

9 **TITLE III—GENERAL INTEL-**
10 **LIGENCE COMMUNITY MAT-**
11 **TERS**

12 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
13 **ACTIVITIES.**

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

18 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
19 **BENEFITS AUTHORIZED BY LAW.**

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

1 **SEC. 303. NON-REIMBURSABLE DETAIL OF OTHER PER-**
2 **SONNEL.**

3 (a) IN GENERAL.—Section 113A of the National Se-
4 curity Act of 1947 (50 U.S.C. 404h–1) is amended to read
5 as follows:

6 “NON-REIMBURSABLE DETAIL OF OTHER PERSONNEL

7 “SEC. 113A. An officer or employee of the United
8 States or member of the Armed Forces may be detailed
9 to the staff of an element of the intelligence community
10 funded through the National Intelligence Program from
11 another element of the intelligence community or from an-
12 other element of the United States Government on a non-
13 reimbursable basis, as jointly agreed to by the heads of
14 the receiving and detailing elements, for a period not to
15 exceed two years. This section does not limit any other
16 source of authority for reimbursable or non-reimbursable
17 details.”.

18 (b) TABLE OF CONTENTS AMENDMENT.—The table
19 of contents in the first section of such Act is amended
20 by striking the item relating to section 113A and inserting
21 the following:

“Sec. 113A. Non-reimbursable detail of other personnel.”.

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director**
5 **of National Intelligence**

6 **SEC. 401. SCHEDULE AND REQUIREMENTS FOR THE NA-**
7 **TIONAL COUNTERINTELLIGENCE STRATEGY.**

8 Section 904(d)(2) of the Counterintelligence En-
9 hancement Act of 2002 (50 U.S.C. 402c(d)(2)) is amend-
10 ed—

11 (1) by striking “Subject” and inserting the fol-
12 lowing:

13 “(A) REQUIREMENT TO PRODUCE.—Sub-
14 ject”;

15 (2) by striking “on an annual basis”; and

16 (3) by adding at the end the following:

17 “(B) REVISION AND REQUIREMENT.—The
18 National Counterintelligence Strategy shall be
19 revised or updated at least once every three
20 years and shall be aligned with the strategy and
21 policies of the Director of National Intel-
22 ligence.”.

23 **SEC. 402. INSIDER THREAT DETECTION PROGRAM.**

24 (a) INITIAL OPERATING CAPABILITY.—Not later
25 than October 1, 2012, the Director of National Intel-

1 lidence shall establish an initial operating capability for
2 an effective automated insider threat detection program
3 for the information resources in each element of the intel-
4 lidence community in order to detect unauthorized access
5 to, or use or transmission of, classified intelligence.

6 (b) FULL OPERATING CAPABILITY.—Not later than
7 October 1, 2013, the Director of National Intelligence
8 shall ensure the program described in subsection (a) has
9 reached full operating capability.

10 (c) REPORT.—Not later than December 1, 2011, the
11 Director of National Intelligence shall submit to the con-
12 gressional intelligence committees a report on the re-
13 sources required to implement the insider threat detection
14 program referred to in subsection (a) and any other issues
15 related to such implementation the Director considers ap-
16 propriate to include in the report.

17 (d) INFORMATION RESOURCES DEFINED.—In this
18 section, the term “information resources” means net-
19 works, systems, workstations, servers, routers, applica-
20 tions, databases, websites, online collaboration environ-
21 ments, and any other information resources in an element
22 of the intelligence community designated by the Director
23 of National Intelligence.

1 **Subtitle B—Other Elements**

2 **SEC. 411. DEFENSE INTELLIGENCE AGENCY COUNTER-** 3 **INTELLIGENCE AND EXPENDITURES.**

4 Section 105 of the National Security Act of 1947 (50
5 U.S.C. 403–5) is amended—

6 (1) in subsection (b)(5), by inserting “and
7 counterintelligence” after “human intelligence”;

8 (2) by redesignating subsection (c) as sub-
9 section (d); and

10 (3) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) EXPENDITURE OF FUNDS BY THE DEFENSE IN-
13 TELLIGENCE AGENCY.—(1) Subject to paragraphs (2)
14 and (3), the Director of the Defense Intelligence Agency
15 may expend amounts made available to the Director for
16 human intelligence and counterintelligence activities for
17 objects of a confidential, extraordinary, or emergency na-
18 ture, without regard to the provisions of law or regulation
19 relating to the expenditure of Government funds.

20 “(2) The Director of the Defense Intelligence Agency
21 may not expend more than five percent of the amounts
22 made available to the Director for human intelligence and
23 counterintelligence activities for a fiscal year for objects
24 of a confidential, extraordinary, or emergency nature in

1 accordance with paragraph (1) during such fiscal year un-
2 less—

3 “(A) the Director notifies the congressional in-
4 telligence committees of the intent to expend the
5 amounts; and

6 “(B) 30 days have elapsed from the date on
7 which the Director notifies the congressional intel-
8 ligence committees in accordance with subparagraph
9 (A).

10 “(3) For each expenditure referred to in paragraph
11 (1), the Director shall certify that such expenditure was
12 made for an object of a confidential, extraordinary, or
13 emergency nature

14 “(4) Not later than December 31 of each year, the
15 Director of the Defense Intelligence Agency shall submit
16 to the congressional intelligence committees a report on
17 any expenditures made during the preceding fiscal year
18 in accordance with paragraph (1).”.

19 **SEC. 412. ACCOUNTS AND TRANSFER AUTHORITY FOR AP-**
20 **PROPRIATIONS AND OTHER AMOUNTS FOR**
21 **THE INTELLIGENCE ELEMENTS OF THE DE-**
22 **PARTMENT OF DEFENSE.**

23 (a) IN GENERAL.—Chapter 21 of title 10, United
24 States Code, is amended by inserting after section 428 the
25 following new section:

1 **“§ 429. Appropriations for defense intelligence ele-**
2 **ments: accounts for transfer; transfer**

3 “(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE
4 INTELLIGENCE ELEMENTS.—The Secretary of the Treas-
5 ury shall establish one or more accounts for the receipt
6 of appropriations and other amounts transferred pursuant
7 to subsection (b).

8 “(b) TRANSFERS AUTHORIZED.—(1) There may be
9 transferred to an account established pursuant to sub-
10 section (a) the following:

11 “(A) Appropriations transferred by the Sec-
12 retary of Defense from appropriations of the Depart-
13 ment of Defense available for intelligence, intel-
14 ligence-related activities, and intelligence-related
15 communications.

16 “(B) Appropriations and other amounts trans-
17 ferred by the Director of National Intelligence from
18 appropriations and other amounts available for the
19 defense intelligence elements.

20 “(C) Amounts and reimbursements in connec-
21 tion with transactions authorized by law between the
22 defense intelligence elements and other entities.

23 “(2) The transfer authority of the Secretary of De-
24 fense under paragraph (1)(A) is in addition to any other
25 transfer authority available to the Secretary by law.

1 “(c) AVAILABILITY OF APPROPRIATIONS AND
2 AMOUNTS TRANSFERRED.—(1) Appropriations trans-
3 ferred pursuant to subsection (b) shall remain available
4 for the same time period, and shall be available for the
5 same purposes, as the appropriations from which trans-
6 ferred.

7 “(2) Appropriation balances in an account estab-
8 lished pursuant to subsection (a) may be transferred back
9 to the account or accounts from which such balances origi-
10 nated as an appropriation refund.

11 “(d) DEFENSE INTELLIGENCE ELEMENTS DE-
12 FINED.—In this section, the term ‘defense intelligence ele-
13 ments’ means the agencies, offices, and elements of the
14 Department of Defense that are included within the ele-
15 ments of the intelligence community specified in or des-
16 igned under section 3(4) of the National Security Act
17 of 1947 (50 U.S.C. 401a(4)).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of subchapter I of chapter 21 of such
20 title is amended by inserting after the item relating to sec-
21 tion 428 the following new item:

“429. Appropriations for defense intelligence elements: accounts for transfer;
transfer.”.

